

West Virginia miner killed in Massey operation

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A mine electrician was crushed by coal-hauling equipment at a Massey Energy-owned mine in Greenbrier County, West Virginia, Thursday morning. The death brings US coal mining fatalities to 40 so far this year, 32 of them in West Virginia and 31 at Massey sites.

The July 1 accident occurred at the Pocahontas Mine, a small underground operation in southern West Virginia run by Massey subsidiary White Buck Coal Company. Few details have been released as of this writing, but statements from the state's Office of Miners' Health, Safety and Training report the electrician, a 60-year-old resident of the village of Charmco, was run over by a shuttle car transporting coal.

The Pocahontas mine is a relatively small operation, reportedly employing between 60 and 80 miners. In 2009, the mine recorded production of 84,239 tons, a small fraction of the approximately 40 million tons Massey produces every year from the Appalachian coalfields. Its accident rate was almost double the national average last year.

Production is up this year, however, with the federal Mine Safety and Health Administration (MSHA) reporting first quarter extraction of 56,338 tons—nearly triple the 2009 level on an annualized basis.

As is the case in the coal mining industry nationally, the increased pace of production at Pocahontas has created dangerous conditions.

So far this year, MSHA lists 162 citations for the Pocahontas Mine, about a third of them marked as serious and substantial. The operation has been cited 37 times in the last month, and MSHA lists eight accidents this year, not counting Thursday's death.

Federal inspectors also issued five “unwarrantable

failure to comply” orders for disregard of health and safety laws this year: four for failure to implement a roof control plan, and two for not conducting pre-shift safety checks.

In 2007, Massey's White Buck Coal Company subsidiary was fined \$50,000 and pleaded guilty to willfully violating mandatory safety checks at its Grassy Creek No. 1 mine near the Pocahontas operation.

A review of official descriptions of mine accidents reveals something of the omnipresent potential for fatalities at the Pocahontas Mine and others like it. For example, an “unintentional roof fall” was reported May 28 after a slab measuring 40 feet long, 18 feet wide, and 8 feet thick fell in an entry way. On March 27, a roof bolter was injured by a roof fall: “Employee stated that he was setting drill steel onto drill head and rock fell mashing hand against drill steel.”

Numerous other accidents at Pocahontas involving mine railways and roof collapses are recorded over the past year, including several roof falls so massive that sections of the mine were declared permanently inaccessible and simply sealed off. Taken as a whole, records suggest the mine is an extremely unstable operation that is being recklessly managed.

The majority of US coal-mining deaths this year have occurred at sites owned by Massey. On May 10, a Mingo County miner was killed after being crushed by a shuttle car at a mine operated by Ruby Energy, a Massey subsidiary. On April 5, 29 miners died in an explosion at Massey's Upper Big Branch Mine in Raleigh County, the country's worst coal mine disaster in four decades.

The number of fatalities in 2010 is on track to reach levels not seen in the US since the 1980s, even though the size of the workforce today is half of what it was in

that period.

While mine employment has fallen sharply, coal production has soared and regulatory enforcement has all but dissolved. Taken together, these factors make a substantial rise in the accident and injury rate all but certain.

This year is the deadliest year for US coal miners since 2006, when 47 coal miners died, including 12 in the Sago Mine explosion in West Virginia. That year saw several other disasters, including the deaths of two miners in a fire at the Aracoma Alma Mine in Logan County, West Virginia, another Massey site.

On July 1, four-and-a-half years after the Aracoma Alma deaths, four Massey foremen were charged with skipping safety drills at the mine in the lead-up to the accident. Aracoma previously pleaded guilty to not evacuating the mine promptly after the fire broke out, not training workers on evacuating, and falsifying records to make it appear that safety drills took place.

Besides Aracoma and White Buck Coal, only two other Massey subsidiaries have been prosecuted for disregarding basic safety protocols despite rampant and willful violations.

Massey has avoided most federal prosecution thanks to multiple settlement agreements with state and federal regulatory agencies. The resulting financial penalties have amounted to an inconsequential fraction of the company's revenue, which totaled \$2.7 billion in 2009.

The recorded safety violations at any given mine only offer a glimpse of the dangerous conditions that prevail. Regulatory agencies are unable to adequately monitor most facilities.

On June 29, MSHA announced it was dropping from its "pattern of violations" list nine coal mines, all in West Virginia, that have extensive histories of health and safety violations. This was not because the mines have resolved their problems. The agency instead cited lack of funding for inspections.

An Office of the Inspector General (OIG) review of the MSHA's decision to drop the inspections found that agency officials had instructed regional offices to limit their inspections at mines suspected of systematic violations and to "select no more than one mine on the initial screening list per field office and a maximum of three mines per district."

The OIG also warned that there was no evidence that the mines dropped from the list "had reduced their rate

of significant and substantial violations. As a result, miners may be subjected to increased safety risks."



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