

After the West Virginia mine disaster, the official whitewash begins

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The governor of West Virginia and a spokesman for the federal Mine Safety and Health Administration (MSHA) announced Monday that they will conduct a joint investigation and public hearings into the Sago Mine disaster that claimed the lives of 12 miners last week. A US Senate subcommittee also announced a public hearing to be held January 19.

Governor Joe Manchin made clear, however, that the joint state-federal investigation would not focus on the well-documented safety violations at the mine or why state and federal regulators allowed it to remain open. Instead, he said, the probe would concentrate on the communications failure that led miners' families to believe the men had been rescued alive.

"We're going to do this a little differently," he said. "I'm asking that we do a communications investigation. I'm asking for this because I have witnessed first-hand the unbelievable human suffering that comes from miscommunication."

Presumably, the suffering from the death of family members and loved ones was less "unbelievable" than the additional pain from the false hopes raised by company and government officials. Manchin's absurd statement was a clear signal that the official investigation will be more concerned with covering up the responsibility of the mine owners and government regulators for the tragedy than uncovering the truth.

Davitt McAteer, the head of MSHA under President Clinton, who will serve as the governor's personal advisor in the investigation, downplayed "the number of citations, previous accidents and the speed of recovery" at the mine. "If we find mistakes," McAteer declared, "we will fix them."

He emphasized one aspect of the disaster—the primitive communications system in the mine. "We don't have communication underground when we can [communicate] with Mars or under the ocean," he said.

This emphasis on the secondary issue of miscommunication between the rescue team and the rescue

command center already makes clear that state and federal investigators have no intention of conducting a serious and objective investigation into the condition of the mine, possible criminal neglect by its owners, the International Coal Group, and the role of federal and state agencies in allowing it to continue to operate.

If the history of previous mine disaster probes is a guide, the current investigation will produce at best a slap on the wrist for the individual mine operator, while concealing the underlying and systemic causes of such tragedies.

In a telling comment, Governor Manchin acknowledged it took 24 years for investigators to explain the causes for the explosion at Consolidated Coal's Farmington, West Virginia mine that claimed 78 miners' lives in 1968. The governor promised to have an "open" process, involving the dead miners' families, and said a report would be issued no later than July.

In comments prior to the press conference announcing the investigation, McAteer acknowledged that "twenty-first century methods were being used to produce coal" while the mine safety system was still based on technology and methods developed decades ago.

Manchin promised that the investigation would lead to the implementation of new safety and rescue technologies. However, the coal companies have bitterly resisted bearing the costs of providing safer mines, let alone new and improved rescue equipment.

According to a January 10 *New York Times* article, throughout the US coal mining industry, "The oxygen canisters, the telephones, the ventilation equipment and almost every other piece of safety equipment are nearly identical to those used more than 20 years ago."

Technologies already exist that would deliver oxygen for longer periods of time than the one-hour's worth of oxygen available to the men trapped below the Sago Mine. There is also a belt-worn transmitter currently used in Australia that allows emergency personnel to immediately locate miners trapped underground. In the Sago explosion, rescuers spent precious hours trying to determine the location of the

miners.

Had the miners been equipped with hand-held radios, they could have been directed safely out of the mine. Instead, they turned away from the exit because they apparently believed their path of escape was blocked by fire and debris. In fact, it was not.

The Sago Mine was equipped merely with stationary phones, connected by wires that were evidently destroyed by the explosion.

In 1998, miners successfully escaped a major fire at the Willow Creek mine in Price, Utah, in large part because all the miners were carrying hand-held radios and were immediately informed of the blaze. MSHA has not mandated the new communications system.

According to the *Times* article, researchers at Wheeling Jesuit University in Wheeling, West Virginia conducted a technological survey last year to see if respirators could be improved to deliver more oxygen in a smaller, lighter container. "What we found is that there are technologies that can be used to improve the system to do all three," said Michelle Dougherty, the director of the university's technology center. "I can't answer why no one in the private sector has thought of this before."

Bruce Watzman, vice president of safety, health and human resources at the National Mining Association, an industry group, told the *Times* it was not the responsibility of the coal operators to develop new safety equipment. "We're not in the self-rescuer manufacturing business," Watzman said.

Federal and state mine safety officials never ordered the shutdown of the Sago Mine despite its record of roof-falls, frequent injuries and repeated violations of safety regulations.

The disaster has highlighted the close ties of the Bush administration to the coal operators, and its efforts to limit the oversight and enforcement powers of the federal mine safety agency by promoting a policy of MSHA "partnership" with the owners.

The Bush administration has reduced MSHA by 170 positions since 2001, leaving approximately 600 federal mine inspectors to enforce safety regulations in 25 states. Congress cut the agency's funding by \$4.9 million, in inflation-adjusted terms, for the 2006 fiscal year. Bush's appointees to MSHA have included dozens of officials connected to the mining industry.

The coal companies were major contributors to Bush's election campaigns. In return, the president's energy bill contained billions in subsidies and tax breaks for the coal companies. At the time it was being signed into law, Jack Gerard, head of the National Mining Association and a major Bush donor, told the West Virginia Coal Symposium

that "the Energy Policy Act may well be the best opportunity the mining industry will have in our lifetimes."

The close ties with the Democratic Party are less well known. Governor Manchin received \$571,214 of the \$673,251 spent by coal interests in the gubernatorial election of 2004, according to the West Virginia People Election Reform Coalition. That was the most any political candidate received in coal industry donations in any state election since 1996, accounting for 12 percent of all the money Manchin raised in the campaign. Industry leaders also contributed \$174,500 for Manchin's inaugural ball.

Last February, Manchin, the former owner of the coal brokerage firm Enersystems, gave a speech before the West Virginia Coal Association declaring that the production of more domestic coal was necessary for "homeland security"—because it would reduce dependence on Middle East oil. He pledged his support for streamlining the permit process to allow more companies to mine West Virginia coal.

"We made a mistake by electing Manchin. His agenda is clear. His interest lies with the coal companies and not with the citizens of this state," said Sarah Haltom, a resident of Beaver, West Virginia and opponent of the coal companies' mountaintop removal methods, which pollute rivers and have produced deadly floods, wiping out several mining communities.

There is a serious question as to whether the governor's effort to "streamline" the state's permit process was a factor in state and federal agencies turning a blind eye to dangerous conditions at the Sago Mine. According to an article in the *Charleston Gazette* published Tuesday, nearly two months after New York billionaire Wilbur Ross's International Coal Group bought Sago Mine from bankrupt Anker Coal Group, the company has still not sought a permit to operate the mine. Such a request triggers government scrutiny of the company's environmental record and its ability to operate a "responsible" mine.

Federal and state mining laws prohibit anyone from operating an underground or surface mine without a permit. Nevertheless, when a Department of Environmental Protection inspector visited the Sago Mine on December 1, he did not cite the company for lacking an approved permit.



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