

Hundreds sue Massey Energy over water pollution

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Hundreds of West Virginia residents are suing Massey Energy, saying the coal giant has polluted their water supply.

Last week, close to 700 plaintiffs gathered at the Charleston Civic Center in Charleston, West Virginia for three days of settlement negotiations that ultimately failed. The suit is now scheduled to go to trial next summer.

Several photos published by the Associated Press show plaintiffs arriving at last week's mediation sessions carrying jars filled with contaminated well water of a dark brown color. Many of the plaintiffs, primarily poor and working class, no longer live in West Virginia and had to travel great distances at their own expense to attend the session. Had they not appeared before the mediating court, they could have risked being dropped from the suit.

The suit alleges that well water throughout Mingo County, West Virginia has been contaminated by coal slurry, a toxic byproduct of coal processing. Massey and its subsidiary Raw Sales & Processing have spent decades disposing of slurry by injecting it into abandoned, underground mines, a relatively inexpensive way for coal companies to get rid of waste. Raw Sales held a permit from 1977 to 1986 allowing it to use this method to dispose of the toxic sludge. The company is reported to have spread 1.4 billion gallons of slurry into more than 1,000 acres of underground mines.

The plaintiffs say that from these underground mines coal slurry has made its way into the well water of several communities, contaminating it with toxic heavy metals including lead, arsenic, manganese and iron, which can lead to serious illness. All of these contaminants have been found in well water near the Raw Sales processing plant.

Following the collapse of negotiations last week, Massey released a statement denying it had polluted the water supply and cynically attempted to portray the suit against them as an attack on the coal miners employed in their pits. "We look forward to demonstrating that our mining activities had no impact on local wells," the company declared. "Our coal miners work hard and mine coal responsibly because they care about their neighbors. The out-of-state attorneys who say otherwise don't know our coal miners very well."

The suit brought against Massey is not a suit against coal miners, who have no say in company decisions and who themselves face the most brutal and life-threatening working conditions every day. That Massey would attempt to pose as a defender of coal miners is all the more outrageous after the April 5 disaster at the Upper Big Branch Mine in Montcoal, West Virginia, which cost the lives of 29 miners.

Massey CEO Don Blankenship spoke at an industry conference last Wednesday calling for a rollback in regulation of the industry, saying, "I fear we're not in a recession as we normally think about it, which is a downward economic cycle, but rather we're being greatly impacted by excessive regulations ... and it perhaps won't correct itself, by itself, without some sort of rollback of regulation."

Massey Energy is notorious for its refusal to abide by regulations. Massey's Upper Big Branch mine racked up hundreds of safety violations in the years before the April disaster. The April 5 explosion was almost certainly the result of a dangerous buildup of methane gas caused by the company's flaunting of safety regulations. Federal regulators were fully aware of the deadly conditions prevailing there but did nothing to enforce safety protocols.

The claim that regulations are to blame for lost

profitability in the industry is also not credible. Most fines go ignored and unpaid by companies like Massey. The Upper Big Branch mine has itself only paid one of its major fines since 2007, which cost the company just \$10,750.

While the company rakes in profits by exploiting the Appalachian coalfields, the working class population of the region suffers the greatest consequences. Regional newspapers carry numerous reports of health problems among plaintiffs in the suit against Massey from communities including Williamson, Rawl, Lick Creek, Sprigg and Merrimac. More than 500 of the plaintiffs report being sick or disabled as a result of water contamination.

Among the illnesses reported are various cancers, kidney failure and birth defects in the children of mothers who were pregnant during the time Massey was pumping toxic materials underground.



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