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Why Mine Deaths Are Up

The May 20 mine disaster presents more evidence that the Bush Administration places miners in peril with budget cuts, regulatory rollbacks and industry-friendly appointees.

Peter Dreier *May 25, 2006* | *This article appeared in the June 12, 2006 edition of The Nation.*

The May 20 mine disaster, which killed five coal miners, occurred in Harlan County, Kentucky--infamous for its history of conflict between mine operators and miners. In the 1930s violent strikebusting by Harlan County coal companies against the fledgling United Mine Workers inspired Florence Reese's union anthem, "Which Side Are You On?"

The Bush Administration has made it clear which side it is on. Mine workers have faced increasingly unsafe conditions because of rollbacks of health and safety regulations, the appointment of former mining industry executives to federal mine safety agencies and the slashing of the budget and staff for safety inspection.

The Administration has 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.

The cozy relationship between the Administration and the coal industry is sweetened with campaign dollars. Since 2000 the coal mining industry has contributed $10.7 million to federal campaigns, 88 percent to Republicans, according to the Center for Responsive Politics.

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In reporting on the Harlan County toll, the mainstream media ignored the Administration's complicity in this and other mine disasters. A number of papers reported that the Harlan County deaths brought to thirty-one the number of miners killed so far this year--including the twelve killed in the Sago disaster in West Virginia in January (see Erik Reece, "Who Killed the Miners?" February 27)--compared with twenty-two in all of 2005. But only one major daily--the *Pittsburgh Post-Gazette*, and in only one sentence--connected this trend to Administration actions.

The Administration's ties with the mining industry are catalogued in a report issued in January by Democratic Representative George Miller, the leading mine-safety advocate in Congress. According to the report, the Administration has brought in mining industry insiders to stack the Mine Safety and Health Administration (MSHA), which oversees the nation's coal mines, and the Federal Mine Safety and Health Review Commission (FMSHRC), which settles disputes involving the Federal Mine Act.

Bush's appointees to top MSHA 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). 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.

Last September Bush nominated Richard Stickler, a former executive at a West Virginia subsidiary of Massey Energy (which has one of the worst safety records in the industry) to run MSHA. At a Senate confirmation hearing in January, Stickler said he believes the nation's mine safety laws are adequate. West Virginia Democrat Robert Byrd has been keeping the Senate from voting on the nomination.

Similarly, Bush appointed Michael Duffy, former deputy general counsel for the National Mining Association, as FMSHRC chair and named two other industry executives--Stanley Suboleski (an executive with Massey Energy) and Michael Young (director of regulatory affairs for the Pennsylvania Coal Association)--to the five-member board.

Since taking office, according to the Miller report, Bush has proposed cuts (in real terms) in the MSHA budget each year. Between 2001 and 2005 the MSHA staff was reduced from 2,357 to 2,187, with the bulk of the cuts occurring in coal mine safety enforcement staff. The Administration has also dramatically reduced the number and size of fines, as well as the number of criminal prosecutions and convictions, compared with the Clinton era. 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.

Moreover, in response to industry complaints, the Administration has demoted and transferred MSHA staff who have aggressively sought to enforce safety rules and blown the whistle on policies that jeopardize mine safety. In one example of blatant pro-industry bias, the Administration interfered with MSHA investigations of a coal sludge spill at a mine owned by a Massey Energy subsidiary that dumped 300 million gallons of toxic waste into Kentucky and West Virginia waterways.

Four days before the Harlan County mine tragedy, miners who had survived accidents, families of miners killed in accidents and union members held a rally on Capitol Hill to demand Congressional action on mine safety. United Mine Workers president Cecil Roberts said: "The time for talking about improving safety in the coal mines is over. Congress must act, and act now. America's coal miners and their families cannot wait."

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