

News Release



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Hazard complaints result in surprise inspections at 3 Massey-owned mines

US Labor Department MSHA inspectors cite several illegal mining practices at West Virginia operations

ARLINGTON, Va. –The U.S. Department of Labor’s Mine Safety and Health Administration today announced that MSHA inspectors responded to three separate anonymous complaints about hazardous conditions at three coal mines owned by Massey Energy Co. Following each investigation, MSHA ordered the withdrawal of miners from designated areas of those mines and issued multiple citations for serious violations at Spartan Mining Co.’s Road Fork #51 Mine in Wyoming County, W.Va.; Inman Energy’s Randolph Mine in Boone County, W.Va.; and Independence Coal Co.’s Cook Mine in Boone County, W.Va. In an effort to make sure the conditions found during the surprise inspections were not tampered with, MSHA inspectors assumed control of company phone lines at two of the three mines to prevent mine employees from alerting their colleagues underground that MSHA inspectors were on site.

“Each one of these inspections resulting from anonymous complaints reflects a serious disregard for the safety and health of the miners who work at these operations,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Mine operators who disregard mine regulations and the Mine Act put miners at risk and must be held accountable for their behavior, and MSHA will do everything in its power to make sure that miner safety and health is paramount.

“What’s especially troubling is that one of the complaints came in just days after the explosion at Upper Big Branch Mine,” added Assistant Secretary Main.

On March 24, 2010, MSHA received an anonymous hazard complaint reporting that Road Fork #51 Mine was running two continuous miners on a single split of air. The complaint also alleged that the operation was mining into the coal face deeper than its approved plan allowed and had experienced several face methane ignitions that were not reported to MSHA. As a result of the complaint and MSHA’s surprise inspection tactics, the company was caught violating several mine standards. Eight 104(d)(2) withdrawal orders were issued for the mine’s failure to maintain the minimum air quantity ventilation requirements, accumulation of combustible materials and roof control violations. Proper ventilation is required by the law to prevent mine explosions and black lung. In one instance, the operator failed to follow the approved roof control plan by illegally mining 8 feet beyond the allowable depth of 20 feet. Miners were withdrawn from these sections, effectively stopping production, until the mine was re-inspected to make sure the problems were fixed.

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Also on March 24, 2010, MSHA received an anonymous complaint about hazardous conditions at Randolph Mine just days after a small fire occurred there. Mine inspectors found that the mine operator was not providing adequate ventilation to reduce the risk of explosions and exposure to coal mine dust. The practices were similar to those found at Road Fork # 51 Mine; the operator was also caught taking illegal deep cuts into the coal. Nine 104(d)(2) withdrawal orders were issued for a variety of hazards including inadequate ventilation. Inspectors found that there was no air movement in some sections caused by line curtains (used to control air flow) being rolled up for a distance of 60 feet. There were also inadequate on-shift examinations as well as obvious and extensive accumulation of loose coal up to 20 inches deep. (Loose coal accumulations can provide the fuel for mine fires.) The section foreman was observed operating the continuous mining machine with the ventilation line curtain 29 feet from the working face where the plan required a maximum of 20 feet. Rock dust – a critical explosion protective measure – had not been applied in seven entries to the required 40-foot distance. Miners were withdrawn from the affected area while the violations were being abated.

On April 9, 2010, following the tragic explosion at Upper Big Branch Mine, MSHA received a hazard complaint about Independence Coal Co.'s Cook Mine regarding water in the escapeway. Upon inspection of the mine, six 104(d)(1) orders were issued for taking illegal deep cuts of 30 feet into the coal face when the plan allowed a maximum of 20 feet, blockage of the primary escapeway with water, inadequate pre-shift and on-shift examinations, and excessive widths beyond the roof control plan parameters. MSHA inspectors also found that numerous roof bolts were sheared off and damaged, increasing the risk of hazardous roof falls.

The issuance of a 104(d) order enables federal mine inspectors to order miners withdrawn or prohibited from entering an area of a mine due to the unwarrantable failure of the mine operator to comply with safety and health regulations. An “unwarrantable failure” is aggravated conduct constituting more than ordinary negligence and is characterized by such conduct as “reckless disregard,” intentional misconduct,” “indifference” or a “serious lack of reasonable care.”

A 104(d)(2) order refers to unwarrantable failure withdrawal orders and requires that an inspection with no similar violations (clean inspection) be conducted before the 104(d)(2) order sequence is terminated. This “clean inspection” may be accomplished within the framework of a regular inspection of the mine in its entirety and/or within the framework of any other inspection conducted for enforcement purposes where there are no 104(d)(2) violations.

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