

# One year since the Upper Big Branch mine explosion in West Virginia

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One year after the explosion at the Upper Big Branch mine in West Virginia that killed 29 coal miners, no one has been held accountable. A review of all those involved—from the company, the government agencies charged with overseeing miners' safety, politicians at every level of government, to the United Mine Workers union—shows that no action will be taken to hold those at fault responsible for the disaster.

**Massey Energy:** The owner of the Upper Big Branch mine has made its profits at the expense of workers' safety. The factors that led to the massive underground explosion at the UBB mine—the buildup of coal dust, inadequate ventilation, disabled and broken safety equipment, nonexistent maintenance of beltways and other mining equipment—are repeated in every mine owned by Massey, whose motto is “Run Coal.”

One year after the explosion, the company is doing better than ever. Massey's stock price has gone up 27 percent since the day of the explosion. In the few months after the April 5 disaster, Massey stock fell 50 percent as investors feared the company would be hit with huge fines and lawsuits as a result of the blast. There was even talk that the company would be put out of business as its long history of safety problems in all its mines became known.

But by late summer, as it became clear that the Obama administration and the Democrats in Congress were giving little more than lip service to safety, investors began coming back to the company. On April 5, 2010, Massey stock closed at \$54.69. In July it bottomed out under \$26 a share. One year later, the stock closed over \$70 a share, a 170 percent increase from its low and a 27 percent increase over a year ago.

Alpha Natural Resources recently agreed to buy Massey Energy for \$8.5 billion. This will further shield Massey assets along with its owners and top executives from penalties and lawsuits.

**Don Blankenship:** The chairman and chief executive of Massey at the time of the explosion, and the man most associated with Massey's unrelenting drive for production at the expense of safety and health of miners, retired at the end

of last year.

In an October 2005 memo to the company's deep-mine superintendents, Blankenship outlined his priorities, which were the hallmark of his tenure: “If any of you have been asked by your group presidents, your supervisors, engineers or anyone else to do anything other than run coal (i.e., build overcasts, do construction jobs, or whatever) you need to ignore them and run coal,” he wrote.

Blankenship was given a \$12 million pension on top of this salary for the year. In addition, he will be kept on salary for two more years as a consultant. The \$12 million pension payment alone is three times what Massey offered the families of the 29 killed miners as compensation for their deaths.

Blankenship started his career with Massey Energy, then A.T. Massey, in 1982. He rose to prominence when he orchestrated the breaking of the United Mine Workers union in a bitter strike in 1984-85 in which the state police were used to protect scabs, harass and terrorize miners and their families in small mining towns such as Lobata, West Virginia. The defeat of the union was made possible because of the isolation imposed upon the miners by the UMWA leadership of Richard Trumka. Blankenship was rewarded for his ruthlessness, becoming president of Massey in 1989, where he quickly amassed a multimillion-dollar fortune.

Blankenship's 2010 pay has not yet been made public, but according to filings with the SEC, Blankenship made over \$17.8 million in 2009, or over 556 times the pay of the average coal miner.

**The Mine Safety and Health Administration:** The federal agency along with its counterpart in the state is responsible for inspecting mines and ensuring that they are run safely. MSHA inspectors had issued over 600 safety violations over the previous 18 months, including hundreds for allowing the buildup of explosive coal dust and problems with the ventilation system. MSHA investigators issued over 60 withdrawal orders; that is, a situation in which local inspectors found the mine so unsafe that they ordered the miners out of the mine until the conditions were corrected.

Yet despite this record of safety violations, MSHA officials took no action to close the mine or even increase the frequency of inspections. Instead only token fines were imposed against the company and most of those were reduced or dropped on company appeal.

A year after the disaster, MSHA has refused to hold any public hearings, keeping the testimony of witnesses that it has taken secret. Information has not been made available for review, but controlled through a few briefings for families and the media.

No investigation has been undertaken into the role of MSHA itself and no MSHA official or investigator has been held accountable for allowing Massey to operate the Upper Big Branch mine the way it did.

**West Virginia Governor Joe Manchin and Davitt McAteer:** In the immediate aftermath of the explosion, then-Governor Joe Manchin repeatedly promised that there would be a full and independent investigation into the disaster and that those at fault would be held accountable. Manchin often made reference to the fact that his uncle died in the 1968 Farmington mine disaster, which killed 78 miners, to insist upon his solidarity with the families of those who lost their lives in the UBB disaster.

To this end, Manchin appointed Davitt McAteer, former head of MSHA under the Clinton administration, to conduct an independent investigation. Manchin had also called upon McAteer to head the investigation of the Sago mine disaster five years earlier. McAteer has not even gone through the motions of holding an independent investigation; instead he has been given access to the MSHA investigation.

Manchin for his part moved on to the US Senate, filling the spot left by the death of longtime senator Robert Byrd last year, where he has proven himself an enthusiastic spokesperson for the coal industry. Manchin has come out most vocally in opposing restrictions on mountaintop removal and strip mining, and joining in a suit against the Environmental Protection Agency.

**The Obama administration and Congress:** The Obama administration promised that no stone would be left unturned in both holding those responsible and improving mine safety laws so that a disaster like that at Upper Big Branch would never happen again. "How can we let anyone in this country put their lives at risk by simply showing up to work?" the president asked in a speech before mine victim family members and mourners at a memorial service last April.

Yet a year after the disaster no company official has been charged in the deaths of the 29 miners. The company's head of security has been charged with obstruction of justice for destroying company records and a very low-level mine foreman at the UBB mine was charged with working with a forged mining card and signing safety reports.

But neither Blankenship nor any other Massey top executive has been charged for their role in creating the unsafe conditions at the mine that led to the deadly explosion and the deaths of the 29 men.

After exhausting the disaster for political theatrics, the Democrats in Congress and the Senate quietly dropped any efforts to establish stronger safety laws. A few hearings were held, but they quickly decided that they did not want to upset the coal industry and Wall Street with any further regulations that might cut into their profits.

**The United Mine Workers of America:** The 1968 Farmington mine disaster and several others bolstered the rallying cry of the UMWA for better safety standards for miners throughout the country. Hundreds of thousands of coal miners, along with large sections of other workers, took part in a prolonged struggle to improve the conditions of coal miners, which led to significant safety improvements and reduced black lung and other health problems related to mining.

There has been no such response by the UMWA and organized labor today. The fatalities at Sago, Darby, Crandall Canyon Mine and the UBB mine, along with a dramatic increase in cases of black lung among young miners, have produced no reaction by the UMWA. Instead the union has repeatedly worked with the mine operators, including Massey, to combat the militancy of the miners and to ensure the profits of the owners.

In the year that has passed since the UBB disaster, 21 coal miners have been killed on the job in the US. Another 400 US miners have died of black lung. Hundreds of other miners have been killed throughout the world in disasters in Columbia, New Zealand, China, South Africa and elsewhere.

What emerges from this record is that any real improvement in health and safety must come outside of the existing political establishment and in direct conflict with the profit interests that dominate it. The struggle to ensure safe working conditions for miners and a healthy environment for the coalfield region's population requires an independent political movement of the working class. Such a movement must have as its aim the abolition of the profit system and its replacement with a system controlled by the working class itself and run not for the profit of a few, but for the betterment of all.



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