

West Virginia hearing continues cover-up of Sago Mine disaster

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The public hearing held last week into the Sago Mine disaster was a continuation of the whitewash by federal and state authorities of the mine owners and government safety officials who share responsibility for the deaths of 12 West Virginia coal miners on January 2.

The three days of hearings held at West Virginia Wesleyan College in Buckhannon, West Virginia raised more questions than they answered, particularly concerning the cause of the deadly blast and which company officials and state authorities had turned a blind eye towards the dangerous conditions at the mine, despite ample warnings of a possible disaster.

The very structure of the investigation ensured that there would be no serious examination of the events leading up to the blast, the explosion itself or why rescuers lacked the necessary resources to save the trapped miners. The hearing was organized as part of a joint investigation of the disaster by West Virginia's Democratic governor, Joe Manchin, the West Virginia Office of Miners' Health Safety and Training (WV-MHST) and the federal Mine Safety and Health Administration (MSHA).

Both the state and federal safety agencies were well aware of the hundreds of safety violations at the Sago Mine and neither took any action to shut the mine down. Moreover, both the Bush administration and Manchin's administration in Charleston have promoted the interests of the coal companies and loosened safety regulations in order to boost production and coal profits.

In effect the very safety agencies that need to be investigated are in charge of the Sago Mine investigation. At times the public hearing took on an almost absurd nature as Ray McKinney, the acting directory of MSHA, and James Dean, the acting directory of the WV-MHST, meekly questioned witnesses from MSHA and WV-MHST about their role in the disaster.

Davitt McAteer, the chairman of the hearing and the person appointed to head the investigation by Governor Manchin, has been built up by the media, the Democrats and the United Mine Workers union as an expert in mine safety and an advocate for ordinary coal miners. In reality, McAteer played a key role in contributing to the events that led up to the tragedy.

McAteer, who headed MSHA under the Clinton administration, spent seven years blocking the implementation of rule changes that would require additional oxygen supplies for miners, on the grounds that the proposal required years of study. McAteer only recommended the rule change as he was preparing to leave office, knowing full well it would be scrapped by the incoming Bush administration.

The lack of sufficient oxygen supplies proved to be one of the chief reasons 11 of the 12 men died after being trapped underground for nearly two days. On the eve of the hearing the sole survivor of the disaster, Randal McCloy Jr., wrote a letter to the families of his co-workers revealing that at least four of the company-issued respirators had failed to work. (See "Survivor of West Virginia mine disaster says respirators failed to work")

The hearing was set up to exclude any independent voice of the miners or the families of the victims. No current or former Sago coal miners were

called to testify about the working and safety conditions in the mine. None of the family members were called to testify about what their husbands or fathers might have told them about the working conditions in the mine before the explosion. Several workers and relatives have previously spoken out about the deadly conditions in the mine.

Only two of the scores of rescuers who had rushed to the mine from throughout West Virginia, Pennsylvania and Illinois were called to testify. However, one was from MSHA and the other from the WV-MHST. Both men gave very moving accounts of the rescue work, but their testimony was presented in such a way as to identify them with MSHA and the WV-MHST and thus sidestep how years of budget cutbacks and regulation changes, as well as the lack of basic safety equipment available and legally required in Canada, Australia and other countries, had hampered the rescue operation.

No one was called to testify from the rescue team contracted by International Coal Group—the owner of the Sago Mine—to explain the level of equipment and training they had. None of the miners from other teams sent from a Consolidated Coal Company mine were called to testify about the delay in notifying them, their lack of equipment or other obstacles they faced in reaching the trapped men.

The questioning of witnesses was limited by the fact that only McAteer, McKinney and Dean had unrestricted access to query them. In addition, six members of a West Virginia legislative panel were allowed to ask questions. Representatives of the United Mine Workers were at first not allowed to question witnesses. That changed towards the end of the second day when one of the family members personally appointed UMW President Cecil Roberts as her representative. For his part, Roberts posed no serious questions.

People in the audience could not ask any questions or make any statements or offer any evidence directly. If they had a question, it could be written down and turned in and would be asked at McAteer's discretion.

The only exception to this tight control was when two family members—out of an entire group of nearly 100 family members present at the hearing—were allowed to question each panel of witnesses. This turned out to be the only effective questioning and it was only due to the efforts of these family members that any information came to light at all.

Family members came well prepared after having gone through thousands of pages of testimony during earlier investigations. Their tough questioning was in stark contrast to the official investigators, who did little more than lob softball questions to company or government officials or pursue secondary issues. Due to the shortage of time, inexperience, and the lack of both expert and legal advice, the family members were unable to explore many crucial issues.

One of the panels was made up of MSHA and WV-MHST officials, who were supposed to review the safety records of the Sago Mine prior to the January 2 explosion. Leading the delegation of MSHA officials was Kevin Stricklin, the district manager for MSHA who was called to Sago

the day of the explosion. Stricklin and John Collins, a mine inspector for the WV-MHST, acknowledged that the Sago Mine had numerous safety violations, but they claimed that after the mine was bought by ICG safety improved and none of the violations were responsible for the explosion and death of the 12 men.

McAteer and McKinney never challenged this contention, which served as a cover-up of the role of International Coal Group, its owner, billionaire financier Wilber Ross (whose name was never mentioned throughout the hearing), and MSHA itself. Not only had ICG taken over management of the Sago Mine several months before the sale was completed, but Ross owned a controlling interest in the mine for several years before that.

Stricklin's testimony was also designed to sidestep the obvious question of why MSHA allowed ICG to skirt the law.

The focus of the testimony of ICG President and CEO Ben Hatfield and other company officials was a presentation of a detailed timeline of the explosion and rescue effort, which included an effort to justify why it took 90 minutes to summon rescue crews after the explosion.

The questions from two family members began to reveal the criminal negligence of the mine owners. They pointed out that the contractor who sealed off an unused section of the mine (believed to be the location of the initial methane explosion) had no experience in installing such seals. They cited testimony that the seals—which are supposed to protect miners in a working section from possible explosions in mined-out areas—were never securely built into the floor, ceiling or walls.

In response to this damning exposure company officials said the seals had been built according to MSHA standards and were inspected and approved by both MSHA and state officials.

At one point in the questioning, the families asked Fred Jamison, a fire boss at the Sago mine, what he meant when he referred to the seals as a “bomb” in comments to investigators shortly after the blast. He responded that the area was a “bomb” but “that doesn't mean it is going to go off.” It is a well-known fact that when sections of mines are first sealed off explosive methane gas builds up in them. This risk remains until the percent of methane reaches above 15 percent, at which point there is no longer enough oxygen to support an explosion.

The seal serves three purposes: to contain the methane gas within the unused or “gob” area, to prevent an ignition source from reaching the gas, and to contain an explosion if one occurs. MSHA recently approved the use of Omega Blocks, a concrete-and-fiber composite lighter than standard concrete blocks, in making seals. Some safety advocates have criticized the blocks, saying they are not as strong as concrete, but coal operators prefer them because they take less time and fewer miners to install.

MSHA requires that seals be built to withstand 20 pounds of pressure per square inch (PSI). In Australia seals are required to withstand 50 PSI and many countries also require an inert gas such as nitrogen to be pumped into a sealed-off area to prevent the buildup of the deadly methane-oxygen mix.

Under further questioning from family members it was determined that a methane leak had been detected the previous week at one of the seals. Company officials said they measured the gas and claimed it was within acceptable levels. This admission, however, had several important implications.

First, since the leak was coming from behind the seals, it was a warning that explosive gas was building up in that area and that extra caution to prevent any ignition source in the area had to be taken. Second, since the face of the seals is a well-ventilated area, the actual amount of concentrated methane was probably far higher than what was showing on meters. Third, since methane gas was leaking through the walled-off area, it was apparent that the seals had not been constructed correctly.

During the session with MSHA and WV-MHST officials dealing with the effort to save the trapped miners two members of the mine rescue team

testified. Family members asked why it took so long to assemble qualified rescue teams and equipment and why existing sound equipment to listen for and signal to the miners was never requested or deployed.

It was during this questioning that state safety officials admitted that West Virginia law had recently been changed and that coal operators were no longer required to have a rescue team at every mine.

MSHA's Kevin Stricklin insisted that rescuers could not enter the mine until officials detected falling levels of carbon monoxide and methane gas, an indication that the dangers of continuing fires or secondary explosions had passed. He gave no accounting, however, as to why rescuers did not have more advanced gas-monitoring tools, which would have enabled them to make a determination sooner.

Coal operators and rescue teams are not required to keep such devices. The closest one possessed by MSHA was stored in Pittsburgh, Pennsylvania, 140 miles away from the Sago Mine. Another operator, Consolidated Coal Company, eventually provided the instrument at 2:45 in the afternoon, and it was an hour and 15 minutes later that officials determined that gas levels were falling. It was not until after 5:30 in the evening, 11 hours after the explosion, that the first rescue team entered the mine.

Family members repeatedly tried to find out why sounding equipment was never brought to the site that could have helped locate the trapped men. McCloy's letter indicated that the miners took turns pounding on roof bolts but never heard a response from the surface. Stricklin claimed that such equipment was impractical and that rescuers knew where the miners were.

The latter statement was blatantly false. At the beginning of the rescue it was not known if the miners were trapped behind the area of explosion—near the coal face—or if they tried to get out of the entrance and were forced to take refuge in another section of the mine. If their precise location had been known rescuers could have drilled a hole to establish communication with the men, deliver fresh air and medical supplies. As it was, the bore hole was drilled in the general location of the trapped men but too far away to be any help.

In the final sessions of the hearing—dealing with the causes of the blast—company officials claimed a powerful bolt of lightning produced an electrical current in nearby power cables or underground gas pipes and set off the explosion. This testimony was aimed at bolstering the company's claim that an “Act of God” produced the disaster, not criminal disregard for basic safety precautions.

The area where the explosion occurred had been shut down just weeks before the explosion because of repeated roof collapses. Some safety experts have suggested that such a roof collapse—which would result in tons of falling rock—may have triggered a spark that ignited explosive gases.

The company's theory about a lightning strike producing a current traveling thousands of feet turning this way and that until it ignited an explosion in the mine—a circuitous route akin to the famous “magic bullet” in the JFK assassination—was even a bit much for the panel of federal and state officials to swallow.

While most of the questions treated this claim with disbelief, the officials never asked why company officials never provided lightning arresters, similar to a home surge protector, on any of the several electrical systems in the mine.

United Mine Workers President Cecil Roberts lent his support to this farcical affair, claiming during his remarks that everyone present at the hearing was determined to ensure that an accident like Sago was never repeated. In fact, all of the officials present, including the UMWA president himself—who has long collaborated with the coal bosses and the Democratic Party at the expense of ordinary miners—are complicit in the eroding of safety conditions that has led to the deaths of 26 coal miners in 2006.

The Sago miners and countless others have been sacrificed for the profits of the coal industry. In their efforts to produce a “business-friendly” climate both the Democrats and Republicans have lifted safety and environmental regulations, while the coal operators have refused to invest in basic safety equipment that is standard in many industrialized countries throughout the world.

Any “investigation” by these forces will produce nothing but a whitewash. Given the incestuous relationship between Big Coal and both the Democratic and Republican parties, the outcome of this process will at best produce a slap on the wrist for the mine owners. Whatever safety proposals are made will be watered down before becoming law in order that they not adversely affect the bottom line of the coal bosses.

After all the posturing is over no serious action will be taken against the multimillionaire owners of International Coal Group, which ran the unsafe operations at the Sago Mine, or the federal and state agencies that have virtually abandoned any serious regulation over the industry.



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