

# Obama administration lauds coal giant Alpha after deadly conditions exposed

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The Obama administration has intervened on behalf of Alpha Natural Resources after the federal Mine Safety and Health Administration (MSHA) issued an “imminent danger” order last month to the company’s Road Fork No. 51 Mine in West Virginia. (See: “US: Life-threatening violations rampant in Alpha coal mines”)

Despite clear evidence at the Road Fork mine that Alpha was in violation of its non-prosecution agreement with the Justice Department, US attorney Booth Goodwin hailed the company’s recent six-month progress report.

“The report indicates that Alpha is in compliance with the Agreement and has made substantial progress in improving safety,” Goodwin announced on June 18.

As evidence of this, Goodwin cited Alpha’s claim that accidents were down by nearly one third, and injuries have declined by nearly 25 percent at former Massey mines now owned by Alpha as part of its \$7.1 billion takeover in June 2011.

“The progress Alpha reported is a very positive beginning to our agreement,” Goodwin said of the report. “The company has made great strides in addressing the systemic problems it inherited after the merger.”

The six-month progress report to Goodwin’s office is part of the \$210 million settlement deal reached with Alpha alleviating the company of any future criminal liability for the reckless legacy of Massey’s mines. Goodwin has yet to make any part of the June 6 report public (see: “Justice Department drops criminal charges against Massey for deaths of 29 miners”).

Exactly one month before Goodwin’s announcement,

MSHA inspectors arrived at the company’s Road Fork mine for a quarterly inspection to find “management...attempting to locate the source of thick smoke” just outside a working section of the mine.

After ordering the immediate evacuation of the mine, the MSHA charged in its order that “The operator has engaged in aggravated conduct constituting more than ordinary negligence because thick smoke was verified, the source of the smoke was not known, miners were underground and the extent of the source of the smoke could not be determined to allow miners to remain underground safely.”

Alpha later reported that “a slipping conveyor belt was promptly identified as the source [of the smoke] and repaired.” The company maintained that “no fire was discovered, and all air readings indicated that no fire or combustion had occurred in the Mine.”

During their subsequent inspection, federal officials found the mine rife with safety violations, including inoperable carbon monoxide monitors and fire suppression systems, inadequate roof supports, and multiple accumulations of explosive coal dust up to 18 inches deep. There was also evidence that safety records had been falsified.

Not only were these conditions identical to those which led to the deadly Aracoma Alma No. 1 fire that killed two West Virginia coal miners at the Massey-owned mine in January 2006, they were also in violation of the settlement deal brokered by Goodwin’s office mandating among other stipulations that Alpha “implement a plan...to ensure that each of its underground mines has the personnel and resources necessary to meet all legal requirements relating to incombustible material and to prevent accumulations of coal dust and loose coal.”

That Goodwin can tout Alpha’s progress report in the wake of the findings at the Road Fork mine indicate that the

Obama administration will continue its protection of the profit interests of Alpha while sheltering those responsible for scores of deaths and injuries at Massey operations over decades.

“There is still work to be done, as Alpha has acknowledged,” Goodwin said cynically of the progress report. “But a lot’s been accomplished over the past six months, and I look forward to another good report in December.”

Significantly, the Road Fork incident has also been downplayed by the West Virginia Office of Miners’ Health Safety and Training, which issued a report claiming, “Even though high friction and smoke were produced by this event, there was NO FIRE and NO CO was produced” (emphasis in original).

Upon arriving at the belt, state inspectors reported that “no evidence of fire was seen. There was no ash or soot to be found, only rubber shavings, where the No.1 drive roller lagging and belt had been abraded by the running of the drive.... A light coating of rock dust was on the belt.”

State officials listed only three violations, making no mention of the dangerous accumulations of coal dust along the conveyor. They also uncritically recounted the evacuation of the mine as if it had been an immediate response on the part of management.

“At 7:55 a.m., Ben Morgan encountered smoke on the track at the 2B belt Drive,” the state report said. “He notified the dispatcher, Jay Valentine...[who] immediately shut the 2A belt off, sequencing all inby belts...to shut down.... Evacuation was in progress at approximately 8:10 a.m. An order was placed...with MSHA to evacuate the mine around 8:20 a.m.”

This narrative of events contradicts the MSHA’s account and the original imminent danger order issued at 8:10 a.m. that morning “requiring all miners working underground to immediately evacuate to the surface....”

A letter of concern sent last week to Alpha CEO Kevin S. Crutchfield from congressional representatives George Miller (D-California) and Lynn Woolsey (D-California) of the House Committee on Education and the Workforce also revealed further details of the situation at Road Fork, while questioning the effectiveness of Alpha’s so-called Running Right safety program meant to address the dangerous conditions at the acquired Massey mines.

The letter notes that “the superintendent [Lawrence Lester] at the Road Fork # 51 is the same superintendent who presided over Massey’s Aracoma Alma #1 on January 16, 2006, when two miners were killed due to the management’s failure to conduct a timely evacuation following the discovery of a belt fire.”

The representatives further point out that “the president [Charles Bearse] of the Alpha subsidiary [Spartan Mining] operating Road Fork #51 was also responsible for Massey’s Freedom Energy Mine at the time MSHA secured a federal court order to close it because the agency found conditions ‘so persistent and dangerous’ that the mine had a ‘high risk for a fatal accident on any given day.’ ”

The letter exposes how the December 2011 settlement exempted five mines, including the Road Fork mine, from being placed on a Potential Pattern of Violations sanction, “despite [their] past history of repeated and serious violations” prior to the Alpha acquisition in June 2011. Without this exemption, these mines would have been singled out for elevated enforcement, including audits for injuries, illnesses, and accidents.

In exchange for the clean bill of health extended to these five troubled mines, “Alpha agreed to withdraw all notices of contest and pay outstanding penalties for citations and orders for the Massey mines that it acquired...[and] to develop and implement a corrective action plan to improve the health and safety conditions at Road Fork #51, and the other four mines.”

“Given the life-threatening conditions at Road Fork #51, with conduct nearly identical to the deadly incident at Aracoma,” the letter concludes, “the safety culture at former Massey operations appears unchanged despite the Running Right program.”

These details reveal how the Obama administration’s settlement deal has facilitated the transition from Massey to Alpha ownership while leaving unchecked the dangerous conditions that had become synonymous with the name Massey Energy.



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