

Did Massey officials tamper with evidence?

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More details continue to come out about the horrendous conditions that existed at Massey Energy's Upper Big Branch mine in West Virginia leading up to the deadly explosion on April 5 that killed 29 miners.

On Friday, Mine Safety and Health Administration (MSHA) officials revealed that 80 percent of the more than 1,800 coal dust samples taken at the mine since the disaster did not have the proper amount of rock dust to prevent the coal dust from being explosive.

Most coal miners and safety experts believe that the April 5 explosion was caused by an initial methane explosion that ignited coal dust in the mine creating a more powerful and deadly secondary explosion.

Both coal dust and methane are highly explosive. Often small pockets of methane are hit in mining and ignite. That alone is very dangerous and one of the reasons mines have to be ventilated continuously. However, if there is coal dust on the ground or suspended in the air, it can be ignited by the methane flare and create a much deadlier explosion.

State and federal safety regulations require that coal dust be controlled in a process known as "dusting," where rock dust is spread out and mixed with the coal dust to dilute the coal dust, making it non-flammable.

Since the April 5 explosion, MSHA investigators have taken more than 1,800 samples throughout the mine, concentrating in the area where the explosion occurred and the path that it took. MSHA officials gave no explanation as to how a mine could be allowed to operate with such high levels of coal dust by the very agency that is supposed to be enforcing safety.

Massey officials were quick to point out that the higher concentrations of coal dust were the result of the explosion. However, safety officials pointed out that the explosion would have consumed coal dust, reducing its presence, not increasing it.

Earlier in the week, the Associated Press reported that just over 30 minutes before the deadly blast, fire boss Michael Elswick telephoned to the surface and explained that coal dust had built up on three of the conveyor belts, including the longwall belt, and that they needed dusting. Elswick's co-worker Scott Halstead reported that five of the six belts he inspected needed to be rock dusted.

In a little over 30 minutes after that fateful call, Elswick along with 28 other miners were killed when a powerful explosion ripped through the mine, in the largest underground mining tragedy in 40 years.

Shane Harvey, Massey's general counsel, sought to dismiss the importance of Elswick's phone call, telling the AP, "you make a notation of it so that it gets done, and the fact that a notation was

made doesn't mean it was a problem. That's the way the company looks at it. Just like you'd make notations, at least mental notations, to vacuum your floor."

However, the logs show that on a daily basis, Elswick, Halstead and other miners reported coal dust buildup on the beltways and the other routes that miners would have to use to escape the mine in the event of a fire.

Most significantly, a report from the 3 a.m. to 6 a.m. shift, also on April 5, shows that the two fire bosses reported eight different tunnels and beltways had large amounts of coal dust, including the beltway coming from the longwall machine. It is believed that the explosion was triggered on the longwall machine.

The logs show that all except the longwall beltway were dusted. The lack of dusting of the longwall beltway confirms what many miners and families of miners in the area have repeatedly reported—that Massey refused to stop production to fix safety problems such as coal dust or ventilation.

Elswick also called up to the surface to say that he could no longer see, because there were so many irritants in the air burning his eyes. Scott Halstead, who was on the surface, testified that he was on his way into the mine to help Elswick out when the explosion occurred.

Massey officials unaccompanied in mine for hours

Perhaps most alarming was a report by National Public Radio on September 2 that two Massey officials were unaccompanied for over four hours as they walked through the mine immediately after the explosion.

Chris Blanchard, the president of the Massey subsidiary that operates the Upper Big Branch mine, and Jason Whitehead, then the director of underground improvement and now a Massey vice president, spent four hours walking throughout the mine unaccompanied by any MSHA official. They even remained in the mine following a "K" order issued by MSHA that all but rescue crews and authorized personnel leave the mine.

In the immediate aftermath of the explosion, Blanchard and Whitehead entered the mine, along with six other miners. When they reached a man trip, which held the bodies of six miners killed by the explosion and two injured men, the six miners along with Blanchard and Whitehead took the two injured men to the surface. Only one of the two injured men survived. Meanwhile, Blanchard and Whitehead went deeper into the mine.

Blanchard and Whitehead were not seen again until 7:50 that evening. Neither of the men has agreed to be interviewed, and according to the company, they traveled throughout the mine, including to the longwall section.

One of the big questions for investigators is the level of methane in the mine prior to the explosion. It is illegal to tamper with evidence. So far, investigators have not found a methane detector that was supposed to be at the face of the longwall. One handheld methane detector showed a methane concentration of 5 percent. Methane concentrations above 5 percent are explosive. The handheld detector found is not able to record levels higher than the 5 percent—meaning methane concentrations could have been higher.

Investigators are also looking for a missing remote control device for operating the longwall mining machine.

In July, the *Pittsburgh Post-Gazette* reported that an electrician had been ordered to disable a methane detector on a machine in February, two months before the explosion.

Massey has responded to the exposure of the activities of Blanchard and Whitehead by claiming that they were risking their lives and only looking to rescue any miners that might still have been alive. However, there was no mention of their activities made in the immediate aftermath of the explosion, or while the rescue and recovery operation was under way for several days. Surely they would have come across many of the miners killed at the longwall and could have informed rescue workers of their locations.

In another development, MSHA investigators ordered a section of the mine shut because the roof was unsafe and the walls were collapsing. Known as Old 4 Right, it had been mined out prior to the April 5 explosion.

Under federal safety law, unused sections of a mine have to be either maintained or barriers built to wall them off from the rest of the mine. This is essential because methane can build up in mined-out areas and an explosion can travel to areas being worked.

Both MSHA and Massey officials claim that the damage to this area has happened since the explosion, but investigators with the United Mine Workers say that the damage seen in that area would have dated from before the explosion, implying that MSHA investigators should have cited Massey sooner for the problems.

Massey blames safety inspections for fall in production

Massey official are now blaming the MSHA for lower-than-hoped-for production results. In the period from April through June, Massey has been cited more than 1,200 times for safety violations and fined \$4 million, more than any other coal producer.

In a communication sent to investors, Massey Chairman and CEO Don Blankenship wrote:

“Our operations have continued to struggle since April. As we have noted earlier, increasingly stringent enforcement actions by MSHA across our operations and throughout the Central Appalachian region have resulted in lost shifts and loss of

productivity. In addition, our Revolution longwall mine was idled in June for a planned longwall move but has remained down pending approval of its ventilation plan. As a result of these and other factors, we now expect our third quarter shipments to approximate 10 million tons and we expect to report an operating loss for the quarter.”

Blankenship went on to complain, “For the full year 2010, the Company now expects to ship approximately 39 million tons of coal at an average price of approximately \$71.00 per ton. The average cash cost(1) of tons shipped is expected to approximate \$60.00 per ton.”

But Blankenship was confident that as the investigation into the April 5 disaster wore down, things would get back to normal and Massey would be able to again increase production and profits.

“We remain confident that we will achieve operational improvements going forward,” Blankenship stated. “As the Upper Big Branch investigation winds down, we have refocused management time and attention on our ongoing operations and we are initiating actions to improve productivity and re-establish operating consistency in all our mines. In addition, our early negotiations with metallurgical coal customers give us reason to expect pricing in 2011 will be favorable to what we have realized in 2010. Our guidance for 2011 remains unchanged.”

These statements further underscore what miners have already known: that Massey is only concerned with profits and not the safety of the miners and their communities. With the six-month anniversary of the April 5 disaster approaching, Massey and the MSHA are eager to wind down the investigation and, as they did following the 2006 Sago disaster, “sweep the whole thing under the rug.”



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