

News
From _____

CONGRESSMAN

Nick Rahall

WEST VIRGINIA-4th DISTRICT

FOR IMMEDIATE RELEASE
March 3, 1977

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Washington D.C. --- U.S. Representative Nick J. Rahall (D-4th), today introduced legislation which if enacted will extend to our nation's federal mine safety inspectors the same legal protections now already granted to a great variety of federal employees in other Departments carrying out similar security or safety functions.

The United Mine Workers of America have expressed their support of Rahall's measure in letter to the Congressman yesterday. (attached)

"There are some 1,400 Coal Mine Safety Inspectors employed by MESA (Mine Enforcement Safety Administration)," Rahall stated. "They work to minimize the thousands of occupational hazards which were once thought to be part of a miner's job. According to the 1969 Federal Coal Mine Health and Safety Act, every operating coal mine in the U.S. must be inspected several times annually."

Congressman Rahall went on to say, "Naturally, as the inspector makes his rounds in any one of the 4,500 subsurface or surface coal mines, he exposes himself to all of the hazards--only with more frequency and to a greater degree than even the miner."

"However, inspectors face another hazard which miners don't," Rahall observed. "Many mine operators and owners are never overly happy to comply with Federal safety codes and are often openly hostile and violent when an inspector orders a mine operation shut down for safety violations."

Rahall pointed out, "This show of hostility ranges from verbal abuse to physical violence." (Examples are attached) "Until legislation is passed providing for criminal sanctions and penalties for such assaults and harassment, it would appear that inspectors must rely on the Department of Interior requesting the assistance of the Justice Department in seeking injunctive relief against the guilty parties," Rahall said.

Congressman Rahall concluded, "Regardless of who the perpetrators of these violent acts are, the Congress and the Executive Branch must give these federal inspectors our strongest support by protecting them under our federal criminal statutes."

United Mine Workers of America

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UNITED MINE WORKERS' BUILDING

Washington, D.C.
20005

March 2, 1977

The Honorable Nick Joe Rahall
511 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rahall:

The United Mine Workers of America, representing 140,000 active working miners, is pleased to lend our support for your legislation making it a federal crime to assault or threaten federal mine safety inspectors.

The importance of mine safety to our union and its membership is a matter of historic records. Under present law, the Federal Coal Mine Health and Safety Act of 1969 provides for the safety protection of coal miners by providing for mandated inspections of the mines a minimum of four times a year and more frequently if required. It is ironic that federal mine inspectors while in the performance of their duties under the law should be subjected to documented cases of assault, threats, and the firing of weapons.

The 1969 Act does not provide protection to the federal mine inspector and your legislation would offer that measure of protection. Interference with the inspection of a mine seeking to insure safe conditions of mining only serves to unnecessarily endanger the lives of coal miners and to circumvent the intent of the law.

The UMW considers it most unfortunate that similar legislation died with the close of the 94th Congress because this legislation is a vital counterpart to our mine safety efforts.

Sincerely yours,

Sydnee M. Schwartz
Sydnee M. Schwartz
Assistant Director
Legislative Department

Some brief examples of actual cases of harassment and violence which occurred recently are as follows;

1) A MESA Inspector during a mine inspection cited the mine for unsafe conditions. While still in the mine, he was kicked in the mid-section and smashed across the head with a hydraulic hose by the mine's co-owner. The co-owner then started a coaling machine, looked back over his shoulder at the dazed inspector saying: "I'll kill a bunch of you damn fellows yet!" The inspector then picked up his dust bag and cap and staggered down the belt line and outside of the mine. The MESA inspector filed a criminal charge against the mine's co-owner, hiring his own attorney. The case was eventually heard on June 29, 1973 after several continuances. The co-owner was found guilty of assault and fined \$200 and court costs. It cost the inspector 14 hours of annual leave, 8 hours of sick leave, five round trips to the city where the trial took place, \$75.00 in lawyers fees and \$5.80 for medication.

2) One MESA inspector after discovering that an inactive mine had been reopened without proper notification to the authorities inspected the illegally-operating mine and found serious hazardous conditions. As he started to leave the mine he was pinned down by sniper fire. He hid inside the mine until evening came bringing darkness and escaped. He ordered the mine closed. He never did know who his assailant was.

3) After completing an inspection, an inspector was returning to his office driving through treacherous mountain terrain. Suddenly, he experienced a suspicious blow-out. Upon inspection, garage personnel found a slit in the inside wall of the tire near the rim, obviously made by a knife.