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Miners in a coal mine in West Virginia

Mine deaths follow weak regulations

By PETER DREIER

Two miners -- 48-year-old James Thomas and 33-year-old Pete Poindexter -- died in January when a coal mine in McDowell County, W.Va., owned by the Brooks Run Mining Company, collapsed. The following day, media stories quoted Richard Stickler, head of the federal Mine Safety and Health Administration, as “saddened by the tragic accident.”

Miners and their families view their work with a certain fatalism, understanding that coal mining is risky. Plus, this industry is the backbone of the economy in parts of West Virginia, Pennsylvania and elsewhere.

In fact, many mine accidents and deaths could be prevented with stronger government regulations and enforcement. It is no coincidence that last year’s coal mine death toll -- 47 -- was the highest since 1995. Miners today face increasingly unsafe conditions because of the Bush administration’s rollbacks of health and safety regulations, the slashing of the budget and staff for safety inspection, and the appointment of former mining industry executives to federal mine safety agencies.

Since taking office in 2001, the administration has brought in mining industry insiders to stack the Mine Safety and Health Administration and the Federal Mine Safety and Health Review Commission. One of them is Mr. Stickler, a former executive at a West Virginia subsidiary of Massey Energy, which has one of the worst safety records in the industry. At a Senate confirmation hearing in January 2006, Mr. Stickler said he did not believe the nation had to strengthen its mine safety laws. The Senate twice rejected Mr. Stickler’s nomination, so Mr. Bush had to resort to making him a recess appointment last October without Senate confirmation.

Mr. Bush’s other appointees to top Mine Safety and Health Administration positions have included David Lauriski (former executive at Energy West Mining), John Caylor (executive with three companies, including Cyprus Minerals), John Correll (Amax Mining and Peabody Coal), Mark Ellis (former legal counsel for the American Mining Congress) and Melinda Pon (executive at BHP Minerals). Mr. Lauriski was forced to resign in 2004 after CBS’s “60 Minutes” reported that under his direction the agency had improperly awarded no-bid, single-source contracts to companies with ties to him and one of his assistants. Bush also appointed a former deputy general counsel for the National Mining Association as chair of the Federal Mine Safety and Health Review Commission and named two other industry executives to the five-member board.

Mr. Bush’s appointees have weakened regulations requiring ventilation in coal mines, proposed rules that would allow mine operators to increase coal dust in the mines and delayed implementation of a Clinton-era rule improving air quality standards.

During its first five years in office, the Bush administration opposed legislation supported by the United Mine Workers and Democrats in Congress that would require stronger standards on oxygen availability for mine emergencies, mine rescue teams, communications and tracking devices; require immediate notification of accidents and rapid emergency response; set mandatory minimum penalties for egregious and repeated violations; and prohibit the use of dangerous conveyor belts to ventilate work areas.

It was only after 12 miners were killed in an accident at West Virginia's Sago Mine in January 2006, triggering enormous media attention, that the Bush administration reluctantly agreed to support several of these proposals to improve mine safety. The new federal law, signed last June, requires miners to have at least a two-hour supply of air with them while they work -- an increase from a one-hour standard. It also requires mines to store extra air packs underground and mandates better-trained rescue teams, high-tech tracking devices, and underground emergency shelters to help miners survive an accident. Many mines, however, have still not complied with the new laws.

The two miners killed in West Virginia earlier this year were engaged in a dangerous practice -- called retreat mining -- that mine safety experts have long urged regulators to ban. As miners are moving out of a section, they remove the last bits of coal from the pillars meant to hold up underground mine roofs. The roof often collapses, as it did in the West Virginia mine last week.

According to a report issued last year by Rep. George Miller, D-Calif., Mr. Bush has proposed cuts in the Mine Safety Health Administration budget each year. Between 2001 and 2005, the administration reduced the Mine Safety and Health Administration staff from 2,357 to 2,187, with the bulk of the cuts occurring in coal mine safety enforcement staff. The administration reduced the number of criminal prosecutions and convictions from what it was during the Clinton era and dramatically reduced the number and size of fines against coal companies found to have violated federal safety laws.

For example, in 2006 alone federal inspectors cited Brooks Run Mining Company 65 times for violations at its McDowell County mine, where the two recent deaths occurred, but had proposed fines totaling only $5,000, hardly an incentive for a company to invest in making its mines safer.

The cozy relationship between the coal industry and the Republicans in the White House and Congress has been sweetened with campaign dollars. Since 2000 the coal mining industry has contributed $11.4 million to federal campaigns, 88 percent to Republicans, according to the Center for Responsive Politics.

With the Democratic majority in Congress -- where Congressman Miller is now chair of the House Education and Workforce Committee -- we can hope that Congress will push to increase the budget for mine safety inspections, strengthen safety laws and expand enforcement, including fines and criminal prosecution. Coal mining will always pose dangers for its workers, but many of the accidents, injuries and deaths could be averted by stronger government action.

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