

## MSHA Imposes Largest Fine in Agency History

*Adapted from a press release by the U.S. Department of Labor*

The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) has imposed a \$10,825,368 fine, the largest in agency history, following the investigation of the April 2010 explosion at the Upper Big Branch Mine (UBB) in Montcoal, West Virginia. The mine was operated by Performance Coal Company (PCC), a subsidiary of Massey Energy Company.

The explosion, which killed 29 miners and injured two, was the worst U.S. coal mining disaster in 40 years. The investigation concluded Massey's corporate culture was the root cause of the tragedy.

Secretary of Labor Hilda L. Solis; Solicitor of Labor M. Patricia Smith; MSHA Assistant Secretary Joseph A. Main; and MSHA Administrator for Coal Kevin Stricklin met with families to share the agency's findings.

"The tragic explosion at Upper Big Branch left dozens of families without husbands, fathers, brothers, and sons,"

said Secretary Solis. "I made a pledge to the families...and the entire mining community, to conduct the most complete and thorough investigation possible in order to find the cause of this disaster. The results of the investigation lead to the conclusion that PCC/Massey promoted and enforced a workplace culture that valued production over safety, and broke the law as they endangered the lives of their miners."

A nonprosecution agreement between the U.S. Attorney's Office for the Southern District of West Virginia; the U.S. Department of Justice; Alpha Natural Resources Inc.; and Alpha Appalachia Holdings Inc. (formerly Massey Energy Co.) includes nearly \$210 million for remedial safety measures at all Alpha mines. It also includes a trust fund for improvements in mine safety and health; payment of outstanding civil penalties for all former Massey mines; and restitution payments for the victims' families. Although this agreement resolves criminal liability for Alpha, it will not provide protection against criminal prosecution of any individuals.

"This agreement can go a long way toward changing a safety culture that was clearly broken at Massey's mines," said Solis. "Although this agreement is significant, it in no way absolves any individuals responsible for this terrible tragedy..."

MSHA concluded the 29 miners died in a massive coal dust explosion that started as a methane ignition. The investigation found the physical conditions leading to the coal dust explosion were the result of a series of basic safety violations, which PCC and Massey disregarded. The report also cites unlawful policies and practices implemented by PCC and Massey as the root cause of the explosion including the intimidation of miners, advance notice of inspections, and two sets of books with hazards recorded in UBB's internal production and maintenance book, but not in the official examination book. The investigation concluded the operator not only promoted and enforced a workplace culture which valued production over safety, but also included practices purposely designed to allow mining operations to continue while violating the law.

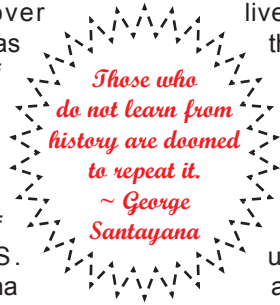
According to Joseph Main, "Every time Massey sent miners into the UBB Mine, Massey put those miners' lives at risk. Massey management created a cul-

ture of fear and intimidation in their miners to hide their reckless practices." (This report sheds light on the tragic consequences of a corporate culture which values production over people.) "The secretary and I are committed to improving the health and safety of America's miners. To honor the memory of the lives lost at UBB, we will use the lessons learned from this terrible tragedy to fulfill that commitment."

MSHA issued numerous citations and orders to PCC and Massey regarding the conditions which ultimately contributed to the accident. Violations included allowing hazardous levels of loose coal, coal dust, and float coal dust to accumulate; failing to adequately apply rock dust to the mine; failing to adequately train miners; and failing to comply with approved ventilation plans and approved roof control plans.

"By issuing the largest fine in MSHA's history, I hope to send a strong message that the safety of miners must come first," Solis concluded.

*Editor's Note: Production is important in any industry, but it should never be more important than ensuring the safety of those working for you. We have a responsibility as an industry to honor those who were lost by operating our mines as safely as possible at all times.*



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**Geological Terms cont'd from page 54.**

**Bedding** - The arrangement of sedimentary rock in layers. It describes the character or pattern of the beds and contact within the rock mass.

