Two West Virginia coal miners killed

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Two West Virginia coal miners were killed in as many days last week, bringing the nation's coal mine fatalities to three in 2013. Last year, West Virginia led the nation in coal mining deaths with seven.

According to a preliminary report by the US Mine Safety and Health Administration (MSHA), 43-year-old Edward L. Finney of Bluefield, Virginia was killed last Thursday night after a hoist used to transport workers to the surface moved without warning. "While pushing a scoop bucket insert full of trash onto a hoist, the hoist moved unexpectedly," MSHA said. "Reportedly, the hoist picked up the scoop and trapped the victim under the scoop, causing crushing injuries." Finney had 13 years' experience in mining.

The accident occurred at the Affinity Mine near Sophia, West Virginia in Raleigh County. The mine is operated by Affinity Coal Company, a subsidiary formed by United Coal Company in 2010.

Over the last 12 months the Affinity Mine was issued 53 significant and substantial (S&S) citations where there existed "a reasonable likelihood the hazard contributed to will result in an injury or illness of a reasonably serious nature." Five citations were issued with high or reckless disregard. Last February, Affinity was also cited for providing advanced notification to underground personnel that inspectors were on their way.

Affinity controls an estimated 40 million tons of coal reserves, about 85 percent of which is high-quality metallurgical coal used for steel making. United Coal is the leading producer of metallurgical coal in Appalachia, controlling reserves of about 165 million tons and producing about 7.5 million tons annually. About half of United Coal's metallurgical coal is exported, primarily to Europe and South America. The rest is supplied to US steel producers in the Northeast and Midwest.

In 2009, United Coal was acquired by Ukraine-based mining and steel producer Metinvest. The company is the world's tenth largest vertically integrated steel producer and is owned by Ukraine's richest businessman, Rinat Akhmetov. With a personal fortune of $16 billion, Akhmetov ranked 39th last year on Forbes' list of billionaires.

Amid surging demand for West Virginia's high-quality metallurgical coal on the global market, the Affinity Mine was reopened in July 2011 after being idled since 1985 by previous owner Eastern Associated. United Coal purchased the mine in 2010 and invested $115 million in its rehabilitation, adding a new preparation plant capable of handling 1,000 tons per hour.

The mine employs some 250 miners and includes four continuous mining sections. According to MSAH records, Affinity produced over 350,000 tons of coal last year.

The day before Finney's death, on February 6, 34-year-old Brandon E. Townsend of Delbarton, West Virginia was killed and another miner injured when a hydraulic jack on a belt press exploded. The accident occurred at the Five Mile Preparation Plant of the Blue Creek mining complex in Kanawha County. As of this writing, MSHA has yet to make publicly available a preliminary report on its web site, as it is required to do within 48 hours of an accident. No details into the condition or identity of the injured miner have yet been reported.

Blue Creek is operated by Patriot Coal subsidiary Midland Trail Energy and consists of two underground mines, one of which is company-operated and the other contracted out. The mine produces thermal coal mostly for domestic electricity generation.

St. Louis-based Patriot controls nearly 2 billion tons of coal valued at $2.5 billion, of which 1.2 billion are located in Appalachia. About three-fourths of the company's reserves are thermal coal, the market for which has been hit hard by the growth of cheap natural gas reserves through the further development of hydraulic fracturing, or fracking. As a result, Patriot's stocks have plummeted in recent years.

In response, Patriot has sought to shift its production toward metallurgical coal and filed for bankruptcy protection last July in an effort to restructure the company. As part of the bankruptcy, Patriot is currently trying to discharge its pension and health care obligations to more than 12,000 active and retired miners. (See "Thousands of miners to lose health care, pensions in Patriot Coal bankruptcy")

The company has also begun to phase out its environmentally and socially destructive mountaintop removal (MTR) operations as part of a settlement reached over cleanup liabilities with environmentalist groups last November. (See "Patriot Coal to end mountaintop removal mining in West Virginia")

Patriot was created by mining giant Peabody Energy in 2007 as a way of shedding its union operations and relieving its books of the legacy liabilities associated with them. In 2006, Arch Coal had pursued a similar policy when it created Magnum Coal. Patriot then acquired Magnum in 2008, saddling the new company with liabilities nearly equal to its holdings. These spinoffs and acquisitions were all agreed to by the United Mine Workers (UMW) at the time.

Patriot is now trying to use bankruptcy to address what it calls "substantial and unsustainable legacy costs." In November, the union filed a lawsuit against Peabody Energy and Arch Coal citing the fact that more than 90 percent of the retirees set to lose their pensions and health care never worked a day for Patriot.

Closed-door negotiations between the union and Patriot have been ongoing since November. One of Patriot's proposals made public in a recent UMW court filing is the company's offer to create a voluntary employee beneficiary association, or VEBA, for the purpose of funding retiree health care.

To fund the VEBA, Patriot has offered to put $15 million into the fund in June and then initiate a profit-sharing mechanism equal to 15 percent of the company's annual net income. However, these contributions would be capped at $40 million annually and $200 million in total while retiree health care costs are estimated at $71 million in 2012 and are expected to increase to $74 million this year.

From the beginning, the UMW bureaucracy has made it clear that it will not pursue a strategy of industrial action to defend its members, but one of pressuring Patriot, Peabody, and Arch for a "fair deal." While engaging in behind-the-scenes negotiations with Patriot outside the view of its membership, the union has launched a series of TV ads in St. Louis and limited its mobilization of the rank and file to selective rallies and individual actions of civil disobedience.

On January 29, more than 750 UMW members and supporters rallied outside the federal courthouse in St. Louis for the opening hearing of Patriot's bankruptcy case and then marched to the headquarters of Peabody Energy. Ten protesters, including UMW President Cecil Roberts, were arrested when they sat down in the street in front of the headquarters and held hands in prayer.

Historically the most militant section of the American working class, decades of treachery by the union bureaucracy has diverted the militancy and class solidarity of the miners into the dead end of middle class protests.

As Roberts' speech at the January 29 rally made clear, the UMW will continue to limit itself to appeals and pressure. "We are here to let the bankruptcy court know that we care about what happens," Roberts said. "We will be back, again and again, to make sure that message gets heard."

On its Fight for Fairness at Patriot web site, the union claims it is "launching a multi-faceted worldwide strategic campaign to expose not only the moral issues underlying this struggle, but also the enormous consequences coalfield communities and other working communities will feel if the flow of hundreds of millions of dollars in benefit payments into their local economies is suddenly shut off."

The union also claims to be "mobilizing workers throughout the national and international labor movement, reaching out to religious, civil rights and other community groups, and preparing a number of tactical remedies in order to send Patriot an unmistakable message of solidarity."