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Deregulation and Industrial Catastrophes: The West Virginia Chemical Disaster

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The release of a toxic coal-treatment chemical into the drinking water of nine counties in West Virginia, shutting off water supplies for over three hundred thousand people for five days, is the latest in a string of industrial disasters resulting from the systematic gutting of corporate regulations in the United States.

The leak originated in a chemical storage facility run by Freedom Industries, a "full service producer of specialty chemicals for the mining, steel, and cement industries." The poorly maintained facility is located less than two miles up the Elk River from Charleston, the state's capital and largest city, and about a mile upstream from the American Water intake center, which serves nine surrounding counties.

Charleston residents noticed a "sweet smell" Thursday morning, caused by the release of the chemical, crude 4-Methylcyclohexanemethanol (MCHM), and began phoning into the West Virginia Department of Environmental Protection (DEP). Investigators located the leak about two hours later, by which time about 7,500 gallons had leaked out of a 40,000-gallon tank. The spill formed a 400 square-foot pool on the floor of the facility and leaked out through a hole in the secondary concrete barrier designed to prevent chemicals from entering the nearby river.

Department of Environmental Protection investigators told the Charleston Gazette that, when they arrived, they saw that "Freedom Industries had set up one cinder block and used one 50-pound bag of some sort of safety absorbent powder to try to block the chemical flow." One DEP official told the Gazette the company "did not give any real attention to containment."

As of Tuesday evening, only a few tens of thousands of the 300,000 residents affected had been told that their tap water was potable. The rest continue under the duress of living without water for bathing or drinking, and waiting in long lines for bottled water distributed by the National Guard.

State environmental protection officials said the facility had only been inspected three times since 1991. Investigators visited the site in 2010 after complaints about a chemical odor, and again in 2012 to determine whether it was carrying out any new processes that required permits. In both cases regulators did not inspect the condition of the storage tanks.

In fact, the only permit that the company was required to have was one for industrial storm weather runoff, according to CNN. "Basically they had to monitor the runoff from the rain and send us the results every quarter. Those were the only regulatory requirements," DEP head Randy Huffman told the news outlet.

The virtual absence of government regulation is particularly significant given the history of similar disasters in the area. The spill is the third major chemical accident to take place in the Charleston metropolitan area in the last five years.

In 2008, two workers died as a result of an explosion at a Bayer CropScience plant in Institute, West Virginia. Just two years later, another worker died after a DuPont chemical plant in Belle, West Virginia released toxic gas. Both of these incidents occurred within fifteen miles of the location of the latest spill, along a stretch of the Kanawha River, known as “Chemical Valley.”

Moreover, the state has a long history of environmental disasters due, in particular to the profit drive and negligence of the coal mining companies that economically and politically dominate West Virginia. In 1972, a coal slurry dam owned by Pittston Coal burst—four days after having been declared “satisfactory” by a federal mine inspector—releasing more than one hundred million gallons of black wastewater on 16 coal mining hamlets in Buffalo Creek Hollow. After the disaster—which killed 125 people and left 4,000 out of a population 5,000 people homeless—Pittston officials declared it was an “Act of God.”

Whatever improvements in health and safety were attained were only won through the most bitter struggle of coal miners—among the most militant sections of the American working class. The decades-long betrayals by the United Mine Workers union, however, have led to a return of conditions from a century ago, with modern-day company towns run by mining and chemical corporations, which treat the lives of their employees and state residents as largely expendable.

The spill comes less than four years after the 2010 Upper Big Branch Mine disaster in Raleigh County, West Virginia, in which twenty-nine miners were killed. A regulatory investigation concluded that the disaster was due to gross negligence on the part of the mine’s operator, but fined the $6 billion company just $10 million, and only one low-level superintendent was found guilty of a crime.

West Virginia has long been dominated by the Democratic Party and led by tools of the mining and energy industry, like former Governor Jay Rockefeller, the great-grandson of the oil tycoon. But West Virginia is the rule, not the exception.

The last three years have seen a string of catastrophes, including the April 2011 explosion of the Deepwater Horizon oil rig in the Gulf of Mexico, which killed 11 workers and resulted in the largest environmental disaster in US history; the April 2013 West Texas fertilizer factory explosion that killed 15 and injured 150; and a series of oil train derailments and explosions in North Dakota and Alabama.

This is the inevitable result of corporate deregulation over decades that has reached its culmination in the Obama administration, which has done everything in its power to get rid of any meaningful restrictions on corporations, while shielding companies such as BP, Massey, and the Wall Street banks responsible for the 2008 crash from prosecution.

In his 2012 State of the Union address, Obama boasted that, “I’ve approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his.” Between the Occupational Safety and Health Administration (OSHA) and state agencies, there are only 2,200 inspectors responsible for enforcing the safety of 130 million workers in America. This translates to about one inspector for every 59,000 workers. As a result of the bipartisan "sequester" cuts the number of OSHA inspectors is scheduled to fall even further.

The West Virginia chemical spill and similar industrial disasters highlight the essential characteristics of the United States. While nominally a democracy, the US is in fact a plutocracy, ruled by a small group of multi-billionaires who control every lever of government and subordinate the lives of the vast majority of the population to their ever-greater enrichment.

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