

Four years since the Upper Big Branch mine disaster

By Clement Daly
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Saturday marks the fourth anniversary of the Upper Big Branch mine (UBB) tragedy in Montcoal, West Virginia. On April 5, 2010, a massive explosion ripped through the Massey Energy-owned mine, taking the lives of 29 coal miners. It was the worst coal mining disaster in four decades.

While Monday's anniversary may serve as an opportunity for disingenuous media tributes and posturing among a handful of West Virginia politicians, its real significance is that virtually nothing has been done in the intervening four years to prevent another such tragedy from occurring.

Four main investigations were launched into the causes of the tragedy: one by the US Mine Safety and Health Administration (MSHA), another by an independent team commissioned by then-West Virginia Governor Joe Manchin and headed by former MSHA chief, a third by the United Mine Workers of America (UMWA), which had been selected as the miners' representation in the aftermath of the tragedy, and a fourth by the West Virginia Office of Miners Health, Safety and Training.

The four investigations all agreed on the basic cause of the explosion: sparks from a longwall mining machine ignited a minor methane gas explosion which was transformed into a massive coal-dust explosion due to the accumulated coal dust in the mine.

The basic mechanics of the explosion were aided by the mine's poor ventilation, inoperable sprinklers, worn and unmaintained equipment, and inadequate rock dusting. These conditions, in turn, were the product of the criminal corporate culture at Massey Energy, which placed production ahead of miners' health and safety.

In the years leading up to the disaster the company used intimidation to silence miners concerned with health and safety hazards, institutionalized the practice of providing advanced warning when safety inspectors were on site in order to conceal safety violations, and kept records, one sanitized set which was shown to inspectors for compliance with the Coal Mine Health and Safety Act, and another internal set which recorded safety problems in detail and their effect on production rates.

In its preoccupation with profits, Massey's management, including CEO Don Blankenship, received production updates every half hour. In the year preceding the disaster, the company

tripled production at UBB. Over the same period the corporation laid off 700 miners at all its operations, imposed wage and benefit cuts, and implemented regular 12-hour shifts.

Massey's reckless operations were allowed to continue over the years by MSHA under both Republican and Democratic administrations. In 2009, the agency ordered the mine or parts of the mine to temporarily cease operations more than 50 times, and "withdrawal orders" were being issued at a rate of one per week. Yet despite the imminent dangers and the frequency of flagrant violations at UBB, MSHA did not identify the mine as having a "pattern of violations," nor did it take any actions to close it down.

An independent review of MSHA's role in the UBB disaster conducted under the auspices of the National Institute for Occupational Safety and Health (NIOSH) concluded that the agency had "understate[d]" its own responsibility in its internal review and that "if MSHA had engaged in timely enforcement of the Mine Act and applicable standards and regulation, it would have lessened the chances of—and possibly could have prevented—the UBB explosion."

The various investigative reports with their hundreds of pages of findings have served to whitewash the crime at UBB. At times, the reports allowed for scathing denunciations of Massey in an attempt to present the company as a "rogue" corporate entity in an otherwise healthy industry. While certainly among the most notorious of the major operators, Massey can hardly be called an aberration in an industry in which every year dozens of miners are killed and hundreds more are injured.

For its part, the Obama administration intervened to ensure that the investigations were conducted under a cloak of secrecy. The US Department of Labor backed away from initial promises made in the immediate aftermath of the disaster to hold public meetings into the tragedy. And former head of safety for the UMWA and current MSHA chief Joseph Main made the decision to conduct witness interviews behind closed doors and not invoke the agency's subpoena powers, allowing at least 18 top company officials, including Blankenship, to refuse investigators' requests.

The Obama administration has justified secrecy under the pretext that any transparency would jeopardize the federal criminal investigation. Yet the Department of Justice (DOJ) has

occupied itself over the past four years with prosecuting only minor actors while leaving the corporate heads and executives of the company untouched. Don Blankenship, for example, was allowed to retire at the end of 2010 with a golden parachute worth tens of millions of dollars.

To date, the federal investigation has yielded only four convictions. Former UBB foreman Thomas, who left the mine more than seven months before the explosion, was convicted and sentenced to 10 months in prison for falsifying mine safety records and lying to federal investigators. Former UBB security chief Hughie Stover convicted and sentenced to three years in prison for ordering the destruction of company records and for lying to federal investigators.

In a plea deal with federal investigators, former UBB superintendent Gary May pled guilty to conspiring to violate safety laws and was sentenced to 21 months in prison. Incredibly, it was the first prosecution of a mine superintendent since 1992. In his testimony, May indicated that MSHA inspectors were aware of the company's practice of giving advance warnings and participated by providing mine personnel information as to when regulators would be on site.

In the most recent conviction, David C. Hughart reached a deal with federal prosecutors, pleading guilty to conspiracy charges of hiding safety violations from federal inspectors. However, Hughart never worked at UBB and the charges were related to his role as president of a Massey subsidiary controlling the company's White Buck operations in West Virginia. During his testimony, Hughart directly implicated Blankenship in the conspiracy.

The Obama administration has actively worked to shield both MSHA and Massey's top executives, with federal prosecutors intervening in the court proceedings whenever a witness "accidentally" provides damaging testimony against them. The administration also brokered a settlement with Alpha Natural Resources, agreeing not to pursue any criminal charges against the coal giant in connection with the UBB disaster after its \$7.1 billion acquisition of Massey in June 2011.

The refusal to hold any of the major parties or individuals responsible for their involvement in the UBB tragedy has been mirrored by the lack of any meaningful new mine safety legislation.

This state of affairs can exist only under conditions in which there is no independent movement of the working class fighting for its own interests against the mine bosses, the two corporate-controlled political parties, and the UMWA, which, where it still exists, has been converted into another layer of management.

The UMWA bureaucracy's betrayal of the 1984-85 strike against Massey Energy, then known as A.T. Massey, during the general assault on the working class under the Reagan administration was a particular inflection point in this process. The implementation of the "selective strike" against individual mines and owners, adopted by the UMWA under the leadership

of Richard Trumka and Cecil Roberts, allowed the strike to be brutally crushed.

Alongside the unprecedented lowering of working class living standards since 2008 has occurred the systematic deregulation of industry and the erosion of workplace safety. The seemingly endless stream of industrial disasters, explosions, chemical spills, and illness outbreaks is the direct outcome of the drive by capitalism to extract ever greater surplus value from the working class.

For the nation's miners, this process has translated into scores of mine fatalities and the maiming of hundreds of miners in preventable accidents. Meanwhile, hundreds of miners continue to suffer a slow and agonizing death each year caused by black lung disease from unnecessarily breathing coal dust. Under conditions in which health officials have been warning of a disturbing resurgence in black lung disease since the late 1990s, the Obama administration continues to stall on new coal dust standards first recommended by NIOSH back in 1995.

Until workers build a mass socialist political movement this retrogression will continue unabated and criminals such as Blankenship will walk free. The entire energy industry—from the coal mines and oil and gas wells to the power plants and electrical grid—must be freed from the profit motive and taken out of private hands and placed under the democratic control of the working population. It is only within this context that working conditions can be improved and meaningful health and safety standards implemented, rendering tragedies like the UBB a relic of the past.

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