

Kentucky coal miner killed at Patriot mine

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A coal miner was killed Tuesday morning after he was struck by a coal hauler at the Highland No. 9 mine in western Kentucky. Thirty-four-year-old Eli Eldridge of Sturgis, Kentucky, had 15 years' experience in the mines. He is the 15th coal miner killed in the US this year and the second in Kentucky. His death comes on the heels of an announcement earlier this month that the mine was preparing for "substantial workforce reductions."

The Highland No. 9 mine is owned by Patriot Coal and operated by its subsidiary Highland Mining Company LLC. The US Mine Safety and Health Administration (MSHA) has cited the mine for more than 700 health and safety violations this year. More than 250 of these violations were classified as "significant and substantial" (S&S), where there existed "a reasonable likelihood" of serious injury.

According to MSHA records, more than 30 accidents have been reported at the Highland No. 9 this year. Meanwhile, the mine's non-fatal incidence rate has surged in recent years from 2.78 in both 2011 and 2012 to 9.30 and 7.28 in 2013 and 2014, respectively. The national average during these years is about 3.30.

In 2009, Highland No. 9 was included, along with Massey Energy's Upper Big Branch (UBB) mine, on a confidential list of the 48 most dangerous mines in the US. The list was made public in the aftermath of the UBB disaster in April 2010, which took the lives of 29 West Virginia miners. Of the 32 coal mines on the list, four were Patriot operations.

The list demonstrated how dangerous mines routinely contested MSHA citations in order to avoid being designated a pattern of violation (POV) mine, a classification ostensibly placing them under a more aggressive safety inspections regime by the agency. At the time, Highland Mining was contesting more than half of all its violations at the No. 9 mine.

Eldridge's death is the third fatality at a Patriot mine

this year. In May, 48-year-old continuous miner operator Eric D. Legg and 46-year-old roof bolter Gary P. Hensley were killed in a coal outburst at the Brody Mine No. 1 in Boone County, West Virginia. Brody's appalling safety record compelled MSHA to designate it as a POV mine in October 2013, yet the mine continued operating.

Federal and state investigations into the double fatality revealed that a similar coal outburst occurred near the accident site only three days prior. In that incident, a miner was knocked to the ground and covered up with debris from his mid-thigh down, requiring help to free himself. The miner was not seriously injured, but the mine's operator Brody Mining did not report the accident to MSHA or state authorities as required by law.

MSHA cited Brody for its failure to properly support the mine's ribs—the coal walls of a mine passageway—and protect miners from the hazards of coal outbursts. It also issued citations for failing to report the initial accident and destroying the evidence associated with it. Patriot vowed to "vigorously contest" the citations.

In November, Patriot won its challenge to Brody's POV designation after 25 of the S&S citations received by the mine were vacated by presiding Judge William B. Moran or else reclassified. In his ruling, Morgan went on to undermine MSHA's POV rule in general, calling it an "unfair card game" and claiming the rule to be an "elaborate and lengthy regulation" which "fail[s] to identify what constitutes a pattern."

The Highland mining complex, which includes the No. 9 mine, was acquired by Patriot when the company was created in 2007 by mining giant Peabody Energy as part of a scheme by the latter to spin off its union operations and shed the massive "legacy liabilities," i.e., pensions and retiree health care benefits. After Patriot acquired Magnum Coal—a similar spinoff

created by Arch Coal—in 2008, the company filed for bankruptcy in July 2012.

The coal bosses have used layoffs and mine closures to intimidate miners into accepting back-breaking production increases and dangerous working conditions. Eli Eldridge, Eric Legg, and Gary Hensley were all killed within two weeks of such threats from Patriot. In the case of Legg and Hensley, they were engaged in a dangerous “retreat mining” operation where pillars are extracted for the mine’s last bit of coal, deliberately collapsing the mine roof on the way out.

Production at the Highland No. 9 mine, where Tuesday’s fatality occurred, dropped from nearly four million tons in 2007 to just over two million tons last year, according to MSHA data. On December 5, Patriot announced it had issued layoff notices to approximately 475 workers at the Highland mining complex and about 195 workers at its Dodge Hill mining complex, both in western Kentucky.

This year has witnessed a series of mass layoff announcements throughout the coal industry. In July, Alpha Natural Resources announced its intentions to lay off approximately 1,100 miners. This was on top of the company’s layoff of 1,200 coal miners in 2012. In April, Patriot warned nearly 850 West Virginia miners of potential layoffs at the company’s Corridor G and Wells mining complexes, including the Brody mine. After laying off 75 of these miners in June, Patriot threatened the 360 workers at Corridor G again in September.

An analysis of MSHA data conducted earlier this year by SNL Financial claimed that US coal mining employment has been in a “free fall” since its last short-term peak in the fourth quarter of 2011. Since then, average coal mining employment has plunged by more than 17,000 jobs

through the first quarter of 2014. Nearly 14,300 of these were lost in the Appalachian coalfields.

The companies are encouraged in this assault on the miners by the complicity of the UMWA. In its pro-capitalist and nationalist orientation, the union serves as industry’s junior partner, taking industry competitiveness and corporate profitability as its starting point.

The UMWA opposed any serious struggle by miners against the corporate shell game Peabody used to create

Patriot, load it up with debt and jettison its pension and health care obligations. Throughout the bankruptcy proceedings, union leaders negotiated behind the scenes with the company while organizing a series of impotent protest stunts as part of their “Fairness at Patriot” public relations campaign.

Once Patriot’s bankruptcy plan was approved in May 2013, the UMWA used its draconian provisions and Patriot’s threat to liquidate, to bully miners into accepting a new concessions contract in August of that year.

As part of the “global settlement” reached between Patriot, Peabody, and the UMWA, Patriot was allowed to cease contributions towards retiree health care and transfer these obligations to an underfunded trust controlled by the union and structured as a Voluntary Employees’ Benefits Association or VEBA.

Most recently, the UMWA intervened to smother opposition over unsafe conditions that erupted in a one-day strike at Patriot’s Federal No. 2 mine in northern West Virginia on October 17. Union miners refused to work due to a surging accident rate similar to that existing at the Highland No. 9, and the use of contractors at the mine. A judge ordered the miners to work the same day with the complicity of the union, which said it had not sanctioned the strike. Since then the UMWA has been working with the miner operator—Patriot subsidiary Eastern Associated Coal—to isolate the miners and diffuse the situation.



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