

# News Release



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## **MSHA audit reveals additional mine's eligibility for potential pattern of violations** *Maple Eagle No. 1 Mine in West Virginia had under-reported injuries*

**ARLINGTON, Va.** – The U.S. Department of Labor's Mine Safety and Health Administration today announced that Maple Coal Co.'s Maple Eagle No. 1 Mine has been notified that it has a potential pattern of violations of mandatory health or safety standards under Section 104(e) of the federal Mine Safety and Health Act of 1977. The underground coal operation, located in Powellton, W.Va., was not flagged as a candidate for a potential POV during the recent screening process due to under-reporting of injuries by the mine operator. Subsequently, MSHA audited the company's injury reporting and found 12 unreported or under-reported injuries and a total of 241 unreported lost workdays, resulting in the mine's eligibility for potential POV status.

As part of the POV review process, MSHA conducts audits at mines that meet all the screening criteria, with the exception of the injury severity measure. Injury severity measure is derived from the number of lost workdays per 200,000 employee hours.

"We will not simply rely on injury data submitted by mine operators when conducting reviews for a potential POV enforcement action," said Joseph A. Main, assistant secretary of labor for mine safety and health. "MSHA will continue to conduct audits at mine operations that appear close to qualifying for a potential POV."

MSHA has established significant and substantial, or S&S, violation rate-reduction goals for each mine that received a potential POV notification. In order to avoid receiving a POV notice, mines that implement an appropriate corrective action program must reduce the S&S frequency rate per 100 inspection hours by 50 percent from the mine's rate during the 12-month review period, or to a rate within the top 50 percent for all mines of similar type and classification. Mines that do not implement a corrective action program must reduce the S&S frequency rate per 100 inspection hours by 70 percent from the mine's rate during the 12-month review period, provided such reduction is below the national rate for all mines of similar type and classification during the review period, or to a rate within the top 35 percent for all mines of similar type and classification.

Maple Eagle No. 1 Mine was issued 14.52 S&S violations per 100 inspection hours during the 12-month review period. If the mine implements an appropriate corrective action program, it must maintain an S&S rate of 7.26 or lower during the evaluation period. If a corrective action program is not implemented, the mine must maintain an S&S rate of 4.36 or lower during the evaluation period.

Last month, MSHA notified 13 mines around the country of their potential POV status. These were the first mining operations to receive such notification since MSHA implemented major reforms to its POV process, including tougher provisions for mines with chronic and persistent health and safety violations. Those reforms were put in place in October as the agency began preparing new rulemaking to address shortcomings in the POV process.

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