

News Release



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MSHA proposes more than \$500,000 in penalties against mine operator *UAE Coalcorp Associates issued 5 flagrant violations in wake of 2008 fatality*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) today announced it has proposed \$504,900 in civil penalties against UAE Coalcorp Associates, which operates the Harmony Mine in Northumberland County, Pa. Five violations were cited as the result of a fatal roof fall accident in June 2008 and assessed under the flagrant violation provision of MSHA’s civil penalty regulation.

“Safety is priority one, and the U.S. Department of Labor’s Mine Safety and Health Administration will accept no less,” said U.S. Secretary of Labor Hilda L. Solis. “Miners perform valuable work under difficult conditions. The minimum we should do is guarantee them the protections they are afforded by the law.”

On June 16, 2008, Robert Carey, a 45-year-old roof bolter and assistant foreman with nine years of experience, was fatally injured when the mine roof collapsed during retreat mining activity. The violations allege that the accident occurred while he directed a continuous mining machine operator to take excessively wide cuts, actions that were in violation of the approved roof control plan. Prior to the accident, Carey traveled under unsupported roof with the continuous miner operator and continuous miner helper to set timber posts at the face. Carey also was responsible for conducting workplace examinations.

The victim was located along a coal rib near the operator’s compartment of a continuous mining machine when the roof fall occurred. The area of the roof fall was approximately 30 feet wide and 20 feet long, and ranged from 4 inches to 4 feet thick.

“The mine operator was aware of adverse roof conditions in the area but nevertheless allowed mining to continue,” said Dr. Gregory R. Wagner, MSHA’s deputy assistant secretary for policy.

MSHA issued an unwarrantable failure citation and four unwarrantable failure orders after the accident investigation was completed. The mine operator was cited for allowing miners to travel and work under unsupported roof, failing to provide turn posts to protect the continuous mining machine operator, directing the continuous mining machine operator to take cuts that violated the roof control plan and failure to report hazardous conditions.

A flagrant violation is defined as “a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.” Under the Mine Improvement and New Emergency Response (MINER) Act, a civil penalty of up to \$220,000 may be assessed for each flagrant violation.

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