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MSHA puts 8 mines on notice for potential patterns of violations

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that eight mines around the country have received letters putting them on notice that each 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 PPOV screening from which these letters resulted represents the second since MSHA established the current criteria and procedures in September 2010.

The eight mines that received letters are as follows:

1. Marfork Coal Co. Inc.’s Parker Peerless Mine in Raleigh County, W.Va.
2. Pay Car Mining Inc.’s No. 58 Mine in McDowell County, W.Va.
3. Pine Ridge Coal Co. LLC’s Big Mountain No. 16 in Boone County, W.Va. (previously received PPOV notice in October 2009)
4. Rio Group Inc.’s Coalburg No. 2 Mine in Logan County, W.Va.
5. Nine Mile Mining Inc.’s No. 3 Mine in Wise County, Va.
6. Manalapan Mining Co. Inc.’s RB No. 12 in Harlan County, Ky.
7. Big Ridge Inc.’s Willow Lake Portal in Saline County, Ill. (previously received PPOV notice in November 2010)
8. Queenstake Resources U.S.A. Inc.’s Jerritt Canyon Mill in Elko, Nev.

“In April, MSHA briefed stakeholders on a new and transparent online tool that allows mine operators to regularly monitor their compliance and injury records under the PPOV initial screening criteria and make adjustments to improve health and safety accordingly,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Unfortunately, some operators either did not use this tool or did not respond with effective improvements.”

The Mine Act provides for enhanced enforcement at mines that exhibit a pattern of violations of significant and substantial – known as S&S – health or safety violations. MSHA regulations provide that the agency screen for PPOV mines at least once a year. Mines that receive PPOV notices have the opportunity to implement corrective action programs, and they must reduce their S&S rates to targets set by the agency. Mine operators that do not meet these targets are subject to a notice for a pattern of violations and closure orders for all S&S violations under Section 104(e). MSHA encourages mine operators to implement corrective action programs with long-term goals for reducing violations beyond the goals established by MSHA under the POV procedures.

In addition to the eight mines receiving PPOV notices, other mines are still under PPOV consideration. These include mines for which MSHA is verifying self-reported injury information to ensure that it is accurate and thereby confirm that the operators do not meet the PPOV screening criteria. Following the initial screening conducted in October 2010, MSHA issued PPOV notices at four additional mines after audits revealed those mines had not accurately reported injury data.

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In February 2011, MSHA proposed a rule to revise the current pattern of violations regulations. The comment period closed Aug. 1.

MSHA's online PPOV monitoring tool allows operators, miners and others to determine, based on the most recent data available, how a specific mine matches up with the initial screening criteria for a potential pattern of violations. The initial screening criteria are based on enforcement data refreshed monthly. To conduct the current screening, MSHA used data available as of Sept. 30, 2011, the most recent available.

In April, Bledsoe Coal Corp.'s Abner Branch Rider Mine in Leslie County, Ky., and The New West Virginia Mining Co.'s Apache Mine in McDowell County, W.Va., became the first mines in the history of the Mine Act to be subject to the full effect of POV enforcement action, and thus subject to 104(e) closure orders.

Editor's note: A chart with additional information about the eight mines receiving PPOV notices accompanies this news release.

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Mines Meeting MSHA Potential Pattern of Violations Criteria

(for enforcement actions between Oct. 1, 2010 and Sept. 30, 2011, and data on injuries occurring between July 1, 2010 and June 30, 2011)

Mine ID	Mine Name	Mine Type	Mine Status	Reported Mine Employment	State	County	Controlling Company	Operator Name
1103054*	Willow Lake Portal	Underground Coal	Active	483	IL	Saline	Peabody Energy	Big Ridge Inc.
1518771	RB #12	Underground Coal	Active	24	KY	Harlan	Ben Bennett	Manalapan Mining Co., Inc.
2601621	Jerritt Canyon Mill	Surface Gold	Active	213	NV	Elko	Yukon-Nevada Gold Corp.	Queenstake Resources U.S.A., Inc.
4407156	#3	Underground Coal	Active	69	VA	Wise	James C. Justice II	Nine Mile Mining Inc.
4608570	Coalburg No. 2 Mine	Underground Coal	Active	29	WV	Logan	Richard H. Abraham	Rio Group, Inc.
4608884	No. 58	Underground Coal	Active	72	WV	McDowell	Mechel Oao	Pay Car Mining Inc.
4609193	Parker Peerless	Underground Coal	Active	86	WV	Raleigh	Alpha Natural Resources, Inc.	Marfork Coal Company Inc.
4607908*	Big Mountain No. 16	Underground Coal	Active	215	WV	Boone	Patriot Coal Corporation	Pine Ridge Coal Company LLC

*Mines previously notified of potential Pattern of Violations