



News Release

Connect with DOL at
<http://social.dol.gov!>



U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 12-2346-NAT

For Immediate Release

Nov. 28, 2012

Contact: Amy Louviere

Phone: 202-693-9423

Email: louviere.amy@dol.gov

MSHA issues potential pattern of violations letters to 4 mines *Number of operations with chronic violations declining*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that four mining operations have received letters putting them on notice about 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 third since MSHA established the current criteria and procedures in September 2010.

The four mines that received warning letters are Ten-Mile Coal Co. Inc.’s No. 4 Mine in Harrison County, W.Va.; Pike Floyd Mining Inc.’s No. 3 Mine in Pike County, Ky.; Argus Energy WV LLC’s Deep Mine No. 8 in Wayne County, W.Va.; and Noranda Alumina LLC’s Gramercy Facility in St. James County, La.

In addition, two nonproducing mines have received warning letters that they will be subject to PPOV procedures once they return to active status. They are D & C Mining Corp.’s D & C Mining Corp. in Harlan County, Ky., and Hecla Mining Co.’s Lucky Friday Mine in Shoshone County, Idaho.

Fourteen other mines are under PPOV consideration while MSHA is verifying injury information self-reported by the operators to ensure accuracy.

MSHA implemented improved screening criteria in 2010 to better identify mines that have been subject to closure orders, including for serious issues such as failing to correct violations cited by MSHA, unwarrantable failures to comply with health or safety standards, failure to provide miners with required training and imminent dangers in the mine. The criteria better identify mines where these tools have been used but have not been sufficient to improve compliance. The criteria also consider whether a mine has a high number of significant and substantial, or S&S, violations involving elevated negligence as well as a mine’s injury severity rate, targeting operations that have an above-average injury severity measure.

As a result of the first screening under the improved criteria conducted in October 2010, MSHA issued 17 PPOV notices and one postponement letter to Massey Energy’s Upper Big Branch Mine. As a result of an October 2011 screening, MSHA issued eight PPOV notices and three postponement letters at mines that were in nonproducing status, inactive or abandoned.

“The revised potential pattern of violations program, along with other enforcement actions such as impact inspections, is making mines safer,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “The number of chronic violators meeting improved screening criteria has substantially dropped since we began implementing these criteria in 2010.”

-- more --

US DEPARTMENT OF LABOR NEWS RELEASE – PAGE 2

The Mine Act provides for enhanced enforcement at mines that exhibit a pattern of violations of significant and substantial health or safety violations. MSHA regulations provide that the agency screens 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 receiving 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.

Following the October 2010 screening, MSHA issued PPOV notices at four additional mines after audits of 39 operations revealed inaccurately reported injury data. During the October 2011 screening, MSHA found that 28 additional mines were subject to agency injury audits, with none receiving PPOV notices. The number of mines meeting the criteria to trigger an audit has fallen substantially, as well.

MSHA has developed an online PPOV monitoring tool that allows operators, miners and others to determine, based on the most recent compliance 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 that are refreshed monthly.

In April 2011, 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.

#