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Contact: Justin Feldman (202) 454-5151
Dorry Samuels (202) 588-7742

Mine Workers Need Strong Whistleblower Protections

Falsified Records, Worker Intimidation Revealed by Federal Investigation of Mine Explosion

WASHINGTON, D.C. – Massey Energy’s intimidation of workers and falsification of safety records highlights the need for Congress to enact strong whistleblower protections and give the government more ability to keep mine workers safe, Public Citizen said today.

Officials from the Mine Safety and Health Administration (MSHA) announced the preliminary findings of their investigation into the cause of last year’s tragedy at the Upper Big Branch mine in which 29 workers were killed. The briefing revealed that Massey Energy systematically intimidated workers, preventing them from reporting safety concerns and pressuring them to falsify inspection records. It also revealed the company kept one set of safety records for itself, while submitting misleadingly positive records to federal regulators.

Workers at the mine were well aware that their workplace was dangerous, but they were afraid to alert authorities.

“It now seems likely that this tragedy could have been averted with stronger whistleblower protections,” said Justin Feldman, worker health and safety advocate with Public Citizen’s Congress Watch division. “Under the current, inadequate whistleblower rules, workers in dangerous mines are forced to make a choice: your paycheck or your life.”

Despite the fact that a year has passed since the tragedy, Congress has failed to pass legislation to improve safety standards or strengthen whistleblower protections for mine workers. Instead, lawmakers are considering proposals that would undermine the regulatory process itself, hampering the ability of agencies like MSHA to set safety rules.

“The news that Massey had resorted to falsifying safety records to deceive mine inspectors is particularly alarming,” noted Amit Narang, regulatory policy advocate with Public Citizen’s Congress Watch division. “Massey’s disregard for mine safety regulations and enforcement seems to be the direct cause of this entirely preventable disaster. We need tougher regulations and tougher enforcement to deal with the Masseys of the world, but, sadly, Congress is going in the opposite direction.”

We hope that the current criminal investigation into Massey officials' actions in this case will be expedited and, if the findings merit, a criminal prosecution will be launched to deter the company and others from engaging in deadly, workers-be-damned behavior.

“Amidst an epic wave of corporate crime and abuse, Massey’s actions stand out as particularly reckless and heartless,” said Robert Weissman, president of Public Citizen. “The public cannot tolerate such dangerous corporate behavior. Assuming the early findings about Massey’s actions are confirmed, the company and its executives should be subjected to the harshest possible sanction, up to and including criminal prosecution and withdrawal of the company’s charter.”

Public Citizen calls on Congress to pass legislation containing meaningful whistleblower protections for miners and strengthening MSHA’s ability to enforce the law.

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Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, please visit www.citizen.org.