
May 9, 2008

Utah Mine Disaster Was Preventable, Report Says

By [IAN URBINA](#)

The general manager and possibly other senior staff at the Crandall Canyon Mine near Huntington, [Utah](#), where 9 miners died in August 2007, hid information from federal mining officials that could have prevented the disaster and should face criminal charges, according to a Congressional investigation whose results were released Thursday.

The report also said that the mining company should never have submitted a request to remove coal from the section of mine where the collapse occurred, and that federal mining officials should not have approved the proposal, because of foreseeable dangers.

The Congressional committee conducting the investigation sent a referral letter late last month to the Department of Justice asking the department to investigate whether the mine manager, Laine W. Adair, on his own or in conspiracy with others from the mining company, willfully concealed facts or made intentionally false statements to federal mining investigators about the condition of the mine before the August disaster.

On Aug. 6, roof supports in a section of the mine gave way in a major collapse that registered 3.9 on the Richter scale and left six miners fatally entombed. Ten days later, three more miners who were working as rescuers died after more tunnels fell.

The deaths were avoidable, the 150-page report said, because five months before the August disaster in the north section of the mine, a similar collapse had occurred in a southern section, offering clear “red flags” indicating that the mine was unstable.

Rather than informing federal mining officials about the March collapse, the report said, the mine operator cleaned up the site and went on with work in a nearby section.

“Even after the near-disaster in March, the company forged ahead with plans to do the same kind of retreat mining in the South Barrier that it had done, with nearly catastrophic consequences, in the North Barrier,” said Rep. George Miller, Democrat from California and chairman of the House Committee on Education and Labor, which conducted the investigation.

Aside from the instability indicated by the March collapse, known as a bump or bounce, the report said that notes from 2004 from the federal [Bureau of Land Management](#), which owns the land where Crandall Canyon is located and leased it to the mine operator, clearly indicated that the mine had become unsafe and that pillars had already begun deteriorating.

“It is quite possible that, had Mine Safety and Health Administration known the full severity of the March bump, M.S.H.A. would not have approved the subsequent development and retreat mining of the South Barrier,” the report said.

This conclusion about the cause of the disaster contradicts [Robert E. Murray](#), the chief executive of the Murray Energy Corporation, which owns and operates the mine. Mr. Murray has adamantly insisted that the initial fatalities were not foreseeable because the collapse was caused by an earthquake rather than by mining operations.

Federal mining officials, who have publicly expressed skepticism that an earthquake caused the collapse, are due to release their own investigation report in June.

The counsel for Murray Energy, Kevin N. Anderson, attacked the report and accused Mr. Miller of disclosing “unfounded conclusions” and trying “to concoct a criminal referral concerning the tragedy.”

He said in a statement that the company was more interested to see what federal mine safety officials found in their investigation. He added that the call for a criminal investigation was a “callous inference” based on “a radically incomplete review of the facts.”

But a lawyer for relatives of the dead miners said the findings in the report were troubling.

“The nine miners who died would all be alive today if Murray Energy had heeded the clear warning signs that were there to see after the March bounce,” said Colin King, a lawyer in Salt Lake City. “Instead the company continued with its same plan to pull out all the coal because of their greed and that makes their conduct worse than negligent.”

He said the families filed a lawsuit against the company last month.

At the time of the disaster, the mining company was conducting retreat mining, a risky type of extraction that requires miners to remove coal from the very pillars that hold up the tunnels, allowing controlled roof collapses. Aside from missing clear warnings, mine operators seemed to have tried to conceal their own culpability, the report said.

Deposed by the committee, one federal mining official, Allyn Davis, who inspected

photographs of the mine after the March bump, said that the images differed significantly from the description of the event given to him by the mine manager, Laine Adair.

“The photos that I saw and the description I got from Laine Adair don’t match,” said Mr. Davis, according to a criminal referral letter sent by the committee to the Department of Justice asking for further investigation.

In a letter to the Congressional committee, Mr. Adair’s lawyer wrote, “Mr. Adair has earned an impeccable reputation in the mining industry as a hard-working, straightforward person devoted above all to the safety of miners and fairness in his treatment of others.”

The Congressional investigation, however, found that rather than informing officials at the Mine Safety and Health Administration of the March bump immediately after it occurred, Crandall Canyon officials instead contacted officials at the Bureau of Land Management.

“This is curious,” said Mr. Miller, the committee chairman. “While the Mine Safety and Health Administration is responsible for safety, Bureau of Land Management is responsible for ensuring a profit. The mine operator called Bureau of Land Management.”

The congressional committee, which began its inquiry within weeks of the disaster, hired Norwest Corporation, an engineering firm, to review the mine and its retreat mining plans. The committee had to subpoena the safety agency to get about 300,000 pages of documents concerning the mine; it also received about 100,000 pages of documents from Murray Energy.

To conduct the investigation, the committee was also given subpoena power to take depositions.

All five employees of the companies associated with the mine who were called to testify, including Mr. Murray, invoked their Fifth Amendment right against self-incrimination and refused to cooperate. Three current or former federal mining officials and one official from the Bureau of Land Management were also asked for depositions; they all complied.

Cecil E Roberts, the president of the United Mine Workers of America, said that the congressional report further indicates the need for a bill that was passed by the House in January but has not moved in the Senate. The bill would require more thorough review of retreat mining plans and monitoring of the plans after they have been reviewed.

The six miners who were killed in the Aug. 6 collapse remain entombed at the site.

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Sago just latest in a sad history of mine disasters

For as long as people have been going into the mines to dig for coal, they've been dying down there.

By Associated Press
Published January 8, 2006

Before Sago, there was Centralia, and Cherry and Monongah before that - places long since scarred, even defined, by underground tragedies made of coal dust and fire and sorrow.

And while the nation has seen nothing quite like the televised spectacle of raised and shattered hopes in West Virginia this past week, the loss of 12 men there was just the latest in a long, sad history of mine disasters.

It is an arc etched with heartbreaking themes - families huddled in nearby churches, keeping vigil for hours or days, and poignant final notes scrawled to loved ones by miners who knew their fates were sealed.

In Sago, from 51-year-old miner Martin Toler Jr.: "Tell all I'll see them on the other side. It wasn't bad. I just went to sleep. I love you."

In Centralia, Ill., more than a half-century earlier, from one of 111 coal miners killed in an explosion: "Dear wife: Goodbye. Forgive me. Take care of all the children. Love."

Sago was the worst mine disaster in the United States since 13 miners were killed in Brookwood, Ala., in 2001 - an accident far less publicized, just two weeks after the Sept. 11, 2001, terrorist attacks.

Thirteen years before that, 26 men and a woman were killed six days before Christmas when a fire at a mine near Orangeville, Utah, cut off escape routes and filled its tunnels with toxic gas.

Still, these are far safer days for the men and women who descend into miles of tunnels to retrieve the vital energy resource.

In 1909 alone, there were 20 documented coal mine disasters, each of them claiming at least five lives, according to records kept by the United States Mine Rescue Association, which advocates better mine rescue training.

The worst of the 1909 accidents came in the town of Cherry, Ill., at a relatively new mine that many experts believed to be among the safest in the world.

On a November day, with nearly 500 men and boys in the mine, a bale of hay used to feed the mules who carried coal carts to the elevator shaft caught fire, reportedly ignited by one of the torches used to light the mine.

"They didn't believe that it was happening, that the mine was actually on fire, because they believed it

couldn't catch fire. Or that it couldn't burn," said William Furry, executive director of the Illinois State Historical Society.

Search teams worked for days, and more than 200 people made it out alive. But 259 died, including 12 rescue workers.

Furry said the town of Cherry has never fully recovered.

"The mine was the thing that was its lifeblood for so long," he said.

In coal country, these mining accidents have become an all-too-familiar way of life, and particularly in West Virginia - five lost at Fairview in 1986, five at Uneeda in 1980, nine in Blacksville in 1972.

But they have also left a touching legacy.

The worst mining disaster in U.S. history, an explosion in Monongah, W.Va., that killed 362 people in 1907, also was the inspiration for what some say was the first observance of Fathers Day.

It happened when Grace Clayton suggested her church set aside a Sunday to honor the hundreds of fathers lost in the mine - many of whom had taken their children into the depths with them.

She chose July 5, 1908, the closest Sunday to her father's birthday.

Clayton, speaking of the instant widows and orphans the disaster created, later offered sentiments that hold just as true after Sago: "Oh, how sad and frightening to have no father, no husband, to turn to at such an awful time."

While a Washington state woman is generally credited with starting Fathers Day as we know it - on the third Sunday in June - Clayton's town, Fairmont, W.Va., claims the first observance.

Clayton's church, Williams Memorial Methodist Episcopal Church South, later became known as Central United Methodist Church.

Its minister today is the Rev. D.D. Meighen, one of the counselors who responded to an explosion at Consol Mine No. 9 in Farmington, W.Va., that killed 78 people just before Thanksgiving in 1968.

It was the first time, Meighen said, that authorities isolated families of the missing miners in a nearby church - "at the foot of a hill, near the portal to the mine" - much the same way as the families kept vigil at Sago Baptist Church for two days.

In the 1968 blast, one of the people gathered at the Farmington church was a young Joe Manchin, now the governor of West Virginia, who lost his uncle and several friends in the disaster.

This past week, he vowed an investigation into the Sago accident: "My goal is to make sure that we don't have one more fatality in our mining industry."

An achievable goal? Perhaps not.

As long as men have gone into the earth to dig coal, men have died there, and their deaths have been the stuff of horrific legend.

In 1947, in Centralia, an explosive charge meant to loosen coal ignited coal dust; Woody Guthrie wrote a song about it, *The Dying Miner*, and it ends this way:

"Dear brothers and sisters, goodbye. Dear mother and father, goodbye. My fingers are weak, and I cannot write. Goodbye, Centralia, goodbye."

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Sago Puts Spotlight On Safety Strategy

U.S. Mine Agency Issues Citations, but Penalties Are Light

By Joby Warrick
Washington Post Staff Writer
Sunday, January 8, 2006; A03

Two winters ago, what had been a mediocre safety record at West Virginia's Sago Mine grew dramatically worse. Over 23 months beginning in February 2004, two dozen miners were hurt in a string of accidents, some of them caused by rock chunks falling from the mine ceiling. Federal safety inspectors slapped the mine with citations 273 times, or an average of once every 2 1/2 days.

Despite this record, the price paid by Sago's operators was light. Government regulators never publicly discussed shutting down the mine and never sought criminal sanctions. The biggest single fine was \$440, about 0.0004 percent of the \$110 million net profit reported last year by the mine's current owner, International Coal Group Inc.

Whether the mine's documented safety problems played a role in Monday's fatal accident is still unknown. But Sago's recent history illustrates what mine-safety experts say is a long-standing flaw in enforcement of federal mining regulations. While inspectors issue a blizzard of paper citations each year, these violations rarely translate into serious penalties, even for the worst offenders, according to government records and interviews with current and former regulators. Large fines are rare, and the most serious sanctions -- such as mine closure -- are almost never used, documents show.

This pattern has been even more pronounced under the Bush administration, which came into office with a promise to forge cooperative ties between regulators and the mining industry. During the past five years, the number of mines referred to the Justice Department for criminal prosecution has dropped steadily, from 38 in 2000 to 12 last year.

Meanwhile, inspectors who sought to impose large fines on coal companies have seen those penalties whittled down by agency negotiators and administrative law judges. Last year, the operator of a Brookwood, Ala., coal mine, where 13 miners were killed in a September 2001 explosion, saw its fine reduced from \$435,000 to \$3,000 -- a 99 percent reduction. The Alabama disaster was the nation's deadliest coal-mining accident in the past two decades, nearly equaled by Monday's Sago explosion that left 12 miners dead.

"There are simply not enough incentives for safety built into the regulatory and compensation system," said Emily A. Spieler, an occupational safety expert and dean of Northeastern University's School of Law. "Pressure on regulatory agencies to allow unsafe businesses to operate is enormous, and the incentives to comply with regulations are small if the regulatory agency does not issue large fines."

The chief enforcer of federal mining laws, the U.S. Mine Safety and Health Administration, defends its performance, pointing to a steady decline in the number of deaths and injuries in coal mines in recent years. Some of the decline has been attributed to increased mechanization, though both industry and union officials acknowledge improvements in safety practices.

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"While MSHA has also pursued cooperative health and safety partnerships with labor unions, mine operators and industry associations, it has consistently backed up those compliance assistance efforts with strong enforcement against unsafe operators," agency spokesman Dirk Fillpot said in a prepared statement. Reporters inquiring about the agency's record were referred to the statement.

MSHA contends that its oversight is at least as robust as that of previous administrations, but the record is mixed. The total number of hours spent by inspectors inside coal mines has gone up, but the percentage of violations classified by inspectors as serious -- "significant and substantial," in agency jargon -- has declined.

Comparisons with previous administrations are complex, because mining methods have changed and the number of underground mines has steadily decreased.

But agency critics, including several former MSHA officials, say relatively light sanctions, coupled with the current administration's more collegial approach to regulation, make it harder for inspectors to force noncompliant companies to change.

"There was a dramatic shift in MSHA's philosophy in 2001, with a new emphasis on cooperation by the enforcers," said J. Davitt McAteer, who headed the agency under the Clinton administration, "and it came at a cost of less enforcement of the statute."

MSHA enforces safety laws through the efforts of more than 350 inspectors who review safety plans for individual mines and conduct inspections to ensure the rules are followed. Penalties can range from a warning for minor offenses, such as incomplete paperwork, to fines for "significant and substantial" infractions. More serious violations can potentially result in escalating fines, criminal prosecution or even the shut-down of all, or parts, of a mine.

At the Sago Mine, near the central West Virginia town of Tallmansville, the increase in safety violations in early 2004 quickly drew the attention of agency inspectors. During the two years that followed, regulators dramatically increased their oversight, writing citations for such problems as falling rocks and excessive levels of highly flammable coal dust. The 273 violations recorded in two years included 16 that were labeled "unwarrantable failures," a designation generally reserved for the most serious safety infractions, or those for which the operator had previously been warned.

The operator of the mine during most of the period was Anker West Virginia Mining Co., which was acquired in November by International Coal Group Inc. ICG officials say they have worked with MSHA to correct safety problems since acquiring the mine. A spokesman declined to comment further, saying the company's focus remains the Sago accident.

According to agency records, federal inspectors issued a total of 18 "withdrawal records" against Sago, forcing the company to temporarily suspend some operations. But in each case, mining was allowed to resume after Sago officials took steps to correct the problems, MSHA documents show. Over two years, the company racked up more than \$24,000 in fines, although the individual penalties were all less than \$450, and many were \$60. The average fine was \$150.

Former agency officials say the MSHA regional office that oversees West Virginia mines was unusually aggressive and might eventually have forced the mine to clean up or face a shutdown. But ultimately the agency's response was too little, too late, said Jack Spadaro, a retired agency inspector and engineer in West Virginia.

"The mine should have simply been closed," said Spadaro, who was granted federal whistle-blower status after being demoted four years ago because of what Spadaro says were disagreements with MSHA officials over his aggressive enforcement of safety laws. "The fines were absolutely absurd, but that's all the

inspectors can do. The only other option they have is a closure order, and the managers in Washington won't let them close a mine."

Weaknesses in enforcement were the subject of criticism long before the Sago accident. In 2003, the Government Accountability Office faulted MSHA for failing to follow through when it found violations. Moreover, the agency's Washington leadership did "not provide adequate oversight" to ensure that inspectors were enforcing compliance, the GAO concluded.

Former MSHA officials and leaders of the United Mine Workers of America, which represents unionized coal miners, have accused the agency's Bush-appointed leaders of being too closely allied with the industry. They note that MSHA's first leader under President Bush, David D. Lauriski, was a former coal industry executive who advocated a less confrontational style and gave inspectors a less-intimidating job title: "compliance assistance specialists."

Under Bush, 17 of 26 regulations proposed by the Clinton administration were dropped or withdrawn, and the agency began a series of high-profile "cooperative alliance" agreements with industry to promote safety through education, posters and other voluntary programs. Bush-appointed officials leaders say they withdrew the Clinton proposals to pursue their own regulatory agenda.

The agency eliminated or scaled back programs favored by unions and watchdog groups that allowed public access to records related to safety performance and accident investigations. For example, MSHA halted the release of notes from mine inspections, which the agency had routinely released under the Freedom of Information Act for a quarter-century. It also shifted many routine accident investigations into closed-door proceedings, in some cases denying entry even to union officials and lawyers representing injured mineworkers, say union officials and former agency employees.


Joseph Main, a retired UMW health and safety official, said he worried that MSHA's investigation of the Sago accident would focus only on the source of the initial explosion -- instead of seeking answers to the broader questions about mine safety.

"The explosion is just one piece of it," Main said. "They should investigate all the factors that led to the deaths of these men, including the failure of the safety net that was supposed to be in place. If those other questions aren't answered, we will have more Sagos in the future."

Staff writer Cindy Skrzycki, researcher Alice Crites and database editor Sarah Cohen contributed to this report.

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Mine agency's dual roles draw critics

By Alan Levin and Thomas Frank, USA TODAY

WASHINGTON — The agency investigating the West Virginia mine disaster that killed 12 people this week has been criticized for years for what critics call flawed and antiquated approaches to investigations.



Sheriff's Deputy John Hawkins places miner helmets on crosses for the four Sago miners from Barbour County, W. Va.

By Chris Dorst, The Charleston Gazette via AP

The Mine Safety and Health Administration (MSHA) has appointed an eight-person team to investigate the accident at the Sago Mine. The team members are from regions other than the one where the accident occurred to prevent conflicts of interests, says Bob Friend, acting deputy assistant secretary of Labor for MSHA.

The potential for such conflicts is at the root of criticism of the agency. MSHA not only investigates mine accidents but also inspects mines for safety problems. Having the dual roles of investigator and regulator is difficult, and questions about the effectiveness of the government's inspection practices will inevitably be raised, says Peter Goelz, former executive director of the National Transportation Safety Board.

"They really ought not to have the regulator conducting safety investigations," Goelz says. "It's bad policy. There's a natural hesitance on the part of the regulator to believe that its own regulations and its own oversight would be anything other than acceptable."

The NTSB's role as an investigator in airline and other transportation accidents is considered a model. The NTSB is independent from the federal agencies, such the Federal Aviation Administration, that regulate the airline industry.

Davitt McAteer, who oversaw MSHA during the Clinton administration, says he has long proposed creating an independent agency to oversee disasters in mines and other locations. McAteer says an ideal investigation needs to look carefully at "whether the agency's inspections were adequate to prevent this disaster."

The United Mine Workers of America, which has clashed repeatedly with mining regulators in the Bush administration, says the government frequently fails to unearth the broader problems that cause accidents and in recent years has conducted investigations in private.

"The government too narrowly focuses the investigation on the incident without looking at the big picture," says Joe Main, who retired last year as the union's administrator of health and safety.

MSHA's Friend takes issue with such criticism. "To us, it is an independent investigation," he says. MSHA inspectors had repeatedly cited the Sago Mine in recent years for serious safety violations related to poor ventilation, cave-ins and lack of necessary inspections.

Friend says no decision has been made about whether to hold public hearings, or to conduct interviews and technical reviews behind closed doors. The agency always releases its findings after an investigation.

Lines of inquiry

As they begin the task of determining what went wrong at the Sago Mine, forensic experts will rely on century-old work pioneered by the first coal mine accident investigators.

McAteer says the mining industry was the first to develop accident investigators in an era when mines dominated the industrial landscape.

The facts that have emerged so far suggest that investigators will focus on several areas:

- Rock walls and equipment will be examined closely to determine the location of the explosion that trapped the men.

Investigators will also look at equipment to determine whether an electrical short might have sparked an explosion. Bodies will be examined to see whether they carried any flammable objects. Equipment in mines is supposed to be designed to prevent sparks.

- Coal mine explosions are commonly caused by a buildup of methane gas. But investigators will also analyze coal dust on mine walls to determine whether the dust was present in potentially flammable levels. Investigators also will study autopsy reports to determine whether any gases were in the miners' blood.

- An explosion suggests that the mine's ventilation system did not adequately expel flammable gas, so the investigators will try to determine what went wrong. Vents are also supposed to continue functioning after moderate explosions so that miners can continue to have air to breath.

McAteer and others say the questions must go much further. They say the investigation must also examine whether rescue teams could have arrived fast enough to save the lives of the miners.

The investigation should also determine whether emergency breathing devices functioned adequately, they say. More broadly, investigators should also be prepared to propose regulations that could prevent accidents in the future, they say.

McAteer says it's important that such questions are answered because the once-pioneering mining industry has been passed by safety innovations in the aviation and nuclear industries. "We deal with health and safety in the mining industry in an extremely primitive way," he says. "When it comes to safety and health, we are in the dark ages."

In the agency's defense

MSHA was defended Thursday by Ellen Smith, managing editor of the newsletter *Mine Safety and Health News*. Smith says the agency avoids conflicts by assigning investigations to people from districts outside where a mine fatality occurred.

"The people who were inspecting the mine will not be the people conducting the investigation," Smith says.

MSHA's Sago Mine investigation is being led by Richard Gates, manager of the agency's district that oversees Alabama, Georgia, Florida and Mississippi. Gates will be helped by seven ventilation and electrical experts from Pennsylvania, Kentucky and Alabama.

Bruce Watzman, vice president for safety and health at National Mining Association, which represents mining companies, says MSHA investigations are "an effective process. There are no politics involved. It is driven by facts to come to conclusions that allow the industry to advance its safety and health activity."

Others complain about the process. Interviews are typically voluntary, and MSHA investigators allow witnesses to skip questions and end interviews at any time, says Tony Opegard, an MSHA senior adviser from 1998 to 2001.

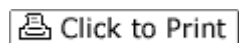
Opegard says interviews can be "intimidating" because mine company officials watch as MSHA investigators question miners. "The only point for a coal company to sit in on an accident investigation interview is to intimidate the witnesses," says Opegard, a former Kentucky state prosecutor on mine-safety cases.

Opegard says MSHA should conduct a "public inquiry" in which interviews are done publicly and the agency has subpoena power.

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Latest coal tragedy reveals lax safety enforcement

Seventy-eight men who went into the Farmington No. 9 mine in West Virginia on the midnight shift in November 1968 never walked out. They were trapped by an explosion, then cut off from rescue by more blasts, noxious fumes and flames. The disaster led to a new mine safety law that shifted the emphasis from operator cooperation to stiff government enforcement.

In 1977, the law was strengthened again — but not until 26 miners and rescuers died in twin blasts at the Scotia mine in Kentucky. The cause? Multiple failures to comply with safety regulations.

On Sunday, as miners were being laid to rest after an explosion last week that killed 12 at West Virginia's Sago Mine, investigators were seeking the cause of yet another tragedy. But one culprit is clear: complacency. As mining fatalities have dropped in the past decade, federal regulators and judges have failed to use the tools they have to rein in those who don't comply with the law and force needed change:

- In the past year, government records show, the Sago Mine was cited repeatedly for failing to enforce basic safety precautions — having an adequate ventilation plan, which is key to preventing explosions, and conducting safety inspections before each eight-hour shift. The federal Mine Safety and Health Administration (MSHA) upped inspections and closed parts of the mine 18 times for serious violations. Despite the chronic failures, it assessed fines — ranging from \$60 to \$440 — more appropriate for traffic offenses than for life-threatening safety violations.

For most of the period, the mine was owned by Anker Coal. Last November, it was sold to International Coal Group. A fine of \$440 represents about one one-thousandth of 1% of ICG's profits for the first three quarters of last year.

- The number of what the MSHA calls "high-dollar fines" (\$10,000 or more) has dropped since the Bush administration took office in 2001. The agency issued 12% fewer of these fines from January 2001 through last October than it did during the last five years of the Clinton administration. Even when it did assess heavy fines, violators often got them cut in court. Last year, an administrative law judge slashed the fine against the operator of an Alabama mine, where 13 miners were killed in a 2001 explosion, from \$435,000 to \$3,000. The message? Even a deadly accident will cost an operator almost nothing.

- Watchdogs muffed other opportunities to ensure safety. In 2003, the Government Accountability Office found that over the past decade, inspectors had often failed to ensure that violations were corrected by deadlines. Meanwhile, the MSHA's dual role as safety inspector and accident investigator is fraught with potential conflicts. The MSHA must, in effect, investigate itself — a process that makes it hard to assess whether inspection practices or lack of enforcement contributed to an accident.

Miners say the history of mining safety is written in blood. Coal mining is a dangerous business. It's also a big business: The fuel creates more than 50% of the nation's electricity. Miners deserve the safety level that only strict regulation and tough enforcement can provide. It shouldn't take another Farmington, Scotia or Sago for Washington to make that happen.

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We're on miners' side

By David G. Dye

We deeply grieve the deaths of the 12 miners at the Sago Mine in West Virginia and offer our heartfelt sympathy to their families.

This tragic accident follows years in which coal mine fatalities have dropped to their lowest levels in history. The Mine Safety and Health Administration (MSHA) is staffed by dedicated professionals, many of whom come from mining families and have a passion for protecting miners. Over the past several years, we have expanded enforcement, safety training and partnerships with labor unions and operators to push toward our goal of getting every miner home safely after every shift. This goal is shared by relevant state agencies and inspection professionals, who are also responsible for mine safety enforcement and investigation.

In our efforts to enhance mine safety, the MSHA has increased the number of inspectors since 2001. The Bush administration has proposed increased funding for the MSHA, from \$242 million in 2001 to more than \$280 million this year. For the past several years, the administration's budget has proposed raising penalties for egregious violations from \$60,000 to \$220,000.

Although the primary responsibility for ensuring mine safety rests with the operator who runs the mine on a daily basis, the MSHA aggressively used its statutory powers to identify and fix safety problems at the Sago Mine, and shut down portions of the mine that were deemed hazardous.

In close coordination with West Virginia, the MSHA's comprehensive investigation will determine what caused the Sago Mine explosion. If any health and safety standards were violated, we would take enforcement action. As always, we will make the full investigative report available to the families and the public. We will take every step — including looking at our own performance — to make sure this tragedy never happens again.

David G. Dye is acting assistant secretary of Labor for Mine Safety and Health.

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