

West Virginia teen is first US coal mining fatality of 2011

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Nineteen-year-old John C. Lester, a West Virginia coal miner with just over 90 days on the job, was killed in an equipment accident January 27. His death is the first coal mining fatality of 2011, but he is the 36th West Virginia coal miner to die in the past year.

The state's Office of Miners' Health, Safety and Training said that at the time of his death Lester was still working as an apprentice miner, or a "red hat," in the Jims Branch No. 3B mine. The site is operated by the Baylor Mining company.

The mine is one of a multitude of underground operations in Wyoming County, an area crippled by long-term economic distress. The victim's young age gives some indication of the limited prospects facing thousands in the coalfields region.

Wyoming County, like all its contiguous counties, has deep poverty and a hemorrhaging population due to the collapse in coal mining jobs and the shuttering of US Steel in the 1980s. Today, one in four residents live below the official poverty line; per capita income is barely \$14,200. The county suffers double-digit unemployment on top of a labor force participation rate of only 40 percent.

The federal Mine Safety and Health Administration (MSHA) has idled operations at the Jims Branch mine while inspectors investigate. A preliminary report states that Lester was killed just after 12pm when "he became caught between the moving No. 3 conveyor belt and the metal dip pan over the No. 3 conveyor belt that connected to the No. 4 conveyor belt discharge head roller." Lester's body was found lying on the belt. No other details have been reported as of this writing.

Like many underground mines in the region, the Jims Branch site is a smaller, advance mining operation that has increased its production levels every year since it was opened under Baylor's administration in 2007.

Although only 26 miners are employed underground—and only 9 were on-site at the time of John Lester's death—the mine produced over 142,000 tons last year, with production in the fourth quarter nearly double that of the first.

Not surprisingly, increases in injuries, accidents and violations parallel the tonnage increases. Last year, the operation was cited for safety violations more than 70 times. Baylor Mining operates several other mines in the area with similar safety records.

In January of this year, the mine saw two other accidents, including a rib roll that struck a miner as he ran a shuttle car January 12, and a miner who suffered a neck injury from an uneven mine roof area as he was working on a belt January 2. The mine area where Lester was working had a roof height of only three and a half feet, making for cramped working conditions close to massive machinery.

Such hazards are the norm in the industry. Forty-eight coal miners were killed on the job last year, 35 of them in West Virginia, including 29 who died in the explosion at Massey Energy's Upper Big Branch mine in Montcoal, West Virginia April 5.

After that disaster, MSHA conducted long overdue inspections throughout the industry, finding rampant flouting of safety rules by operators. In many mines, the agency uncovered conditions that posed imminent, lethal threat to mine workers. Congress pledged to tighten regulations over the industry, as miners continued to die. 2010 became the deadliest year for coal miners since 1992.

Nearly nine months after the Upper Big Branch explosion, however, no one has been held legally responsible for the disaster, and no legislation even nominally strengthening oversight has been passed. On December 8, a mine safety bill was actively blocked.

The election of a Republican majority in Congress and President Obama's recent pledge to reduce business regulations signal a further forthcoming reduction in oversight.

West Virginia Democratic Party senators Jay Rockefeller and Joe Manchin, formerly the governor of West Virginia, have championed the dismantling of environmental restrictions on mountaintop removal and water pollution, which are seen to impede profit margins of the coal industry in mountainous areas where extraction and transport are more costly.

Two bills were introduced last week that pertain to federal oversight over the coal industry. One, a retooled version of the stalled safety bill from last year, contains provisions for protections for miners who report dangerous conditions. At the same time, MSHA is likely to see its already paltry budget frozen or cut in the midst of the Obama administration's push for austerity and reduced regulations.

The Environmental Protection Agency is a particular target of the coal industry and their counterparts in political office. On January 27, newly elected West Virginia Republican Congressman David McKinley, a member of the House Energy and Commerce Committee, introduced legislation that would strip the EPA's authority to veto Clean Water Act permits for those found in violation of the regulation.

The bill, which would be retroactive to January 1, 2011, would reinstate the permit for the Spruce Mine No. 1 mountaintop removal project in southern West Virginia. The Spruce Mine project would be the largest ever mountaintop coal mine in Appalachia. The EPA revoked the permit from industry giant Arch Coal for the Logan County site after finding the project would cause catastrophic, irreversible harm to water quality, streams, wildlife, and populated areas in the region.

The industry has rallied on the prospect of further deregulation, which has come as bituminous and metallurgical coal prices continue to rise. On February 1, Alpha Natural Resources announced it was buying out West Virginia-based Massey Energy in a \$7 billion deal that will create the third largest metallurgical coal producer in the world. The news comes amid a wave of mergers and acquisitions throughout the industry internationally.



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