

Federal officials block open hearings into West Virginia explosion

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On Monday, lawyers representing families of the coal miners killed in the April 5 blast at the Upper Big Branch Mine filed suit in a US District Court in Charleston, West Virginia, seeking to overturn the decision of the Obama administration to hold closed-door interviews of witnesses.

The decision by Joseph Main, head of the Mine Safety and Health Administration (MSHA), will mean family members of the 29 dead miners and their lawyers will be prevented from hearing testimony. They will also be barred from asking any questions or presenting additional testimony.

In taking secret testimony the Obama administration is continuing the practice of the Bush administration. This only underscores the fact that the official investigation will be another whitewash, which allows the coal operators to continue killing and maiming miners with impunity.

Faced with the growing anger and disgust of family members and other coal miners, the United Mine Workers, several local and national media organizations, and even Massey Energy—the owner of the Upper Big Branch mine—have called for public hearings. MSHA chief Joe Main was formerly the head of safety for the United Mine Workers union.

While MSHA has the power to subpoena witnesses for public hearings, it has only chosen to do so for two investigations throughout the history of the federal agency. Instead witnesses with testify on a voluntary basis and will not be under oath.

MSHA claims that the closed-door interviews are necessary to prevent witnesses from being intimidated by company officials. In practice, however, lawyers working for coal operators are routinely allowed to “represent” coal miners who come forward as witnesses. Any miner, foremen or other mine employee

who refuses to do so faces possible victimization.

Massey Energy is notorious for operating its mines with disregard for the safety of its miners. Over the past 18 months, the UBB mine had more than 600 safety violations, including for ventilation plans, escape routes and coal dust control. Safety inspectors found that ventilation fans were at only half the level needed to prevent the buildup of explosive methane gas. At other times, airflow was directed to route polluted air onto the mine face instead of out of the pit.

Miners who worked for Massey have told reporters that the company did not allow miners to take the time to hang the curtains necessary to keep air flowing to newly mined sections and clean up coal dust. Massey often told miners to ignore gas sensors that detected high levels of methane, according to workers.

While the official cause of the blast has yet to be determined, miners and mine safety experts believe a methane explosion triggered a secondary coal dust explosion, resulting in a massive blast. Seven of the 29 killed miners were riding out of the mine nearly 2 miles from the explosion.

In addition to concealing evidence of Massey’s criminal responsibility by keeping the interview process closed, the government is also covering its own role. MSHA is equally culpable for allowing Massey to continue operating the mine despite its record of safety violations and repeated signs of an impending disaster.

Despite Massey’s long record of violations, MSHA officials never sought to close the mine. Instead, MSHA officials issued pro forma citations knowing full well that Massey would appeal them. Dumped into a backlogged system a judge would not hear the case for several years, allowing the mine—which federal officials knew was a deathtrap—to continue to operate. MSHA investigators who would not play this game were

quickly transferred to other areas.

MSHA never put the UBB mine on its “pattern of violation” list that would have given safety inspectors greater power to force the corrections of safety problems or shut the mine. The FBI has launched its own criminal probe into the explosion, looking into, among other things, whether MSHA officials took bribes from Massey.



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