

**NATIONAL CONSUMERS LEAGUE**www.nclnet.org

July 19, 2010

Chairman George Miller
Ranking Member John Kline
Education and Labor Committee
US House of Representatives
Washington DC

Dear Chairman Miller and Ranking Member Kline:

We write to offer the support of the National Consumers League (NCL) for H.R. 5663, the Miner Safety and Health Act 2010, which will improve conditions for mine workers and enhance the enforcement powers of the Occupational Safety and Health Administration to monitor safety and working conditions for miners and other workers. NCL is a 110 year-old organization dedicated to promoting and protecting the rights of workers and consumers.

The recent mine tragedy in Massey Energy's Upper Big Branch (UBB) Mine in West Virginia, which tragically killed 29 miners and injured others, highlights the need for stronger federal laws and increased oversight of mines. The UBB explosion was the worst coal mining disaster in 40 years and an event the nation won't soon forget.

Under current law, the Mine Safety and Health Administration (MSHA) was unable to hold Massey and its operators accountable for the incident due to ineffective tools and weak provisions in existing mine safety laws, which have not been updated in 40 years.

Mine worker safety laws have played a critical role in saving thousands of lives over the past several decades. Nevertheless, the law needs to be strengthened to overcome current shortcomings which have resulted in some companies exploiting loopholes to get around enforcement and fines.

While some companies violate the law, most mine operators work diligently to protect the safety of workers. Also, the presence of a union at a mine is a guarantee that better safety protections will prevail. In fact, of the 40 coal fatalities in 2010, not one occurred at a union operation, while 31 occurred at the nonunionized Massey mines. This bill will support mine operators who protect their workers and penalize

those who fail to do so. Mine operators who abide by the laws and regulations should not have to compete with operators who flout these laws.

The status quo for monitoring mine safety is simply not enough to compel some operators to obey the law. In an effort to improve conditions at Massey, MSHA has issued citations, closure orders, stop orders, and fines over the past several years, using essentially every tool available to the agency, but was still unable to coerce lasting compliance from an operator deliberately flouting the law.

Under existing law, fines are too low to deter the bad actors and OSHA is stretched too thin to regularly inspect most mines. According to OSHA, the agency is stretched so thin that inspectors, on average, would only be able to fully investigate a mine once every 137 years! And operators will go to extraordinary lengths to avoid reporting injuries and will continue to pay workers for performing easy duties rather than filing appropriate forms.

HR 5663 would include provisions to address these concerns. It will increase OSHA's ability to protect workers and investigate the mines. It will require corporations to comply with the law by giving MSHA the ability to temporarily close a mine if fines are not paid within 180 days, and will impose criminal penalties – including jail time and high fines – for corporations flouting the law. It will hold top-level officials accountable for reckless practices.

The proposed legislation also addresses investigations. Any notification of inspector arrival is illegal under current law, but operators continue to violate this requirement. The new legislation will increase criminal penalties for those involved in notification processes – which allow operators to make last minute changes in mine practices – to avoid citations. It will require this law to be posted at all mines so workers are aware that giving any type of advanced notice about an MSHA inspection is illegal. Additionally, to ensure all types of investigations are thorough, the HR 5663 requires the National Institute for Occupational Safety and Health (NIOSH), an independent team of investigators, to conduct its own investigation parallel to MSHA's in all accidents involving three or more deaths.

The Miner Safety and Health Act will provide badly needed protections for miners in the United States. The National Consumers League fully supports these long overdue reforms, and stands alongside the men and women who work in the mines each day. They shouldn't have to risk their lives to keep their jobs.

Sincerely,



Sally Greenberg
Executive Director