



Mining industry needs an independent investigator

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By Peter Goelz

Scores of miners dead. Families stricken with grief. An investigation to follow.

We've seen this sad script before.

With the latest tragedy at the Massey Energy's Upper Big Branch Mine in Montcoal, W.Va., (at least two dozen miners killed after an underground explosion) will come the inevitable rounds of investigations, speculations and calls for reform. We'll see the front-page exposes on mine safety, with the sadly repetitive calls from families of the dead miners desperately seeking "answers."

The current disjointed process that can include both state and federal investigations and hearings gives little comfort to the families of the victims. They'll want to know what happened and be assured that it will not happen again. What the mining industry lacks, and the families deserve, is an independent voice whose sole agenda is safety.

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, this industry — and particularly Massey — have seemed almost immune to the broader safety advances of the 21st century. The record at the Upper Big Branch mine shows more than 1,300 safety violations since 2005, many of which the company is contesting.

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.

The NTSB model

I've heard this argument before, but in a different context. As the former managing director of the National Transportation Safety Board— the federal agency that independently investigates transportation accidents — all too often those involved tried to explain away airplane crashes, rail wrecks and pipeline explosions. These arguments held no water for transportation, and they hold no water for mining.

In transportation accident investigations, the NTSB staff and board worked with interested parties in a very public way to analyze the facts, determine the likely causes and most important — and this is critical — make safety recommendations to regulators. The hope is to prevent repeats of these tragedies. It is both the independence of the investigation and the public way it is discussed that gives the NTSB its great credibility and track record.

In mining, though, it is the regulator — the Federal Mine Safety and Health Administration— that investigates the accidents, levies the fines and promulgates the regulations. These are inherently contradictory responsibilities, and the family members and general public can sense it. The regulator cannot oversee and investigate its own actions and expect the public to accept its findings. Inevitably, state and federal legislative hearings and investigations will follow, often with competing facts and explanations. The family members are left with unanswered questions and the sinking reality that the clock is ticking again for the next tragedy.

Independence is key

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. A working model has been in place for more than 30 years. The mining industry very well might oppose its creation, but the families of miners lost in tragedies like this one deserve what little comfort an unbiased investigation would bring.

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.

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