

STATEMENT OF STANLEY STEWART

HEARING ON H.R. 5663 MINER SAFETY AND HEALTH ACT OF 2010

COMMITTEE ON EDUCATION & LABOR, U.S. HOUSE OF REPRESENTATIVES

JULY 13, 2010

MY NAME IS STANLEY STEWART. MOST PEOPLE KNOW ME AS "GOOSE". I'VE BEEN A COAL MINER FOR 34 YEARS THE LAST 15 YEARS WITH PERFORMANCE COAL AT THE UPPER BIG BRANCH (UBB) MINE IN MONTCOAL, WEST VIRGINIA, AND AM A MASSEY EMPLOYEE.

I WAS UNDERGROUND APRIL 5TH WHEN UBB EXPLODED. LUCKILY FOR ME AND MY CREW, WE WERE ABLE TO ESCAPE. I'M HERE TO SPEAK FOR MY 29 BROTHERS WHO DID NOT MAKE IT OUT. THIS TRAGEDY SHOULD NEVER HAVE HAPPENED IN AMERICA TODAY. THE APRIL 5TH EXPLOSION WAS A 1920s STYLE EXPLOSION AND WE SHOULD BE BEYOND THAT. THE ONLY REASON 400 MEN WEREN'T KILLED, IS THE MECHINAZATION USED IN COAL MINING TODAY.

SOMETHING NEEDS TO BE DONE TO STOP OUTLAW COAL COMPANIES WHO BLATENTLY DISREGARD THE LAWS. MANY THINGS WERE WRONG AT UPPER BIG BRANCH SUCH AS LOW AIR CONSTANTLY.

MANAGEMENT REGULARY VIOLATED THE LAW CONCERNING ADVANCE WARNING ON INSPECTOR ARRIVALS. A SECTION BOSS UNDERGROUND WOULD BE CALLED FROM OUTSIDE AND BE TOLD, "IT'S CLOUDY OUTSIDE" OR "THERE'S A MAN ON THE PROPERTY" MEANING THERE IS AN INSPECTOR OUTSIDE, GET THINGS RIGHT TO PASS INSPECTION.

- IN 2009, WE WERE MADE BY CHRIS BLANCHARD, THE PRESIDENT OF PERFORMANCE COAL, TO CUT COAL GOING INTO OUR AIR SUPPLY. WE MINED

THIS WAY FOR 2,000 FEET AND SEVERAL MONTHS LATER WE WERE ALLOWED TO MINE THE LEGAL WAY.

- ON JANUARY 4, 1997, AN ILLEGAL AIR CHANGE WAS MADE DURING OUR SHIFT. AN OVERCAST WAS KNOCKED OUT AND AS A RESULT THERE WAS AN EXPLOSION. IT WASN'T AS BIG AS APRIL 5TH, BUT I THOUGHT I WAS A DEAD MAN AND I KNOW IT WAS COVERED UP.
- ON JULY 26, 2009 OUR CREW ON THE SECOND SHIFT WAS TOLD BY UPPER MANAGEMENT TO CHANGE FROM SWEEP TO SPLIT AIR IN HEADGATE 21, WHERE THE LONG WALL IS NOW. WE KNOCKED STOPPINGS WHILE CREWS WERE STILL WORKING, WHICH CAN SHORT CIRCUIT THEIR AIR SUPPLY. THIS VIOLATED MSHA REQUIREMENTS TO EVACUATE MINERS WHEN CHANGING THE VENTILATION SYSTEM, BUT UPPER MANAGEMENT MADE IT CLEAR WE HAD TO DO THIS JOB. IM NOT SURE IF MSHA WAS AWARE OF THE WHOLE SITUATION. BUT IT SCARED ME AND WHEN I GOT HOME I WROTE IT DOWN.
- ON HEADGATE 22 THE TRACKS WERE NEVER LAID WITHIN ½ MILE FROM THE MANTRIP TO OUR SECTION. WE HAD A BUGGY FOR EMERGENCY TRANSPORT THAT WE USED TO TRAVEL FROM THE MANTRIP TO OUR SECTION BUT IT GOT A FLAT TIRE. IT WAS NOT FIXED UNTIL THE INSPECTORS WROTE THEM UP FOR IT. AFTER THAT WE WEREN'T ALLOWED TO RIDE IT FROM THE MANTRIP TO THE SECTION SO IT WOULDN'T BREAKDOWN AGAIN.
- AROUND 2003 OR 2004 THERE WAS A BLEEDER THAT SPEWED METHANE IN THE MINE. THE METHANE READINGS WERE 5% AT THE POWER CENTER SO IT WAS AT LEAST 20% FURTHER BACK IN THE MINE. WE WERE MADE TO SIT UNDERGROUND FOR NEARLY AN HOUR BEFORE MANAGEMENT LET US LEAVE THE MINE.
- A YOUNG MAN I PERSONALLY KNOW WAS WORKING AT A MASSEY MINE AS A FIREBOSS AND WAS TOLD BY UPPER MANAGEMENT TO FIX THE BOOKS TO PROPER AIR READINGS WHEN THE SECTION HAD VIRTUALLY NO AIR. HE WAS SO ANGRY HE QUIT MASSEY. I WOULD PROVIDE HIS NAME PRIVATELY.

- WHEN MOVING THE LONG WALL TO A NEW FACE WE WERE MADE TO LOAD COAL BEFORE ALL THE SHIELDS AND VENTILATION WERE IN PLACE SO SOMEONE COULD CALL MR BLAKENSHIP TO SAY WE WERE "IN THE COAL".
- IN THE MONTHS BEFORE THE EXPLOSION ON HEADGATE 22, MY SECTION FOREMAN GOT CONSISTENTLY LOW AIR READINGS AND COMPLAINED TO UPPER MANAGEMENT. HE WOULD BE BERATED AND TOLD TO GO BACK TO WORK OR HE WOULD LOSE HIS JOB, AND THE AIR WAS NEVER FIXED. HE WAS AFRAID SOMETHING WOULD HAPPEN SO HE QUIT.
- THE LONG WALL WORRIED ME BECAUSE OF THE CONSTANT VENTILATION PROBLEMS AND WITH SO MUCH METHANE BEING LIBERATED AND NO AIR MOVING I FELT THAT AREA WAS A TICKING TIME BOMB.
- THERE WERE AT LEAST 2 FIREBALLS ON THE DRUM OF THE SHEARER ON THE LONG WALL ACCORDING TO SEPARATE REPORTS OF MINERS WORKING THOSE SHIFTS. THAT MEANT METHANE WAS BUILDING IN THAT AREA PROVING VENTILATION PROBLEMS. THE QUESTIONS I HAVE ARE HOW COULD METHANE BUILD TO THAT POINT WHERE A FIREBALL COULD START? HOW COULD THIS HAPPEN IF THE METHANE DETECTORS HAD BEEN WORKING?
- I'VE WORKED THE LONG WALL IN DUST SO THICK I COULDN'T SEE MY HAND IN FRONT OF MY FACE AND I COULDN'T BREATHE BECAUSE OF IMPROPER VENTILATION. I ONCE WENT TO THE ASSISTANT COORDINATOR AND ASKED WHY WE DIDN'T HAVE PROPER AIR ON THE LONG WALL FACE. I WAS TOLD "IT'S FUNNY YOU'RE THE ONLY ONE TO SAY ANYTHING ABOUT IT." MY RESPONSE WAS "THAT'S BECAUSE THEY ARE TOO AFRAID OF TO LOSE THEIR JOBS TO SAY ANYTHING."
- I'VE WORKED ON THE CONTINUOUS MINER SECTION AS A MINER OPERATOR AND MORE OFTEN THAN NOT THE DUST WOULD BE SO THICK I'D SHUT OFF THE MACHINE TO LET THE AIR CLEAR TO SEE IF THE JOB WAS BEING DONE PROPERLY.

IN MY YEARS OF WORKING FOR MASSEY I FEEL THEY HAVE TAKEN COAL MINING BACK TO THE EARLY 1900s USING 3 PRINCIPLES; FEAR, INTIMIDATION AND PROPAGANDA. I

KNOW PERSONALLY THAT MASSEY SENDS A SAFETY DIRECTOR TO THE HOSPITAL TO PRESSURE MINERS HURT ON THE JOB TO RETURN AND SIT IN THE OFFICE SO THEIR ACCIDENT DOESN'T GET LISTED AS A "LOST TIME ACCIDENT".

I NOTICE THAT ONE CRITERIA FOR THE NEW PATTERN OF VIOLATION IN HR 5663 IS A MINE'S ACCIDENT AND INJURY RATES. THIS BILL NEEDS TO DO SOMETHING TO REQUIRE TRUTHFUL REPORTING BECAUSE WITH A FABRICATED SAFETY RECORD, MSHA WILL FAIL TO TARGET THE RIGHT MINES FOR A PATTERN OF VIOLATION.

IN MY FIRST FEW YEARS AT MASSEY I SAW MORE MEN MAIMED AND KILLED THAN IN MY 20 YEARS IN THE UNION. THIS IS WHY THE UMWA WAS FORMED IN 1890; TO PROTECT AND GIVE MINERS RIGHTS. A COAL MINE IS THE WORST PLACE IN THE WORLD TO WORK WITH NO RIGHTS AND AT MASSEY YOU HAVE VERY LITTLE RIGHTS. YOU KNEW IF YOU STOOD UP TO THEM YOU'D BE OUT OF A JOB.

I WONDER WHAT WILL HAPPEN TO ME FOR SPEAKING OUT NOW.

NEW LEGISLATION NEEDS TO BE PASSED TO GIVE ALL MINERS SOME KIND OF RIGHTS. IF THIS BILL IS PASSED, HOPEFULLY ENOUGH MINERS WILL FEEL THEY CAN STAND UP TO THE MASSEY EMPIRE OR ANY OTHER ROGUE COMPANY AND PROTECT THEMSELVES WITHOUT RETALIATION. THERE'S NOTHING WRONG WITH MINING COAL THE RIGHT WAY. I DID IT FOR 20 YEARS FOR PEABODY COAL, A UMWA MINE, SO I KNOW IT CAN BE DONE.

- THE CURRENT SYSTEM OF PATTERN OF VIOLATIONS (POV) MUST BE FIXED SO THE OUTLAW COMPANIES MUST BE MADE TO UNDERSTAND THEY CAN'T CONTINUE TO PUT MINER'S LIVES AT RISK TO TURN A PROFIT. ONE BIG THING THIS BILL FIXES IS KEEPING UNSAFE MINES FROM CONTESTING VIOLATIONS AS A WAY TO AVOID BEING PUT ON THE POV.
- IT PUTS TEETH IN THE LAW BY MAKING IT A FELONY AND NOT A MISDEMEANOR WHERE THERE IS ADVANCE NOTICE OF AN INSPECTION. IT MAKES RETALIATING AGAINST MINERS WHO REPORT VIOLATIONS TO MSHA OR REFUSE TO WORK IN

UNSAFE CONDITIONS SUBJECT TO A FINE AND IT SENDS A STRONG MESSAGE BY MAKING RETALIATION SUBJECT TO CRIMINAL PENALTY.

- BIG OUTFITS LIKE MASSEY WILL ALWAYS FIND A WAY TO FIRE YOU REGARDLESS OF THE LAWS. THAT IS WHY IT IS IMPORTANT TO HAVE RIGHTS TO CHALLENGE ANY UNFAIR FIRING IN AN UNDERGROUND COAL MINE. WITH A UNION YOU HAVE THAT RIGHT. WITHOUT A UNION, THIS BILL GIVES MINERS PROTECTION TO FIGHT FIRINGS THAT ARE NOT BASED ON "GOOD CAUSE".
- IF A MINER REPORTS VIOLATIONS AND MSHA SHUTS DOWN A MINE UNTIL ITS SAFE, MINERS GET FULL PAY. TODAY THEY ONLY GET 4 HOURS PAY AND THE COMPANY DOESN'T ALWAYS PAY THAT. IN MY CASE I'VE NOT BEEN PAID AT ALL WHEN THE MINE WAS SHUT DOWN OR WE WERE SENT HOME EARLY FOR UNSAFE CONDITIONS.

THIS BILL MUST PASS TO KEEP COAL COMPANIES HONEST OR TO MAKE THEM PAY THE PRICE FOR THEIR UNSCRUPULOUS BEHAVIOR. PARTISANSHIP NEEDS TO BE SET ASIDE ON THIS LEGISLATION BECAUSE HUMAN LIVES ARE AT STAKE.

29 FAMILIES ARE SUFFERING RIGHT NOW FROM THIS NEEDLESS EXPLOSION, THE COMMUNITIES ARE SUFFERING FROM THEIR DEATHS AND I MYSELF AM SUFFERING.

IN CLOSING, I SIMPLY ASK ALL OF YOU TO REMEMBER WHAT THE CONSTITUTION SAYS, "OF THE PEOPLE, BY THE PEOPLE AND FOR THE PEOPLE." PEOPLE'S LIVES ARE AT STAKE. IT'S VERY SERIOUS DOWN IN THOSE MINES AND THOSE PEOPLE NEED PROTECTION. ALL I ASK IS THAT YOU DO THE RIGHT THING AND HELP THEM.

THANK YOU.