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## **SENATE WILL AGAIN SEND MSHA NOMINATION BACK TO WHITE HOUSE**

### ***SENATORS SAY MINE SAFETY TOO IMPORTANT FOR POLITICAL GAMES***

WASHINGTON, D.C.--The U.S. Senate on Saturday will return the nomination of Richard Stickler to head the federal mine safety agency to the White House for the second time.

“Last month, the Senate took a stand for mine safety by sending back to the White House an unacceptable nomination to lead MSHA, and we are as resolute in our stand today. We’re again sending a message to the Administration that America’s miners deserve better, and we hope that this time it will listen,” Byrd said.

“The fact that the nomination has twice failed to receive Senate confirmation reflects a strong lack of confidence in the president’s choice for this critical position. By continuing to insist on a nominee with a weak safety record, the White House is playing political games with mine safety. We must not let them win,” Byrd said.

Senator Byrd and Senator Edward M. Kennedy, D-Mass., the leading Democratic member of the Senate mine safety oversight committee, have led the efforts to reject the Stickler nomination. Byrd and Kennedy have expressed concerns with the nominee’s record and hoped that the Senate actions would provide the Administration with the opportunity to nominate someone more focused on miner safety.

“We are in the midst of a mine safety crisis -- 58 miners have already died this year, more than any year since 2002,” Senator Kennedy said. “At this critical time, miners and their families need a strong leader at MSHA. Mr. Stickler does not have the record or the vision to meet this challenge. The President should send the Senate a new nominee who will fulfill the promise of our safety laws.”

Byrd and Kennedy relied on a Senate Rule to send the nomination back to the White House. According to Senate Rule 31, whenever the Senate adjourns for more than 30 days, all nominations pending are, in essence, rejected and returned to the President. Normally, that rule is waived and the nominations remain open for further consideration. However, Byrd and Kennedy have objected to waiving that rule for the Stickler nomination, and the Senate followed their lead.

“The Administration likes to talk the talk about improving mine safety, and now it will have the chance to walk the walk. It can send to Congress a nominee to lead MSHA who will put safety as priority one,” Byrd said.

Byrd noted that, earlier this year in response to fatal coal mining tragedies in West Virginia and many other states, the Congress created new mine safety laws. But those laws, Byrd argued, mean little if the agency responsible for implementing them places increased production above better safety protections.

The Bush Administration now has several options. It can nominate a different individual to lead the Mine Safety and Health Administration; it can renominate Mr. Stickler for the position; or it can use its Constitutional authority to appoint Mr. Stickler or another individual to the post while the Senate is in recess during October and early November.

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