

COMMITTEE ON EDUCATION & THE WORKFORCE DEMOCRATS

Congressman George Miller, Ranking Member

Wednesday, January 19, 2011

Press Office, 202-226-0853

Upper Big Branch Tragedy Preventable, Legislative Action Needed to Close Dangerous Loopholes, says Rep. Miller

WASHINGTON, D.C. – In light of information released today by the Mine Safety and Health Administration (MSHA), U.S. Rep. George Miller (D-Calif.) called on Congress to move on legislation immediately that would close loopholes in federal mine safety law that contributed to the inability of MSHA to prevent the Upper Big Branch mine tragedy. House Republicans [voted to block](http://democrats.edworkforce.house.gov/newsroom/2010/12/chairman-miller-statement-after-1.shtml) (<http://democrats.edworkforce.house.gov/newsroom/2010/12/chairman-miller-statement-after-1.shtml>) the passage of mine safety legislation on December 8

“The preliminary results of the Upper Big Branch investigation underscore the need to provide MSHA with additional tools to keep a mine operator from using loopholes to avoid sanctions necessary to prevent horrific tragedies such as this one. Unfortunately, this game that some mine operators play ultimately cost the lives of 29 miners,” said Miller, the senior Democrat on the House Education and Workforce Committee. “Republicans should join us and move without delay to close these loopholes and prevent another Upper Big Branch from happening again.”

Investigators found a widespread failure to comply with mandatory rock dusting standards necessary to prevent coal dust explosions and dysfunctional safety equipment necessary to reduce methane and coal dust ignitions at the longwall mining machine. MSHA’s preliminary findings indicate that this mine was managed in a reckless manner and in utter disregard of mandatory safety standards.

In the year prior to the April 2010 explosion, Massey Energy’s Upper Big Branch mine was cited 515 times and ordered to shut down operations on 52 separate occasions – an average of once per week. However, because of shortcomings in the law, mine operators have an incentive to appeal citations in order to avoid tougher scrutiny, such as the ‘pattern of violations’ sanction.

Legislation proposed last year by Rep. Miller, the [Robert C. Byrd Mine Safety Protection Act](http://democrats.edworkforce.house.gov/blog/2010/12/house-expected-to-vote-on-mine.shtml) (<http://democrats.edworkforce.house.gov/blog/2010/12/house-expected-to-vote-on-mine.shtml>), would give the Mine Safety and Health Administration powerful new tools to keep miners safe and hold mine operators accountable for putting their workers in danger.

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