

Senate hearing covers up role of government in West Virginia mine disaster

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The first of several congressional hearings into the death of 29 coal miners at the Upper Big Branch mine in West Virginia took place Tuesday. The hearings set the stage for a cover-up of the role of Massey Energy and the Mine Safety and Health Administration (MSHA)—the federal agency that is supposed to oversee mine safety.

The hearings of the Senate Committee on Health, Education, Labor and Pensions were characterized by demagogic posturing by senators in relation to Massey Energy, which was criticized for its history of safety violations. At the same time, there was no examination of the origins of extremely dangerous conditions throughout the mines. Massey was presented as a “bad apple,” while the complicity of government agencies and the trade unions was covered-up.

Senator Tom Harkin, the Democratic chairman of the committee, set the tone of the hearings by declaring, “The vast majority of employers are responsible and do all they can to protect their workers.” However, “There is, unfortunately, a population of employers that prioritize profits over safety, and knowingly and repeatedly violate the law.”

The two main witnesses were MSHA head Joseph Main and United Mine Workers (UMW) President Cecil Roberts. Main was appointed to head the MSHA by the Obama administration. Prior to that, Main headed the UMW’s health and safety department for 22 years.

Main spoke the longest and said the least. Despite being in charge of the MSHA and the investigation into the explosion, Main, in his account of what took place at the mine, did not give one single new piece of information. Instead, he repeated what has already become commonly known about the long record of

safety violations at the mine leading up to the explosion. He greatly praised MSHA officials for “a years-long effort by MSHA to use the tools we had available to force Massey Energy to comply with the law.”

This became the theme of Main’s entire statement and testimony—the MSHA was doing what it could to stop Massey, but Massey was able to maneuver around them.

Main noted that MSHA officials would cite Massey for safety violations, and the company would immediately appeal the violations so that they could not be used in establishing a “pattern of violations” that would bring with it stronger enforcement. Main described Massey as having a “catch-me-if-you-can” approach to safety.

Massey has demonstrated a criminal disregard for the safety of its workers. It and other mine companies have been able to get away with this, however, due to the complicity of its supposed government regulators. In the 43 years since the passage of the MINE Act, not once has the MSHA established a “pattern of violations” for any coal operator.

While the Upper Big Branch mine had more than 600 safety violations in the past 18 months, MSHA has 10 different standards that a coal operator must meet before it is put on a “pattern of violations.” Even then, if the coal operator shows a drop in violations within 90 days, it can avoid more restrictive regulations.

These standards were last amended under the Bush administration after 12 miners were killed in the 2006 Sago disaster. The standards were left in place when the Obama administration took office and Main was appointed to head the MSHA.

Main also made no mention of the fact that, according to Ellen Smith from *Mine Safety and Health News*,

MSHA officials agreed in 2006 to a special deal that made it easier for Massey to file appeals of safety violations.

In its own self-serving press release following the hearing, Massey noted that far from being harshly criticized in the run-up to the explosion, “In 2009, MSHA awarded Massey Energy three *Sentinels of Safety Awards*—the most ever received by a company in a single year.... At the time of the awards presentation, Joe Main stated that the winners, including Massey, ‘are leading by example, and they are leading the way to a safer mining industry. Recognizing these operations for outstanding safety programs shows the rest of the industry that it is possible to run mining operations safely every day of the year.’ ”

The second major witness was UMW President Cecil Roberts. Roberts was even more direct in his cover-up of the role of the MSHA, while paying particular attention to whitewashing the role of the UMW. He began his testimony with praise for the Senate committee, President Obama, Senators Byrd and Rockefeller for their “hard work and dedication” to the safety of miners. He had special praise for Main, who he described as a “coal miner” who represents miner’s interests.

Roberts, like Main, said that the MSHA was doing all that it could, and that it lacked the necessary tools to go after what he depicted as lawless companies that don’t follow safety standards.

Roberts sought to specifically deflect attention from the MSHA. “We should hold the federal government and MSHA responsible,” but it is Massey that’s the real problem, he said. He described conditions at Massey as resembling conditions facing miners in the 1920s.

However, Roberts said nothing about how conditions in the mines have descended so low. The UMW has been centrally responsible for systematically betraying the struggles of mine workers, allowing companies to vastly increase exploitation.

In the 1980s, Massey CEO Don Blankenship, with the support of politicians from both political parties, launched an assault to break the UMWA at what was then known as AT Massey.

Central to the defeat of the Massey miners was the betrayal of the UMW leadership, headed by Richard Trumka and Roberts. Trumka, then president of the

UMW, is now president of the AFL-CIO. Roberts was the union’s secretary treasurer. Together, Trumka and Roberts isolated the Massey miners and finally called off the strike.

Roberts did make the standard plea of nationalism. “This is the United States. This is not China! This is not Colombia!” In fact, thanks to the betrayals of the trade unions, conditions facing US workers increasingly resemble those of their class brothers in other countries.

Neither Main nor Roberts made any reference to the growing injuries among miners or deaths from black lung.

A report in *USA Today* Wednesday reported a 45 percent increase in the average length of time miners are off with an injury—from 33 days in 1983-1999 to 48 days this decade. MSHA officials have touted declining injury rates as proof of improved safety. The *USA Today* report notes, however, “MSHA’s analysis ignores the severity of miners’ injuries because it does not measure how much time miners lose from work.”

Black lung is also on the rise, as coal miners are exposed to more coal and rock dust and for longer periods of time. In recent years, the number of deaths from black lung has doubled to over 400 a year. The deadly disease is attacking miners at a younger age and more aggressively. Health officials cite the longer hours miners are working, worsening conditions in the mines, and the drive to get coal from more difficult locations as reasons for the increase.

One of Main’s first actions upon taking office was to kill a rule change that would have cut acceptable coal dust levels in half.



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