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"His Eyes Are on the Spadaro: Coalfields Need Jack Back at MSHA or OSM"

By Jeff Biggers

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Jack Spadaro is a singular figure in the mining world. With nearly 40 years of experience as a mine safety engineer and expert, Spadaro is one of those very rare government regulators who is revered alike by miners and coalfield citizens for his meticulous commitment to safety, health and environmental standards in the coalfields.

On the heels of last December's TVA coal ash pond disaster, and the EPA's recent decision to review mountaintop removal policies more closely, which has set off a flurry of miscommunication in the mining industry, Spadaro's legendary expertise and clarity could not be more needed in the transitioning corridors in Washington, DC.

Whether it is a high level appointment at MSHA or the Office of Surface Mining, the Obama administration could use someone with Spadaro's integrity to rebuild the public trust in our regulatory agencies; that mining companies and the agencies responsible for enforcing mine health and safety and environmental laws must carry out their proscribed duties and be held accountable when they fail to do so.

"Jack Spadaro always put the safety of the communities first," says Teri Blanton, with the Kentuckians for the Commonwealth. "He is one of my heroes. He carefully documented a disturbing history of violations leading up to, and following, the Martin County Coal sludge disaster. When the Bush administration pressured him to ignore the violations and sign a watered down report, he refused to back down, and it eventually cost him his job. I can't imagine a greater sacrifice to make in the name of public service."

During the draconian era of the Bush administration, Spadaro's incorruptibility forced him out of his job at MSHA, where he served as the Superintendent at the National Mine Health and Safety Academy, and investigated the Martin County, Kentucky coal slurry breakage in the fall of 2000 under the Assistant Secretary of Labor. One of the worst environmental catastrophes in the US until the recent TVA coal ash pond disaster, the Martin County spill at the Massey Energy site dumped over 300 million tons of toxic sludge into 100 miles of streams, contaminating the water supplies for 27,000 people, and wiping out 1.6. million fish. When Spadaro blew the whistle on the subsequent downplayed investigation reports and watered-down enforcement actions by the incoming Bush administration appointees, he found himself locked out of his office. In the end, Massey was cited for two minor violations and fined \$110,000.

As independent journalist Beth Wellington reported, House Committee on Education and the Workforce members, including Representatives George Miller, D-CA, Robert Andrews, D-NJ and Major Owens, D-NY, wrote to Secretary of Labor Elaine Chao about the machinations behind the 2002 attack on Spadaro's crusade for safety and enforcement:

"Obviously Mr. Spadaro's status as a whistleblower--questioning the conduct of the Martin County Coal investigation and the Department's use of no-bid contracts with friends and associates of Department officials--raises a very serious concern about the nature of the current disciplinary investigation against him."

Ken Ward at the Charleston Gazette, whose investigative pieces on the Martin County story brought the disaster to national attention, has chronicled Spadaro's work closely for well over a decade. Ward did an extensive interview with Spadaro as part of a 25th anniversary look back at the Buffalo Creek disaster:

<http://www.wvgazette.com/static/series/buffalocreek/SPADARO.html>

Since 2004, Spadaro has served as an independent mine safety & health and environmental expert. In accepting the Jenco Foundation Award for his long-time commitment to the Appalachian region in 2004, Spadaro looked back at his career beginnings:

"My own job began in November 1968 at the Farmington Mine near Fairmont, West Virginia, where 78 miners died in a methane gas explosion. I had worked the summer before the explosion in that mine as an engineer trainee, so the deaths of those men was a devastating experience for me. In response to that disaster, Congress enacted the Coal Mine Health and Safety Act of 1969, which became the foundation for mine worker health and safety for the next 35 years. I did dedicate my life at that time to doing anything that I could in my career to improve working conditions and living conditions for miners and their families in the Appalachian coalfields.

"Later, in 1972, I went to Buffalo Creek in Logan County, West Virginia where a coal waste dam had failed around breakfast time on February 26. The dam failure sent 132 million gallons of black sludge down the narrow valley, killing 125 men, women and children and destroying homes in 17 communities. Some communities were literally swept away, never to be rebuilt. I spent the spring and summer of 1972 interviewing survivors and writing an engineering report regarding the cause of the dam failure. I'll never forget the faces or the voices of those people and the suffering they endured."

In 2006, Spadaro received the Hugh Hefner First Amendment Award for his significant contributions to the protection and enhancement of constitutional rights. Here's a clip from that award:

As the Obama administration begins to make its high level appointments at MSHA and OSM, let's hope Jack Spadaro will be there to usher in a new era in the coalfields.

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