

US: Life-threatening violations rampant in Alpha coal mines

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Last week, energy giant Alpha Natural Resources was cited for more than 200 violations from the Mine Safety and Health Administration (MSHA), as part of one of the agency's "blitz" inspections. Perhaps the largest ever leveled at a single company, with some 100 inspectors visiting 43 separate mines in West Virginia, Kentucky, and Virginia, the sweep was prompted by an "imminent danger" order issued by the agency last month.

As part of its regular quarterly inspection of Alpha's Road Fork 51 Mine near Pineville, West Virginia, inspectors arrived on the morning of May 18 to find "management...attempting to locate the source of thick smoke" just outside a working section of the mine. MSHA officials immediately ordered the evacuation of the mine.

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."

Inspectors also found the mine to be equipped with inoperable smoke detectors and fire suppression systems, inadequate conveyor belt maintenance, and multiple accumulations of explosive coal dust up to 18 inches deep. Moreover, the agency alleged that safety records had been falsified.

In a disclosure filing with the US Securities and Exchange Commission, Alpha explained that "a slipping conveyor belt was promptly identified as the source [of the smoke] and repaired." It added that "no fire was discovered, and all air readings indicated that no fire or combustion had occurred in the Mine." While no injuries were reported, MSHA did not lift its order for three days.

According to Alpha spokesperson Ted Pile, "Mine personnel followed the proper evacuation procedures

when they first sensed smoke from the belt. It was actually a textbook evacuation that we train miners to do through mine emergency response drills." This is in direct contradiction to MSHA's findings. Alpha says it may challenge the citations.

In all, the Road Fork 51 Mine was issued eight enforcement orders and four citations. The citations issued for coal dust accumulations of up to 18 inches deep show clear violation of the non-prosecution agreement brokered by US Attorney Booth Goodwin, which requires Alpha to have "the personnel and resources necessary to meet all legal requirements relating to incombustible material" at all of its underground mines and "to prevent accumulations of coal dust and loose coal.

As part of last year's \$210 million settlement, Goodwin granted Alpha immunity from any future corporate criminal liability from the Upper Big Branch Mine disaster in exchange for assurances about improved safety conditions at former Massey mines. Alpha had purchased Massey Energy in a \$7.1 billion deal in June 2011. From the start, the agreement had more to do with protecting the wealth of Alpha than with any supposed concern for safety (see "Justice Department drops criminal charges against Massey for deaths of 29 miners").

The conditions found at the Road Fork 51 Mine are all the more egregious considering their similarity to those that resulted in the 2006 belt fire at Massey's Aracoma Alma No. 1 Mine, which killed two Kentucky miners, Don Bragg and Ellery Hatfield. In the aftermath of the disaster, Massey agreed to plead guilty to 10 criminal charges, including failure to immediately evacuate the mine when a fire hazard was discovered and falsifying safety records, and to pay \$4.2 million in fines in exchange for immunity from prosecution for Massey employees and officers.

"The conditions were similar to Aracoma and we should be alarmed about this whether Aracoma occurred or not,"

claimed MSHA's head of coal mining, Kevin Stricklin. "We had smoke that was visible to the naked eye and production was continuing."

"It shows you that the mid-level and upper-level management of the mining companies in this country have not internalized Aracoma, have not internalized Upper Big Branch, and have not internalized the lessons they should have learned," said former MSHA chief Davit McAteer.

The *Charleston Gazette* reported that Alpha lawyers wrote to Goodwin only the day before MSHA's visit to the Road Fork 51 Mine to assure prosecutors that it had implemented the coal-dust plan and was making progress in improving safety at former Massey mines. As required in the non-prosecution agreement, the company also submitted its six-month progress report to Goodwin on June 6. However, Goodwin has not made the report available to the public and refuses to comment on it.

So far this year, nine coal miners have been killed, two of whom were in West Virginia at Alpha mines. Thirty-four-year-old Jeremy Sigler was killed at the Kingston No. 2 Mine on March 10 when he was struck by material from the mine's side wall. The mine is operated by Alpha subsidiary Kingston Mining and was not acquired from the Massey buyout. Kingston and five foremen were cited for safety violations in connection with the accident.

Last month, 57-year-old mechanic Clyde W. Dolin was killed after falling three stories at the Liberty Processing mine, operated by Independence Coal Company in Boone County, West Virginia. The mine is a former Massey operation acquired by Alpha. Dolin had 37 years of mining experience.

Alpha contractor Fairbanks Coal Company was also cited last month for the death of 49-year-old equipment operator Richard N. Yonts at its Fairbanks No. 4 Mine in Wise County, Virginia, last December. Yonts was operating an excavator when a portion of a highwall collapsed on him. The MSHA concluded that "The accident occurred because of management's failure to provide adequate oversight of the mining process, to conduct proper examinations, and to comply with the mine's Ground Control Plan."

The conditions at the Road Fork 51 Mine demonstrate the continuity between Massey Energy and Alpha Natural Resources in operating mines that place production before safety. Last September, the mine was cited for 11 violations, 4 of which were significant and substantial (S&S), as part of one of the MSHA's impact inspections. Moreover, since the beginning of the year, more than 90

violations, nearly half of which were classified as S&S, have been cited at eight Alpha mines that were targeted in MSHA impact inspections.

With \$33 million in proposed fines last year, *SNL Financial* reported in March, "Coal mines operated by Alpha Natural Resources, Inc. were assessed more proposed fines for federal safety and health violations in 2011 than all major public coal companies combined, evidences that the company continues to struggle to bring former Massey Energy Co. operations into compliance."

The energy giant received nearly 5,000 S&S citations in 2011.

While this is in part because Alpha operates the most coal mines of any US public coal producer—many of which are underground operations—as well as its acquisition of Massey Energy, which accounted for some \$12.4 million in fines last year, *SNL* reported that "Alpha racked up nearly as many proposed fines in 2011 as Alpha and Massey did combined in 2010," even if those stemming from the Upper Big Branch Mine are excluded.

The continued record of flagrant safety violations at former Massey mines exposes above all the role played by the Obama administration in its intervention on behalf of Alpha to insure its continued profitability after having acquired Massey, as well as the Democratic and Republican politicians alike who promoted the illusion that the Alpha takeover signaled the end of the era of reckless coal mining in Appalachia.



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