

News Release



U.S. Department of Labor
Office of Public Affairs
Atlanta, Ga.
Release Number: 09-120-ATL

For Immediate Release
Feb. 2, 2009
Contact: Amy Louviere
Phone: 202-693-9423

U.S. Labor Department's MSHA files lawsuit against Kentucky mine operator to collect civil penalties *Agency seeking more than \$500,000 in unpaid fines*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) today announced that it has brought a lawsuit against Kentucky Darby LLC for non-payment of civil penalties for violations issued to Darby Mine #1 following the 2006 explosion that killed five miners.

In September 2008, Kentucky Darby LLC agreed to drop its challenge of six contributory safety and health violations that MSHA assessed at \$342,000. The Federal Mine Safety and Health Review Commission approved that request, and the company was required to pay the penalty in full by Oct. 19, 2008. Subsequently, Kentucky Darby LLC dropped its challenge to other violations that were not directly related to the 2006 explosion and agreed to pay additional penalties.

“Kentucky Darby LLC had an opportunity to make good on its agreement to pay its penalty, and it failed to do so,” said Michael A. Davis, deputy assistant secretary of labor for mine safety and health. “Consequently, the company now faces even higher fines.”

According to the suit, Kentucky Darby LLC must pay \$505,012, which includes unpaid civil penalties that contributed to the fatalities, and additional penalties issued to the company, as well as interest and administrative fees. The company has 20 days after the complaint and summons are served to respond to the suit.

The Darby Mine #1 in Harlan County, Ky., exploded on May 20, 2006. MSHA's accident investigation determined that the blast occurred when a mine foreman cut a metal roof strap extending through seals with an acetylene torch, igniting explosive levels of methane that accumulated behind the sealed area. Two miners located near the seals died immediately, and three miners trying to evacuate the mine after the explosion died from carbon monoxide poisoning. One other miner was injured but was rescued while escaping from the mine.

###

U.S. Department of Labor releases are accessible on the Internet at www.dol.gov. The information in this news release will be made available in alternate format (large print, Braille, audio tape or disc) from the COAST office upon request. Please specify which news release when placing your request at 202-693-7828 or TTY 202-693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit www.dol.gov/compliance.