

Opening Statement for Rep. Lynn Woolsey

Subcommittee on Workforce Protections Hearing

*Examining Recent Regulatory and Enforcement Actions of the
Mine Safety and Health Administration*

March 3, 2011

**CHAIRMAN WALBERG, THANK YOU FOR
HOLDING THIS TIMELY HEARING ON MINE
SAFETY.**

**I ALSO WANT TO WELCOME CONGRESSMAN
NICK RAHALL, WHO REPRESENTS WEST
VIRGINIA'S 3RD DISTRICT WHERE UPPER BIG
BRANCH IS LOCATED. HE HAS BEEN THERE FOR
THE FAMILIES SINCE THE DAY OF THE
EXPLOSION, HELPING THEM EVERY STEP OF THE
WAY.**

HE IS FROM THE HEART OF COAL COUNTRY AND
A RECOGNIZED LEADER ON MINE SAFETY, AND
WE ARE HONORED TO HAVE HIM HERE TODAY
ALONG WITH **CONGRESSWOMAN CAPITO**.

LAST YEAR, THE **COMMITTEE** HELD 3
HEARINGS ON MINE SAFETY. IN FEBRUARY WE
EXAMINED CAUSES FOR AND SOLUTIONS TO
THE GROWING BACKLOG OF MINE SAFETY
APPEALS, WHICH HAS IMPAIRED **MSHA'S**
ABILITY TO ACT IN A TIMELY MANNER AGAINST
CHRONIC VIOLATORS.

SIX WEEKS LATER, ON APRIL 5, 2010, A MASSIVE EXPLOSION RIPPED THROUGH THE **UPPER BIG BRANCH MINE**, KILLING 29 MINERS OVER A 2 MILE AREA. IT WAS THE LARGEST U.S. COAL MINE DISASTER IN THE PAST 40 YEARS.

SIX WEEKS AFTER THAT, THIS **SUBCOMMITTEE** TRAVELED TO **BECKLEY, WEST VIRGINIA** TO HEAR FROM MINERS AND FAMILIES OF VICTIMS.

WITNESSES TESTIFIED ABOUT:

- THE LACK OF VENTILATION;
- COAL DUST ACCUMULATIONS SO THICK YOU COULDN'T SEE IN FRONT OF YOUR HAND;
- A LONG WALL MINING MACHINE THAT OPERATED WITH A BALL OF FLAME ON ITS CUTTING HEAD;
- A CULTURE OF RETRIBUTION AGAINST ANYONE WHO RAISED SAFETY CONCERNS;
- AND A SYSTEM OF ADVANCE NOTICE THAT TIPPED OFF UNDERGROUND MINERS TO CORRECT VIOLATIONS BEFORE MSHA INSPECTORS COULD GET UNDERGROUND.

GARY QUARLES (KWOR-ELS) TESTIFIED THAT WHEN MSHA CAME ON SITE, STAFF RADIOED MINERS UNDERGROUND TO WARN: “WE’VE GOT A MAN ON THE PROPERTY”...WHICH WAS CODE FOR CORRECT THE CONDITION OR DIRECT THE INSPECTOR’S ATTENTION AWAY FROM DEFICIENCIES.

**MR. QUARLES (KWOR-ELS) TESTIMONY WAS
VALIDATED BY THE U.S. ATTORNEY'S RECENT
INDICTMENT CHARGING MASSEY'S SECURITY
DIRECTOR WITH ALLEGEDLY MAKING FALSE
STATEMENTS ABOUT HIS PRACTICE OF
TRAINING AND DIRECTING GUARDS TO
PROVIDE ADVANCE NOTICE OF MINE
INSPECTIONS. MR. CHAIRMAN, I WOULD LIKE
TO INCLUDE THAT INDICTMENT IN THE RECORD
FOR THIS HEARING.**

THIS COMMITTEE REVIEWED LEGISLATION SEVEN WEEKS LATER WHICH INCLUDED THE LABOR DEPARTMENT'S RECOMMENDATIONS AND THE INTELLIGENCE WE GATHERED IN BECKLEY. AS THIS BILL WAS MARKED UP, IT FURTHER CAPTURED VIEWS OF ACADEMICS, INDUSTRY AND LABOR.

IT:

- **AUTHORIZES MSHA TO ISSUE SUBPOENAS IN INVESTIGATIONS AND INSPECTIONS;**

- MANDATES THE TEMPORARY CLOSURE OF MINES WITH A PATTERN OF SIGNIFICANT VIOLATIONS UNTIL THEY IMPROVE THEIR SAFETY MANAGEMENT SYSTEMS;
- MAKES THE SANCTION UNDER **PATTERN OF VIOLATIONS** MORE REMEDIAL AND LESS PUNITIVE;
- REQUIRES CHRONIC VIOLATORS WHO ARE PLACED ON **PATTERN OF VIOLATIONS** TO SUSTAIN IMPROVED SAFETY PERFORMANCE FOR 1 YEAR, INSTEAD OF 90 DAYS UNDER CURRENT LAW;

- UPDATES UNDERGROUND COAL MINE SAFETY STANDARDS;
- MAKES IT A FIRST INSTANCE FELONY TO KNOWINGLY VIOLATE A SAFETY STANDARD WHICH EXPOSES A MINER TO SIGNIFICANT RISK OF INJURY OR DEATH;
- STRENGTHENS WHISTLEBLOWER PROTECTIONS; AND
- DETERS LITIGATION DESIGNED ONLY TO DELAY ENFORCEMENT.

MR. CHAIRMAN, THIS IS A DETAILED LIST, BUT IT IS ABSOLUTELY NECESSARY IF WE ARE GOING TO ADEQUATELY PROTECT MINERS. MINERS ARE NOT SIMPLY COGS IN A WHEEL TO MAKE THE ENERGY AND METALS OUR NATION NEEDS. THEY ARE MOTHERS AND FATHERS, COMMUNITY AND CHURCH LEADERS, LITTLE LEAGUE COACHES AND YOUTH MENTORS. IT IS OUR MORAL OBLIGATION TO MAKE SURE OUR LAWS PROTECT AND VALUE THEIR LIVES.

I HOPE THAT THIS YEAR WE CAN FIND COMMON
GROUND TO ADVANCE LEGISLATION THAT THE
DEPARTMENT OF LABOR HAS REQUESTED AND
OUR NATION'S MINERS DESERVE.