

Token charges filed against coal executive in West Virginia mine disaster

By Samuel Davidson
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The government whitewash of the death of 29 coal miners in West Virginia on April 5, 2010 continued with last Friday's Federal Grand Jury indictment of former Massey Energy chief executive Ron Blankenship.

Blankenship, who was well aware of the deadly conditions in the mine, will face only four counts of violating federal mine safety laws and issuing false and misleading statements to shareholders about the deadly explosion.

The miners were killed when a mixture of coal dust and methane gas ignited in the Upper Big Branch mine, setting off a massive explosion so powerful that some of the fatal injuries occurred more than a mile and a half away from the blast site. Investigators found that sparks from the long-wall mining machine—which dug \$600,000 worth of coal a day—ignited the explosion.

The miners' deaths were entirely preventable and not some "act of god," the excuse often cited by industry officials and government regulators for the routine sacrifice of miners' lives and limbs for profit. From January 1, 2008, through April 10, 2010, government safety officials cited the mine 835 times for violations of mine safety laws. Of these violations, 319 were of the most serious levels, including 283 violations specifically related to the proper ventilation of the mine.

Other violations included hundreds for not properly maintaining the long-wall machine and allowing the buildup of massive amounts of highly explosive coal dust. The indictment noted that investigators found that seven of the water sprayers attached to the long-wall mining machine—designed to keep the coal face and drill bits cool and prevent heat and sparks from igniting pockets of gas or dust—had broken off and were not fixed. The broken sprayers led to a drop in water

pressure making the entire water system inoperable.

The failure of the ventilation system allowed methane gas to reach combustible levels. Methane gas is a natural product of the coal formation process and continuously released inside a mine. The gas becomes combustible only when it reaches five percent of the atmosphere. Strong ventilation systems are required to both prevent methane buildup and to bring fresh air to the miners working underground.

Blankenship oversaw daily mining operations and, in particular, the long-wall machine. Every half hour he was sent a fax of the production figures and if there was interruption in output, he demanded to know why. Every day he received reports of numerous safety violations at the mine, along with the amount of potential fines. In this way, he calculated the cost-effectiveness of slowing production to correct safety problems versus paying small fines.

In a move to further reduce time spent on mine safety versus production, in February 2009, Blankenship directed his mine managers to cut the labor cost for a ton of coal mined from the current \$18 per ton to \$14.

Most of this information was made public within days of the April 5, 2010, disaster with the remainder coming to light within the next few months. Yet it is only now, more than five and a half years later, that Blankenship is even formally being charged.

Even if convicted, however, Blankenship will, at most, spend a few years in jail while being responsible for the death of 29 workers. In addition, within months of beginning the investigation, the federal prosecutor announced that no charges would be made against the company as a whole, ensuring the protection of the corporate stockholders and directors.

The indictment also serves to cover up the role of officials from the federal Mine Safety and Health

Administration, which for years sanctioned and covered up the horrendous safety conditions at the mine.

In the second count, Blankenship is charged with directing operators to warn foremen and miners inside UBB when inspectors had arrived, thus giving them time to correct known problems. While this was certainly a criminal act, it is a stretch to believe that such corrections could be made in the hour it would take for an inspector to travel from the mine surface to the mine face. It is more likely that there was a wink-and-a-nod agreement for mine safety officials to generally ignore the dangers or do nothing to seriously enforce safety regulations.

The indictment follows the pattern of the Obama administration, which has refused to prosecute and hold accountable corporate and financial executives for the 2008 financial crisis, the BP oil spill, the General Motors cover-up of defective parts, and countless other companies whose practices lead to the death and injury of thousands of workers in every branch of industry.

In fact, the administration is already preparing to implement deep cuts to corporate regulations and to collaborate with Congressional Republicans to reduce corporate taxes as well.

The disaster also highlighted the complicity of the United Mine Workers of America union, which long ago repudiated the militant traditions of the miners and collaborated in the systematic destruction of the jobs, wages and working conditions of miners in the name of boosting “international competitiveness” and profits. In 2009, Obama appointed former UMWA safety director Joe Main to head the federal Mine Safety and Health Administration, where he has been complicit in the cover-up of the killing of hundreds of miners.

After the UBB disaster, Blankenship was allowed to retire from Massey with a golden parachute worth over \$12 million dollars. This is nearly half as much as the total amount paid out to all the families of the miners killed.

Massey Energy was sold to Alpha Natural Resources in June 2011 for over \$7 billion, after the federal government brokered a deal ensuring that neither Massey Energy nor Alpha Natural Resources would be held accountable for the disaster.

For miners, the killing continues. So far this year, 34 miners, both coal and metal, have been killed. In

addition, on average, 10 miners die a slow and painful death every week from black lung disease.

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