

## Perspectives

Wednesday, April 07, 2010

### **Create a mine-safety board: Miners deserve independent investigations of mine accidents**

By Peter Goelz

With the latest mining tragedy at the Massey Energy Co.'s Upper Big Branch Mine in West Virginia 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, much of the mining industry and particularly the Massey Energy Co. have 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.

But when I was at the National Transportation Safety Board, the agency that investigates transportation accidents, we heard that same argument -- except the tragedies were airplane crashes, rail wrecks and pipeline explosions. The argument held no water for transportation and it holds no water for mining.

NTSB investigations are independent of industry representatives and regulatory agencies -- such as the Federal Aviation Administration in the case of airlines. They are run through a "party" system. Those with the greatest technical knowledge -- the operators, the workers, the engineers, the regulators -- are invited to contribute to the development of a factual record of an incident under the supervision of the NTSB. Working in a relatively non-litigious environment immediately after an event, the facts are established and agreed upon. Once the factual record is established, the NTSB really goes to work.

In a transportation accident investigation, it is the NTSB staff and board alone, but in public, who analyze the facts, determine probable causes and, most importantly, make the safety recommendations to the regulators that, it is hoped, can prevent a repeat occurrence.

In mining, it is the regulator, the Federal Mine Safety and Health Administration, that investigates accidents, levies fines and promulgates regulations -- even though MSHA itself might be partly or even largely at fault in some cases.

These are inherently contradictory responsibilities, and the public and, more importantly, the family members of dead or missing miners can sense it. There are inevitably state and federal legislative hearings and investigations, often with competing facts and explanations. Family members often are left with unanswered questions, and everyone is left with a sinking feeling that the clock already is ticking for the next tragedy.

What mine operators, miners and miners' families deserve is an unbiased investigation by an independent body that has only one goal -- the explanation of an accident and the prevention of future accidents. Its sole aim should be to make mining as safe as possible as soon as possible.

The establishment of a mining equivalent of the National Transportation Safety Board makes sense and could be accomplished quickly. The model has been in place for more than 30 years.

Congress should consider emergency legislation to establish an independent mine investigation board so the safety of miners becomes a national priority. This is the time for real change.

***Peter Goelz** is senior vice president of O'Neill and Associates, a communications consultancy based in Washington, D.C., and a former managing director of the National Transportation Safety Board.*