

[It's Not Just Mines](#)

By: [David Dayen](#) Thursday April 15, 2010 4:29 pm

I'm a blogger fellow with Brave New Films on their [16 Deaths Per Day](#) campaign for worker safety. Join us on [Facebook](#).

The President [spoke strongly](#) about the need for accountability in the Upper Big Branch mine disaster. He is certainly right about that, but he needs to look beyond one industry when making these remarks:

But we owe them more than prayers. We owe them action. We owe them accountability. We owe them an assurance that when they go to work every day, when they enter that dark mine, they are not alone. They ought to know that behind them there is a company that's doing what it takes to protect them, and a government that is looking out for their safety [...]

I want to emphasize that this investigation is ongoing, and there's still a lot that we don't know. But we do know that this tragedy was triggered by a failure at the Upper Big Branch mine — a failure first and foremost of management, but also a failure of oversight and a failure of laws so riddled with loopholes that they allow unsafe conditions to continue.

So today I've directed Secretary Solis, Assistant Secretary Main, and Administrator Stricklin to work closely with state mining officials to press ahead with this investigation — so we can help make sure a disaster like this never happens again. Owners responsible for conditions in the Upper Big Branch mine should be held accountable for decisions they made and preventive measures they failed to take. And I've asked Secretary Solis to work with the Justice Department to ensure that every tool in the federal government is available in this investigation.

But this isn't just about a single mine. It's about all of our mines. The safety record at the Massey Upper Big Branch mine was troubling. And it's clear that while there are many responsible companies, far too many mines aren't doing enough to protect their workers' safety.

No, this isn't about a single mine. Or even all of the [48 mines](#) that should have been shut down for safety violations. It's about a food processing factory or a clothing manufacturing site or a production facility for electrical wiring or even a hotel.

In 2007, [Travis Koehler](#), an employee at the Orleans Hotel and Casino in Las Vegas, was told by his supervisor to go into a sewage shaft, where a backup was restricting the smooth functioning of the hotel's plumbing. The supervisors knew that the backup under the Orleans could be the result of toxicity, and that the results could be fatal. Nevertheless, they first sent plumber Richard Luzier into the shaft to check things out, and then ordered Koehler and a colleague in to help him. Koehler went in through the manhole, where Luzier had cut a plastic pipe he thought was causing the problem, releasing a toxic gas. Koehler passed out, and he never regained consciousness. Specialists who have experience and training to do this kind of work were never even called.

This happens every day in America, maybe not in the spectacular fashion of the Upper Big Branch disaster, but in small doses across the country. They lead to thousands of deaths, and employers pay and large don't pay the price of accountability. Therefore, they put little into prevention and ensuring worker safety. And the result are memorials to people like Travis Koehler:

Debi Koehler-Fergen misses her son so much she aches sometimes. In his memory, she wears a silver bracelet made from a necklace he wore the day he died.

Memories of Travis are everywhere, including in the ceramic tiles on her kitchen floor. The work is impressive for a largely self-taught laborer.

“He was always looking out for me,” his mother said. “He was the kind of kid who was always there for anybody who needed him.”

A series of [lawsuits](#) have resulted from the tragedy, with no conclusion yet. But the point is that nothing has fundamentally affected the ability of the Orleans to continue its activities. Nothing has cut into their profits. Nothing has been done in the legal arena to allow for any accountability for this death.

The President of the United Mine Workers has [called for the jailing of Massey Energy's Don Blankenship](#). But across the board, penalties need to be increased, with real teeth, for any safety violation that puts workers at risk. The workers of America, to paraphrase President Obama, need to know that when they go to work every day, they are not alone. And steps like the [Protecting America's Workers Act](#) would give some comfort in the darkness to all of the nation's employees.