

Mine Bureau Turns Tough On Safety

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WASHINGTON, Sept. 4 — DESPITE THE APPARENT dissent by its director, the Federal Bureau of Mines has begun handing out tougher fines in cases of serious health and safety law violations in underground coal mines.

At the same time, bureau officials acknowledge that mine fatalities have not declined as expected under the tough federal law that went into effect in April 1969.

In speeches around the country, top bureau spokesmen are beginning to back away from claiming proudly that this is the best year on record for coal mine fatalities. Instead, they are qualifying for more progress in making the mines safer.

Recently, the bureau's director, Edward F. Osborn, confirmed that the assistant director for health and safety, Henry P. Wheeler Jr., would be replaced, although no successor had been chosen.

In short, things evidently are not going the way they should at the Bureau of Mines.

THIS CONCLUSION is supported by the figures of men killed in mining accidents. So far this year, 136 men have been killed, compared with 143 at this time last year.

The rate of deaths is .77 each 1,000,000 hours worked in underground and strip mines. This is some improvement over the 1.02 rate for all of last year but only slightly better than the .85 for 1969.

When the fatality rate hit a low of .53 of June, with 11 deaths, the bureau rushed out a press release with the good news. Then, in July, 17 men were killed. The monthly rate climbed to 1.01 for each 1,000,000 hours worked and the bureau was silent. Last month 20 men were killed at a rate of .88. More silence.

Meanwhile, some higher fines were being levied, as bureau officials had promised. Since April, the fine for an imminent danger of explosion and cave-in that requires closing a mine temporarily has been increased to \$5000 from \$3000.

In some cases, officials said, fines up to the maximum of \$10,000 have been charged.

In a recent interview, before it was learned that fines had been increased, Osborn was asked whether penalties should be stricter than those assessed earlier this year.

Osborn said he believed that fines for flagrant and repeated offenses should be increased but continued, "I think the fines are hurting (mine operators) enough that the gain from larger fines would not be a factor. We believe the level is about right."

He said that while critics had complained of token fines, "the mine operators have cried, 'You're killing us.'"

EVEN AS OSBORN said this, the fines were being increased — apparently at the direction of Edward D. Fallor, the controversial assistant to Osborn.

Fallor, in charge of assessments, said he had promised months before that fines would be boosted and they were. He said that Osborn did not order the increase but was kept informed of it.

Now some members of Congress have added their voices to those of industry spokesmen who complained that fines were too high, Fallor said.

"Legislators are telling us privately that the amounts of fines are unreasonable and unrealistic," he said. "Nevertheless, they are going up."

Fallor denied recently published reports that he, not Osborn, was running the bureau.

Fallor, a Republican political fund-raiser and lawyer, was appointed to his job at the recommendation of the White House, Osborn said.

Fallor said that he did not seek the job,

which pays \$24,000 a year, the same as Osborn makes. He said that after the Hyden, Ky., mine explosion last December that killed 38 men, he was telephoned in Iowa and asked to work for the bureau. He resisted, he said, until "they waved the flag."

Since then, he has been the center of a series of controversies, including an effort to award a contract for a mine safety campaign to a public relations firm already hired as a consultant by the Department of Interior, of which the bureau is a part. That potentially illegal situation prompted an investigation by a House subcommittee that was still under way.

Fallor has been among those claiming that things were improving in the nation's coal mines.

He sounded a somewhat different note, however, in a speech to the Institute on Environmental Health Hazards this week at Blacksburg, Va.

There he touched only briefly on the progress in making the mines safer and said instead: "Why should we accept 200 deaths each year plus thousands of so-called lucky nonfatal (accidents)? The day is here when people in and out of the industry will no longer accept this yearly sacrifice to King Coal."

Osborn, too, has become more cautious.

In the interview, he looked at a chart showing the nearly parallel lines of coal mine deaths this year and last.

"We are still just keeping pace with last year," he said. "Coal production is an industry, and it is not up to us to put them out of business — but, by golly, we've got to get compliance (with the law)."

Although deaths remain high, he continued, other statistics show that the mines should be better than before.

For example, he said, the number of inspections has increased; more inspectors have been hired, and the amount of coal dust floating in the air, a cause of black lung, has been reduced.

ANOTHER VOICE of dissatisfaction with the way things are going is Wheeler.

Wheeler said that he had heard from a reporter the confirmation that he was to be replaced. "I'd heard rumors about it — I knew it was a fact but no one in authority had told me," he said.

Wheeler said that the rising death total in mines indicated "some question that we are not concentrating our efforts in the right place." Something must be done to "widen the gap (of deaths totals), not just parallel it," he said.

One possible technique would be a program to make miners, supervisors and operators more safety-conscious, he said.

If increased inspections and stiffer penalties do not do the job, "it means that some people are going to die who ought not to die," Wheeler said.

He acknowledged that some bureau officials seemed to worry more about the bureau's public image than about reducing the number of mine casualties.

"Let's get the fatalities down," he said in discussing recent bad publicity. "and the rest will take care of itself."

Wheeler said that some programs, such as one aimed at cutting the number of cave-ins, were just taking hold and that their effects had not been registered.

"We have a serious credibility problem," he said. "I've got some credibility where it counts — with the miners, the unions and the public."

He indicated that bureau officials had been unable to find a successor for him. "I wouldn't be surprised if I'm around quite a while," he remarked.

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