Sequester cuts pose new threat to US mine safety

Kate Randall
2 April 2013

In a cruel irony, as the third anniversary of the Upper Big Branch (UBB) mine disaster approaches this week, cuts due to the "sequester" are leading to the dismantling of legal teams assembled by the government to enforce mine safety. The cutbacks will reduce by $2.1 million the $22 million Congress originally allocated to a temporary project to speed up the processing of safety citations against mine operators.

The April 5, 2010 explosion at the Upper Big Branch mine in Montcoal, West Virginia, owned at the time by Massey Energy, killed 29 coal miners. Flagrant safety violations on the part of Massey led to the disaster. Basic precautions were ignored, including ensuring proper ventilation and dusting work areas. A spark ignited accumulated methane gas, generating a massive coal dust-fueled blast that traveled through miles of tunnels, destroying everything and everyone in its path.

In a rationally organized society concerned with the welfare of its working population and the safe operation of industry, the UBB disaster anniversary would be the occasion to assess conditions in mine safety and consider what new steps could be taken to improve the conditions of mine workers to prevent such tragedies in the future.

But the opposite is occurring. In the current climate in Washington—in which there is "no money" to finance anything but the bank accounts of the corporate elite—cuts are being implemented that will allow mine operators to continue their unsafe operations, inevitably leading to more accidents and deaths.

The Litigation Backlog Project was set up by the US Labor Department in the wake of the Upper Big Branch disaster to deal with the backlog of contested mine safety citations. By contesting citations from the federal Mine Safety and Health Administration (MSHA), mine owners have been able to avoid racking up large numbers of repeated serious violations that would land them in the agency's "pattern of violation" program, where they would face greater scrutiny and could even be shut down.

After the UBB disaster, the number of unresolved appeals by mine operators had grown to 16,600, and Massey Energy had the highest contestation rate of any operator in the country. As long as the citations were being challenged, MSHA could not issue higher fines for repeated serious violations. In the five years leading up to the tragic explosion, Massey had been fined a mere $1.89 million in penalties on 1,422 citations at the Upper Big Branch mine.

The sequestration cuts will close two of the Litigation Backlog Project's five offices, and 30 of the 74 lawyers hired for the project will be laid off by June 1. Robert J. Lesnick, chief judge of the citation review panel, criticized the move in a comment reported in the *Washington Post*: "If litigation is the bite in any enforcement model, then [the Labor Department], in firing 30 attorneys, is pulling its teeth."

The winding down of the project is only the latest installment in a process that has allowed Massey Energy to receive what amounted to a slap on the wrist for the deaths of 29 miners. The company was assessed $10.8 million in fines for 369 citations—astonishingly the largest financial penalty for any mine disaster in US history.

The Obama administration's Justice Department announced in December 2011 that it would not press criminal charges against Massey Energy or Alpha Natural Resources, which bought Massey for $7.1 billion in 2011. Alpha agreed to pay out $209 million to avoid potential criminal liabilities. The only Massey official to receive prison time so far is former superintendent Gary May, who disabled methane detectors, contributing directly to the deaths of the miners. He received only 21 months in a minimum-security facility and a $20,000 fine on a federal conspiracy charge.

Since Barack Obama came to office in 2009, 114 coal miners have been killed in accidents, including the 29 who perished in the Upper Big Branch disaster. Eight miners have been killed so far this year, including five in West Virginia alone. Deregulation of the mining industry and the blocking of safety measures, begun under previous Republican and Democratic administrations, and continued under Obama, have created conditions where mining companies are allowed to operate with little regard for safety, resulting in deaths that are clearly preventable.

These hazardous conditions are reproduced in workplaces across the country. In 2011, 4,609 workers died from work-related injuries in the US, according to the Labor Department—about 90 a week, or 13 every day. Construction fatalities account for more than 17 percent of the total, with workers in that industry dying as the result of falls, electrocutions, being hit by objects and other accidents. Nearly 4 million American workers suffer workplace injuries each year (almost 11,000 a day), from which many never recover.

A staggering 40,000 workers annually die prematurely from exposure to toxic substances at work. Another 200,000 are incapacitated from chronic ailments caused by toxic workplace air—black lung, asbestosis, grinder's rot and other debilitating conditions.

While US corporations are allowed to preside over what can only be described as an industrial slaughterhouse, regulations are relaxed and funding is cut for corporate oversight. The Occupational Safety and Health Administration (OSHA)—the federal agency tasked with the enforcement of safety and health legislation—is pathetically (and deliberately) understaffed and underfunded.

Between OSHA and state agencies, there are only 2,200 inspectors responsible to enforce the safety of 130 million workers in America—which translates to about one inspector for every 59,000 workers! And as a result of the sequester, it is estimated that the agency will carry out 1,200 fewer inspections at some of the country's most dangerous workplaces.

Three years after the tragedy at the Upper Big Branch mine, the further weakening of oversight at the giant coal operators highlights the futility of placing any confidence in the capitalist state or its political representatives to protect lives and improve conditions in the workplace. Corporate executives, functioning as economic despots, with the support of the two big business parties, place workers' welfare in increasing danger as they strive to lower wages and boost productivity to record levels.

The corporations find eager allies in the trade unions, whose well-heeled officials move seamlessly between union offices, corporate boardrooms and the government agencies supposedly charged with enforcing workplace safety. These officials' interests are diametrically opposed to those of the workers whose health and safety are put at risk on a daily basis through union-management collaboration.

Genuine workers' democracy requires workers' control of production, and democratic control of the working class over all aspects of the economy. Production—including the mines, auto industry, utilities and other industries—must be placed under the control of democratically elected workers' committees. Major corporations, along with the banks and financial institutions, should be nationalized and the vast resources freed up used to finance the creation of jobs, the expansion of industry and the provision of vitally needed social programs.

The implementation of such a program requires an international socialist perspective. The Socialist Equality Party fights for this perspective, and urges all those in agreement to contact us and consider joining our party.

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact