

West Virginia coal miner killed at pit run by environmental fund

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A West Virginia coal miner was killed May 18, bringing to seven the number of fatal coal mine accidents in the US this year. Luches Rosser, 44, of Man, died Thursday night in a horrific accident at the Wyoming County Pinnacle Mine near Pineville. Rosser is the fourth mine fatality in the state since January.

Few details have been released about the accident and, as of this writing, the federal Mine Safety and Health Administration (MSHA) has yet to release a preliminary report. According to the West Virginia Office of Miners' Health, Safety and Training, Rosser was operating an electric-powered track-mounted underground locomotive at the time of the accident.

An MSHA spokesperson quoted in the *Charleston Gazette-Mail* May 20 said Rosser and another miner were on the locomotive when a pole connecting the machine to its power supply detached. Rosser “raised up to grab the trolley pole to place it back on the trolley wire, when his head contacted the mine roof,” the MSHA spokesperson stated.

After an attempt to treat him at the site, Rosser was transported to a local hospital where he died Friday morning. He leaves behind a wife and four children.

The Pinnacle Mine is operated by Pinnacle Mining Company LLC, controlled by ERP Compliant Fuels, LLC since November 2016. ERP Compliant Fuels is a firm operated by the Virginia Conservation Legacy Fund, a group that has snatched up numerous coal mine properties from bankrupt operators such as Patriot Coal. The group operates the mines in the name of “green sustainability,” planting trees on mine reclamation sites, selling coal as “compliant fuel” by bundling it with “reforestation carbon credits.” The Virginia Conservation Legacy Fund is run by Tom Clarke, a Virginia entrepreneur who owns tourist attractions and Kissito Healthcare, a chain of nursing

homes. Clarke controls some 150 mining permits in West Virginia, along with other operations in Alabama and elsewhere in Appalachia.

The mine is unionized, although a growing proportion of its 339 miners are employed as non-union contractors. United Mine Workers of America President Cecil Roberts issued a pro-forma 72-word statement to relay “hearts and prayers” on the May 18 accident.

The Pinnacle Mine was originally developed by US Steel in its Gary Hollow operations. US Steel introduced longwall mining into the metallurgical coalmine in 1969. By the mid-1980s, US Steel had closed most of its southern West Virginia mines. Pinnacle was sold to PinnOak Resources LLC in 2003, but a huge underground fire that was difficult to extinguish made the mine unprofitable for several years. It was sold to Cliffs Natural Resources in 2007.

As with miners across the industry, workers at the Pinnacle Mine have been put through a wringer of layoffs and ownership turnovers over the past few years. In 2015, Cliffs cut its workforce in half and sold its coal operations, including Pinnacle, to Seneca Coal Resources, LLC, a shell of ERP. In April 2016, the union agreed to the layoff of 120 miners at Pinnacle in exchange for a hold on cuts to health care benefits. In early January, nearly 200 Pinnacle Mine employees were turned away when they showed up for work and laid off.

The downturn in the coal industry has only ratcheted up pressure on remaining miners, further undermining safety and working conditions. So far in 2017, MSHA records indicate eight injuries at the Pinnacle Mine; in 2016, 18 workers were injured on the job, resulting in an injury incidence rate of 6.18—almost double the national rate for mines of similar size and type.

The brief summaries of some recent accidents suggest near misses that could easily have resulted in death. On May 6, a miner was “struck in the back by a rock” measuring two feet wide by two feet long by 1.5 inches thick. The roof fall caused “a contusion to the employee’s lower right back and hip.” On March 7, an “employee was crawling along the pauline on the 9L Longwall panel when a rock rolled out and struck the employee in the left arm.” Nine days later, the roof of that same area collapsed “overtop of the crusher and stage loader,” where workers could have been buried had they been on the job at the time. Since January, the mine has seen at least six instances of a fall of the roof or walls.

MSHA has issued the Pinnacle Mine 207 citations so far in 2017 and more than \$88,000 in fines. Last year the mine racked up 366 citations and nearly \$421,000 in fines, of which less than \$55,000 has been paid. In the past 12 months, the mine has received 134 citations for “significant and substantial” (S&S) violations, far more than the 50 per year MSHA considers excessive. S&S violations are those that pose mortal danger to miners and could require immediate halting of operations. The mine also exceeds the industry average for MSHA’s “Injury Severity Measure,” a metric determining the rate of injuries requiring days away from work. Nevertheless, MSHA does not consider the mine a pattern violator.



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