

Security official convicted of obstructing probe into West Virginia mine disaster

Samuel Davidson
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The security chief at Massey Energy's Upper Big Branch (UBB) mine, where 29 miners were killed in an explosion last April, has been convicted for participating in a cover-up of longstanding safety problems in the mine. On October 26, Hughie Stover was found guilty of lying to federal investigators and ordering the destruction of boxes of company records.

Stover's conviction is only the second criminal prosecution of Massey officials involved in the disaster. In September, Thomas Harrah, a former UBB miner pled guilty to forging his foreman's papers and was sentenced to 9 months in jail. Stover remains free on bail as he awaits a February sentencing hearing.

No high level officials have been prosecuted for the deadliest coal mine disaster in four decades.

At the heart of Stover's conviction was the finding that he lied to an FBI agent and a federal Mine Safety and Health Administration (MSHA) inspector about ordering the destruction of thousands of security documents from the UBB mine. Stover also falsely told them Massey did not have a policy of alerting mine operators and foreman when safety inspectors showed up.

Testimony of several former security guards at the site and dispatchers in the mine office established that the company had a sophisticated technique of alerting crews underground when inspectors made unannounced visits. This included warnings via the use of radios, walkie-talkies and strobe lights.

When a state or federal investigator arrived, the court found, guards would radio Stover over their walkie-talkies using the same band that was monitored in the mine office. Dispatchers would then radio or call into the mine alerting the crew foremen who would stop production and have miners spread rock dust, put up ventilation and hastily fix other safety problems. Crews would usually have between one and two hours before the inspector would reach them, depending upon how deep they were in

the mine.

In cases where the dispatcher couldn't reach the underground foreman because of poor communications equipment, the dispatcher would activate underground strobe lights to indicate that someone had arrived on-site. Additionally, the foremen were under instructions to call to the surface every two hours in case the other methods failed.

Other security personnel at the mine testified that when they questioned Stover about the legality of what they were being instructed to do he told them he had verified the process with Massey's legal department. It is common knowledge among underground miners and the regulatory agencies themselves that such practices are rampant throughout the industry.

Stover was indicted in January of giving the order for the destruction of thousands of pages of company records and logs that, among other things, detailed when safety investigators showed up at the mine. (See "Massey official charged with cover-up of Upper Big Branch mine disaster"). The documents were recovered because the person given the task of tipping off supervisors reported it to investigators or recovered the documents.

In the year prior to the fatal blast, safety inspectors had cited Massey for over 500 safety violations and 52 orders halting production until the problems were resolved. Massey appealed the majority of citations, delaying or simply blocking any monetary fines or other punitive measures.

Investigators looking into the death of the 29 miners have found that poorly maintained mining equipment gave off sparks that ignited a pocket of methane, which in turn set off a secondary explosion of illegally accumulated coal dust. The force of the blast spread miles underground. Had even basic safety procedures been followed, none of these conditions would have existed.

The convictions of Stover and Harrah are just token acts

by the government. In the 18 months since the deadly blast, no Massey executive has been held accountable. Top company officials have simply refused to speak to investigators. (See “Massey CEO refuses to testify at hearing into Upper Big Branch mine disaster”).

To date, investigations have focused on perjury and destruction of evidence. No company officials has been charged in connection with the conditions that directly led to the explosion. Nor have any state or federal regulators—who failed to ensure that Massey followed safety procedures—lost their jobs or been held legally accountable.

The prosecutions of Stover and Harrah have followed the same format as the investigation following the 2006 deaths of Don Bragg and Ellery Hatfield at Massey’s Aracoma Alma No. 1 Mine in Logan County. There too, Massey was guilty of gross safety violations but the mine was allowed to continue to operate by federal and state safety officials. While a criminal complaint found Massey guilty, the company was only fined, and several low level foremen were convicted of falsifying their foreman papers. No one went to jail.

In June, shareholders approved Alpha Natural Resources’ \$7.1 billion purchase of Massey Energy, which created the nation’s largest metallurgical coal company. The sale provided a windfall for Massey executives, including several that moved to Alpha. Former Massey CEO Dan Blankenship was reportedly given a multi-million “golden parachute” when he left before the sale, in addition to whatever shares he owned.

The continued cover up of the Upper Big Branch disaster only underscores the fact that the killing and maiming of miners is considered the cost of doing business for the giant coal companies. In turn, these corporations rely on state and federal agencies to assure that the profit-making operations proceed without disruption.



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