

Editorial

Destined to fail

Exactly a year ago – on August 6, 2007 – the Crandall Canyon mine in Utah caved in, trapping six coal miners. Here in eastern Kentucky we're a long way from Utah, but any mine disaster feels close to home. And we know that the odds of carrying out a successful rescue are never good. So we watched the media coverage intently – growing increasingly irate at the mine's my-way-or-the-highway owner, Robert Murray, and increasingly fearful for the courageous rescuers who wouldn't have had to put their lives on the line in a lethal environment if Murray Energy had played by the rules.

The end, ten days later, was cruel: another violent outburst, killing three of the rescuers – including a federal mine inspector – and severely injuring six others. Nine men died because of one man's insistence on pulling more coal out of a mountain than the mountain could safely yield.

The federal Mine Safety and Health Administration (MSHA) does some things badly, but one thing it does well is investigate tragedies after the fact. MSHA has a long tradition of issuing reports that are models of thoroughness and objectivity. The report issued by the agency on July 24 is in that tradition. In painstaking detail, it pins the blame for the disaster on fatally flawed engineering and a company determined to pull more coal than even its deficient plan called for. Moreover, MSHA does not absolve itself of blame. Although Murray Energy failed to report three outbursts prior to August 6 that might have prompted diligent regulators to halt production, regulators of that kind were conspicuous by their absence. MSHA shouldn't have signed off on Murray's mining plan in the first place. Delinquency, not diligence, marked every step that led to a preventable tragedy.

MSHA'S official report is valuable – but it's a second report, written by independent investigators Joe Pavlovich and Ernie Teaster, that should be required reading for policymakers if there's to be any hope of putting MSHA back on track when the Bush years finally grind to an end.

Two weeks after the disaster, with the Labor Department taking flak for the way MSHA deferred to Murray during the rescue attempt, Secretary Elaine Chao (who hadn't troubled to go to Utah) acceded to demands for an independent review of MSHA's actions before and after August 6. The investigators chosen were both veteran MSHA district managers, since retired: Pavlovich, a Kentuckian, investigated the Sago Mine disaster in 2006, and anyone who has had the privilege of working with him can testify that he's tops. But no one knew whether he and Teaster would really be free to conduct an unfettered investigation.

They did. And their wide-ranging review makes it clear that the years 2001-2008 have been bad ones for an agency which – like FEMA – has life-and-death responsibilities and should be assured of commensurate resources.

The report depicts an agency hobbled by lax management, especially but not exclusively at the district level; reduced staffing at a time when coal production has been climbing and inspection activities should have been keeping pace; and a misguided strategy to get around staffing problems by emphasizing “compliance assistance” and “special emphasis activities” instead of law enforcement.

Reading the report (available at www.msha.gov), you can't help connecting the dots between what happened in Washington, starting in 2001, and the tragedy in Utah six years later. Bush's budgeteers had no more qualms about underfunding MSHA than about gutting FEMA. The results were similar. MSHA lost veteran inspectors to attrition and didn't replace them. As staffing levels dropped, so did morale. District managers got the message: Make do with less and don't make waves. For inspectors, the resulting emphasis on

“compliance assistance” meant spending more time struggling with paperwork, much of it meaningless, and less time making thorough inspections. Inspectors, underpaid and in many cases inexperienced, were never actually told to quit enforcing the law – they just got little help and much hindrance.

MSHA, in its report on Crandall Canyon, states that the mine was “destined to fail.” That same chilling phrase describes MSHA today.

It’s time for a reality check. Regardless of public concerns about the links between coal and global warming, we’re going to keep mining the stuff. Renegade operators like Murray Energy are going to cut corners when they can, miners are going to be at risk, and the need for tough law enforcement is not going away. Come next January, we hope the new occupant of the White House will have the sense to ask Pavlovich and Teaster for a wish-list for MSHA. Whatever they recommend, make it happen – and fast.