

## **Donald L. Blankenship**

**P.O. Box 1756, Williamson, WV 25678**

**May 15, 2017**

Dear Mr. President,

Thank you for being a great supporter of coal miner jobs. No doubt you want to be even more supportive of coal miner safety. As a person who grew up in West Virginia and who oversaw the mining of more coal in Central Appalachia than any individual in history, I have a very special affection for coal miners and, therefore, a great interest in coal miner safety. I shared most of my life with coal miners and I owe them a great debt.

You and I also share something. We share relentless and false attacks on our reputation by the liberal media. The attacks on me have been relentless since 1985 when the miners at a group of mines I supervised chose to decertify their union membership. I am hopeful that in considering this request to improve coal miner safety, you will put aside the media's false claims about me and help me expose the truth of what happened at the Upper Big Branch (UBB) coal mine in West Virginia on April 5, 2010.

President Obama proclaimed the UBB tragedy to be "first and foremost a failure of management." The odd part is that he made this proclamation before any real investigation of the tragedy had even begun. Preceding President Obama's statement was an even more curious comment by the then highest ranking United States coal mine regulator (Kevin Stricklin). Stricklin, in an email to all UBB area Mine Safety and Health Administration employees, said "I want all of you to know that the operator blew this mine up - MSHA didn't." Again, prior to any actual accident investigation activity taking place.

The UMWA's, MSHA's, and the State of West Virginia's investigations, as well as an investigation by an individual named Davitt McAteer, all confirmed President Obama and Mr. Stricklin's clairvoyance. Davitt McAteer had been chosen to do his investigation by then West Virginia Governor Joe Manchin, now Senator Manchin. The problem with these investigations' conclusions is that they are not confirmed by forensics, chemistry, nor by an explosion expert's scientific research. In fact, the United States government's two lead witnesses testified under

oath in federal court that MSHA forced the miners to cut their airflow in half just days before the explosion. A fact which all these investigation reports ignored even though airflow is the greatest defense against mine explosions.

The purpose of this letter is a simple one. The truth needs to be told about what happened at UBB. If the truth is not told, coal miners remain at risk of another tragedy like happened at UBB. What happened at UBB is simple. MSHA cut the miners airflow in half, natural gas inundated the mine just days later, and sparks from cutting sandstone rock ignited the natural gas. The explosion was not as MSHA claims, a coal dust explosion.

If you are going to continue to roll back punitive coal mine and coal use regulations; create fair competitive trade that will require more domestically produced energy; and insist that steel needed for infrastructure projects be American steel, you must get to the truth of UBB. That truth must then be used to improve America's mine safety laws and to divide the Mine Safety and Health Administration into two separate agencies. One agency must only be a regulatory agency. The other a mine accident investigation agency. This change will make America's mine regulation process consistent with how the FAA and the NTSB separately regulate America's airline industry and investigate its accidents.

Unfortunately, you will meet resistance to introducing new mine safety regulations and to dividing MSHA into two agencies, despite the clear fact that it will improve miner safety. Resistance to safety improving regulations may even come from some of your supporters in the coal industry. Coal industry executives may be afraid of what any proposed legislation will look like when it finally comes out of Congress. A Congress that too often wants to punish coal companies, coal operators and coal supervisors versus helping them to improve coal mine safety. Consequently, coal executives are rightfully unnerved when legislation begins to move through the congressional process.

A prime example of bad legislation that should not be considered is Senator Manchin's suggestion of increasing the criminal liability for coal mine supervisors. Coal supervisors are not criminals, and the laws they work under today are already frightening enough for them. More onerous criminal laws will not improve mine safety. Conversely, mine safety will be greatly improved if legislation emphasizing technology and the division of MSHA is passed.

In summary, the truth being told about UBB will make clear the need for a separation of MSHA's two core duties. The truth will also enable the right legislation to be introduced and passed through Congress. That legislation will allow America's coal miners to mine coal at less risk to themselves. Coal that America needs to be great again.



Don Blankenship

CC: Joe Manchin, United States Senator  
Reince Priebus, White House Chief of Staff  
Cecil Roberts, President of the United Mine Workers of America  
Wilbur Ross, Secretary of Commerce  
R. Alexander Acosta, Secretary of Labor  
Davitt McAteer