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Rep. Lynn Woolsey (D-CA) Opening Statement

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. Lynn Woolsey (D-CA), the senior Democrat of the Workforce Protections Subcommittee of the House Committee on Education and the Workforce for the hearing on “Modernizing Mine Safety”.

Mr. Chairman, thank you for convening this important hearing. It has been 13 months since the Upper Big Branch disaster, yet Congress has failed to act on repeated requests from the Mine Safety and Health Administration (MSHA), miners and their families to modernize the Mine Act.

MSHA has repeatedly asked for our assistance to provide them with better tools to protect all miners. They need reforms to a dysfunctional Pattern of Violations provision. They need stronger sanctions to penalize mine operators who provide advance notice. And they need basics like subpoena authority.

Following MSHA’s March 3 testimony, which outlined the need and justification for legislation to modernize the Mine Act, Mr. Miller, Mr. Rahall and I re-introduced comprehensive mine safety legislation on April 15. It largely mirrors the Robert C. Byrd Mine Safety Protection Act that was brought to the floor last year and contains reforms that MSHA has requested.

One year ago, on May 24 in Beckley, West Virginia, this Committee heard from the Governor of West Virginia and the families of miners who were killed at Massey’s Upper Big Branch mine.

Gary Quarles, a miner who lost his son, testified that it was common for Massey Energy to provide advance notice of inspections to miners underground. Under the current Mine Act this is classified as a criminal misdemeanor. Since misdemeanors tend to receive scant attention from prosecutors, not one advanced notice violation has been criminally prosecuted since 1977, even though MSHA inspectors have had to seize phones at mines to prevent tip-offs.

MSHA even secured injunctions, but the obstruction of justice continues because there is so little consequence to flaunting the law. We look forward to hearing from our witnesses on whether they support strengthening this provision.

We would also like to hear whether our witnesses think miners who raise concerns about safety are adequately protected against retaliation under existing law.

In Beckley, we learned that miners were fearful of making safety complaints because it was made clear that their jobs were on the line. Alice Peters, whose son-in-law Edward Dean Jones, was killed in the explosion, testified that he complained at least seven times about ventilation problems, but his supervisors told him that he would lose his job, if he caused the mine to stop production. Dean was trapped: his son had cystic fibrosis and he needed the job for health insurance.

Of course, retaliation is not confined to West Virginia. In 2007, a miner in Kentucky showed video of leaking underground seals to MSHA. It took three years of litigation and hundreds of thousands of dollars in attorney fees just to get the operator to pull the disciplinary letter from the employee's file.

We will be asking our witnesses whether MSHA should reform the badly broken Pattern of Violations process to provide for timely sanctions when any mine operator, whether it is coal, metal, or stone, chronically violates mine safety standards. Or should miners continue to be endangered while serial recidivists appeal citations for years on end before MSHA can act?

Finally, we would like to learn if the coal industry is adopting modern technology such as coal dust explosivity meters to help prevent disasters, and whether Congress needs to take action, as we did in the MINER Act, to speed the modernization of mine safety.

I look forward to hearing from each of our witnesses today. Thank you.

<http://democrats.edworkforce.house.gov>