

# Another Kentucky coal miner killed

Naomi Spencer  
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A miner was killed in an equipment accident Monday morning at a small underground coal mine in southeastern Kentucky. The accident brings to 20 the number of coal miners killed on the job in the US this year, with five in the past month alone.

Forty-seven-year-old Jerry Britton, of nearby Pound, Virginia, was working as a mine foreman at the Hubble Mining Company LLC's No. 9 mine in Letcher County, Kentucky. At 9:40 a.m., Hubble reported that Britton had been struck by a personnel carrier.

Investigators from the Kentucky Office of Mine Safety and Licensing (OMSL) said the victim was transported to Whitesburg Regional Hospital, where he was pronounced dead from his injuries. The federal Mine Safety and Health Administration (MSHA) has yet to issue a preliminary report on the accident.

Britton's death is the third mining fatality in ten days' time in the state. On October 28, two miners were crushed in a highwall collapse at the Equality Boot surface mine. That accident followed by less than a week the death of a West Virginia miner in an equipment accident and the mine operator's delayed call to emergency responders. The string of fatalities highlight once again the impunity with which the coal industry operates and the lack of enforcement by state and federal agencies.

The latest accident also points to the desperate economic circumstances in which the region is mired, and under which miners feel compelled to brave treacherous working conditions. Letcher County is among the poorest in the country, with one in three residents living below the federal poverty threshold. The area has suffered a persistent double-digit unemployment rate and an extremely low labor-force participation rate for years. Much of the local economy is centered on extraction and hauling.

Letcher County is part of Kentucky's 5<sup>th</sup> congressional district, which ranks last of the country's

435 districts on the American Human Development Report. That report, modeled on the United Nations' human development index, found the coalfields region of eastern Kentucky the worst in life expectancy, emotional and physical health, and other measures of well-being.

At the same time, the region is also one of the most lucrative areas of operation for some of the world's largest energy corporations. Over the past year, the price of Central Appalachian coal has spiked by 18 percent according to US Department of Energy (DOE) data. Demand for Appalachian coal on the world market has driven east coast coal exports to levels not seen in decades. The DOE reported that exports totaled 71 million tons in the first eight months of this year, with the bulk of exports passing through Norfolk, Virginia and Baltimore, Maryland.

In turn, the demand for rich Appalachian bituminous and metallurgical coal has driven operators to ramp up production schedules and cut corners on safety, particularly at old pits where seams that have been mined for well over a century become harder to tap.

The No. 9 mine, one of three owned by Hubble Mining Co., is a small underground operation employing only a handful of workers. It is one of multiple limited liability companies operated by Jim and Harold Akers. Like countless other splintered coal firms, the Akers' ventures are sub-contractors for major energy companies. In 2005, the family's South Akers Mining Co. LLC was found responsible for the death of miner Ronnie Charles, who was crushed in a roof collapse in a mine operated on behalf of Florida-based firm TECO Energy.

In many cases, family operators will periodically shift ownership or change company names to take advantage of loopholes in property taxes and regulatory penalties. The billion-dollar firms subcontracting from smaller companies are effectively shielded from legal

responsibility for accidents in such partnerships. The Akers family is typical of mine owners in the region and in the coal industry as a whole, donating to campaigns of both major parties in order to further their interests in political circles and influence regulatory policies.

Hubble Mining Co. took over operations at the No. 9 mine in 2010; since then it has accrued 53 violations, including 35 this year and 11 in the past month. Many of the violations are significant and substantial (S&S) hazards involving equipment problems, accumulation of explosive coal dust, and dangerous roof conditions. In July, a miner was injured in a machinery accident involving a hydraulic jack.

Another Akers-owned mine, the Pike County MAC No. 10, has seen six accidents causing injuries since the beginning of the year. MSHA data lists two involving machinery problems within the past month; other incidences include multiple roof falls, powered haulage and continuous mining machine accidents. At the No. 10 mine, at least five S&S citations issued over the course of the last year became final orders from MSHA, meaning that serious dangers were simply ignored by the operators, even after inspectors repeatedly cited the mine.

In spite of this record, MSHA does not list any of the Akers' mines as being hazardous enough to warrant the Pattern of Violations designation, which would give inspectors the authority to shut down operations until problems are corrected.

This state of affairs is far from unusual. Indeed, a year and a half after the Upper Big Branch Mine disaster and the initiation of a supposed MSHA inspections blitz, coal mines cited hundreds of times continue to put workers at risk. In late October, MSHA announced it had issued 292 citations against 18 coal mines. In all, unannounced "impact inspections" have found over 2,000 violations in Kentucky mines since April of last year and prompted nearly 430 closure orders for risk of imminent death. Nevertheless, MSHA has issued only four mines notices of "potential pattern of violations," which could result in a temporary suspension of production.

MSHA's state counterpart is, if anything, even more toothless and compromised. Stacked with former coal executives appointed by Democratic Governor Steve Beshear, the OMSL is primarily concerned with

facilitating the industry. Field offices are drastically under-staffed and inspectors are essentially powerless to shut down dangerous operations.

In the wake of the most recent accidents, local media reported that OMSL Director Johnny Greene asserted the agency would "instruct mine safety analysts to provide enhanced on-site training and safety reminders to miners and mine operators". In other words, the miners themselves are at fault for hazardous conditions. "Greene says he hopes to make miners more aware of safety issues that have resulted in the increase in accidents," the *Hazard Herald* reported November 8.



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