

Op-Ed Commentaries

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Real change in mine safety? Create independent investigator

By: Peter Goelz

With the latest tragedy at Massey Energy's Upper Big Branch Mine will come the inevitable rounds of investigations, speculations and calls for reform. Mine safety issues are again on the front pages coupled with the sadly repetitive calls from families of the dead miners for "answers."

The mining industry has never been noted for either its responsiveness to outside calls for reform or to the oversight efforts of government. With a history of political and financial clout, the mining industry, and particularly Massey, has seemed almost immune to the broader safety advances of the 21st century. No one denies that deep mining is a hard, dangerous business and the argument goes that if you are not almost born into it, you will never understand it completely.

When I was at the National Transportation Safety Board, the agency that investigates transportation accidents, we also heard that very same argument except the tragedies were airplane crashes, rail wrecks and pipeline explosions. These arguments held no water for transportation, and they hold no water for mining.

NTSB investigations are run through a "party" system that involves those with the greatest technical knowledge - the operators, the workers, the engineers - who are then invited to contribute to the development of a factual record of the event under the supervision of the NTSB.

Working in a relatively non-litigious environment immediately after the accident, the facts are established and agreed upon. Once the factual record is established, the NTSB really goes to work.

In transportation accident investigations, it is the NTSB staff and board alone - but in public - who analyze the facts, determine the probable cause and, most importantly, make the safety recommendations to the regulators that hopefully prevent the repeat of these tragedies.

In mining, it is the regulator, the Federal Mine Safety and Health Administration, who investigates the accidents, levies fines and promulgates the regulations. These are inherently contradictory responsibilities. The public, and more importantly the family members, sense it. There are inevitably state and federal legislative hearings and investigations, often with competing facts and explanations. The family members are often left with unanswered questions and the sinking reality that the clock is simply ticking again for the next tragedy.

What miners, operators and their family members deserve is an unbiased investigation, completed by an independent body that has only one goal: the prevention of accidents so that mining becomes as safe as possible as soon as possible.

The establishment of a mining equivalent of the NTSB makes sense, and it could be started quickly. The model has been in place for more than 30 years, and it works. Congress should consider emergency legislation moving forward with the establishment of an independent mine investigation board so that the safety of miners becomes a national priority.

The time for real change is now.

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