

FOR IMMEDIATE RELEASE
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**KENNEDY, HELP COMMITTEE RELEASE NEW REPORT ON CRANDALL
CANYON MINE DISASTER**

WASHINGTON, DC—Today, Senator Edward M. Kennedy, Chairman of the United States Senate Health, Education, Labor and Pensions (HELP) Committee, released an investigative report entitled “Report on the August 6, 2007 Disaster At Crandall Canyon Mine.” The report discusses the findings of Chairman Kennedy's investigation into the events leading up to the mine collapse.

Chairman Kennedy said, “The Committee’s investigation has revealed that the owner of Crandall Canyon mine, Murray Energy, disregarded dangerous conditions at the mine, failed to tell federal regulators about these dangers, conducted unauthorized mining and - as a result -- exposed its miners to serious risks. MSHA also unconscionably failed to protect miners by hastily rubber-stamping the plan. This is a clear case of callous disregard for the law and for safety standards, and hardworking miners lost their lives. This deserves a full criminal investigation by the Department of Justice. The report’s findings greatly underscore the urgent need for mine safety reform. I am committed to working on a bill that would prevent other such disasters from happening.”

The full text of the report and exhibits are available at www.kennedy.senate.gov.

Key findings are included below.

- Murray Energy and its technical consultant, Agapito Associates, failed to make sufficiently conservative engineering assumptions and ignored the history of the mine’s instability. Had they been cautious and conservative, the company may have scaled down the plan, or perhaps done away with it entirely. Instead, they rapidly pushed it ahead.
- MSHA missed significant flaws in Agapito’s analysis, dismissed critical findings by MSHA’s own engineer, and did not submit the plans – which proposed one of the most hazardous mining operations ever attempted – for review by MSHA’s expert technical staff. Had they been exacting and cautious in their review, MSHA may have significantly modified or refused to approve the plans. Instead, MSHA approved the plans with minor changes.
- Murray Energy ignored substantial evidence of instability during mining operations, continuing to extract coal despite mounting evidence of danger in the North Barrier. The company could have taken the time to notify MSHA of these conditions, stop mining, and reassess the risks. Instead, they continued mining until stopped by a powerful, nearly tragic, bounce.

- MSHA also ignored red flags during mining that should have prompted an exacting and cautious review of mining operations – the most obvious being the March bounce that closed the North barrier. Had they thoroughly investigated the March bounce, closely monitored conditions thereafter, and rigorously reviewed the company’s revised plan for the South barrier, MSHA may have required greater safety precautions or prohibited mining in the South entirely. Instead, MSHA allowed the company to continue.
- Murray Energy encountered – and ignored – instability in the South Barrier Where the Accident Occurred. Again, they did not take the time to report to MSHA and reassess, but continued mining, retreating under deeper cover.
- Murray Energy may have been conducting unauthorized mining right before the mine collapse. The evidence uncovered by the investigation reflects that Murray Energy was illegally mining the remnant barrier pillar just before the August accident.
- MSHA entered into an illegal agreement with Murray Energy. The evidence strongly suggests that MSHA entered into an informal agreement with a Murray Energy official agreeing that MSHA would relax the reporting requirements for seismic events occurring at Murray Energy mines.

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