

# Two US coal miners killed in June

Naomi Spencer  
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Two US coal miners were killed in separate accidents on June 13 and 19, bringing to nine the number of coal miners killed on the job in the first six months of 2017. This figure surpassed the total number killed in 2016, and approaches on an annualized basis the total fatality figures of 2011 through 2013, when the US mining industry experienced a relative boom.

On June 19, a Jasper, Alabama man was killed at a mine in west Jefferson County, near Birmingham.

A preliminary report by the federal Mine Safety and Health Administration (MSHA) states that around 6:25 p.m., pre-shift examiner Marius “Slick” Shepherd, 32, was riding a 20-ton locomotive in the Oak Grove Mine when “the locomotive lost control on a long grade, and the victim was thrown or jumped from the moving locomotive striking his head.” Shepherd received first aid at the scene before being transported to the University of Alabama-Birmingham hospital, where he was pronounced dead at 9:30 p.m. The locomotive operator was also injured in the accident.

Shepherd was a miner with nearly nine years’ experience and a member of the United Mine Workers of America (UMW). He leaves behind a wife and two children. A cousin of Shepherd told the local newspaper, the *Daily Mountain Eagle*, that they came from a mining family. “Our grandfather worked in the coal mines, and our uncles worked in the coal mines. He was proud of what he did, and he enjoyed it.”

At the time of the accident, 73 miners were on shift at the mine, which employs more than 400, most of them underground.

The Oak Grove Mine, once a US Steel metallurgical mine, is operated by Oak Grove Resources, LLC, a subsidiary of Seneca Coal Resources. Seneca is a subsidiary of ERP Compliant Fuels, LLC. ERP, in turn, is a subsidiary of the environmental organization Virginia Conservation Legacy Fund. The fund has acquired numerous mine operations from bankrupt companies in the past couple of years.

This shell game of limited liability companies, utilized

across the coal industry, shields parent companies from financial and business problems in individual mines, as well as legal repercussions of accidents.

Moreover, the public is kept largely unaware of the true ownership of coal mines, which effectively shields powerful corporations, hedge funds, and individual owners from outrage and culpability for worker deaths. Many owners are extremely wealthy speculators and “entrepreneurs” who are highly connected to political leaders in local, state, and national politics, donating to election campaigns, lobbying for tax and safety laws favorable to the coal industry, and wheeling and dealing in the global energy market.

The Virginia Conservation Legacy Fund, owned by Virginia businessman Tom Clarke, has snatched up numerous bankrupt and idled mines across the coalfields of central and southern Appalachia. Clarke entered the mining industry under the fraud of “sustainability,” selling coal as a “compliant fuel” by bundling it with carbon credits awarded for planting trees. (See “West Virginia coal miner killed at pit run by environmental fund”)

Shepherd is the second person killed in the Oak Grove Mine in the past year. On December 2, 2016, a technical representative for a safety equipment manufacturer with 13 years of experience was killed while working on a piece of longwall shield equipment. According to MSHA, 36-year-old Yujun Qian was “positioned inside the shield near the hinge point when the shield collapsed and crushed him.”

MSHA lists nine other injuries since that time, three of them categorized as powered haulage accidents involving flatcars and loss of control on the tracks. The June 19 accident was likewise classified as powered haulage.

Last year, the mine was fined \$265,932 in penalties for 314 violations, of which it has paid \$16,122. So far this year, the mine has been cited 210 times, for a total of \$117,912 in fines. It has paid nothing toward 2017’s citations.

In the past 12 months, the mine has received 140

citations for “significant and substantial” (S&S) violations, far more than the 50 S&S citations denoting a “pattern of violations.” Despite this, MSHA does not classify the Oak Grove Mine as a pattern violator.

In 2016, the mine had a non-fatal operator incidence rate of 7.6, compared to 3.41 for mines of the same type nationwide. MSHA’s “injury severity measure” for the mine, the number of lost workdays per 200,000 employee hours, was 2,177.6—nearly six times the 5-year industry severity measure of 378.6.

On June 13, a miner was killed at the Gateway Eagle Mine in Boone County, West Virginia. Thirty-two-year-old Rodney Osborne, of Artie, was operating a continuous mining machine at around 8:45 p.m. when “he was pinned between the cutter head of a remote-controlled continuous mining machine and the coal rib.” He had 10 years’ experience in mining. Osborne is the fifth West Virginia coal miner killed this year, the most in three years.

The Gateway Eagle Mine is a unionized mine employing 112 miners, all but three underground. It is operated by Rockwell Mining LLC, a subsidiary of Blackhawk Mining LLC.

MSHA safety statistics tell a familiar story: numerous injuries, a nonfatal operator injury incidence rate of 15.67 compared to 3.36 nationally, and unpaid fines for scores of safety violations. The mine’s injury severity measure for the past 12 months was 454.5. And predictably, the mine is not classified as having a “pattern of violations.”

With these latest accidents, 2017 is on track to approach the fatality numbers of 2011-13, years of boom in the coal industry when well more than double the mining workforce were employed. What it reflects is intensified exploitation of a workforce terrorized by the threat of layoffs and worked to the bone in unsafe conditions to maintain company profit margins despite the fall in coal tonnage rates.

Politicians such as West Virginia’s Democratic governor Jim Justice, himself a coal executive, and Senators Joe Manchin (Democrat) and Shelley Moore Capito (Republican), were quick to issue statements of sorrow and prayer. On his blog, *Charleston Gazette-Mail* coal industry reporter Ken Ward, Jr. noted, “None of the statements said anything about taking any actions to prevent the death toll from going higher.”

On the contrary, at the state and federal levels, coal mine taxation, regulation and safety are being targeted for cuts. The new West Virginia budget includes outright cuts to the state Division of Miners Health, Safety and Training (-\$848,582) and the Board of Coal Mine Health

and Safety (-\$7,125), as well as the Division of Environmental Protection (-\$130,358) and other regulatory agencies.

At the federal level, the administration of President Donald Trump has pledged to dismantle all regulatory restrictions to the coal industry, including the most basic safety and pollution standards. In this campaign it has the assistance of the UMW, which has championed Trump’s “America First” rhetoric and efforts to attack environmental regulations on the burning of coal. (See: “Trump, the coal miners and the environment”)

For its part, MSHA—which, halfway through the first year of the Trump presidency, has no leadership—has responded to the uptick in coal mine injuries and fatalities with a completely voluntary “compliance assistance initiative.”

Patricia W. Silvey, a deputy assistant secretary of labor filling in the vacancy at MSHA, suggested in a press release June 19 that the recent accidents were caused by a lack of experience and that MSHA would “talk to and observe work practices of miners” and “work with mine operators to improve their training programs.”

Not only does the initiative give coal operators total control over any “compliance” with regulations, it also levels blame for accidents at the “less experienced” coal miners themselves. Many of these coal miners, who may indeed have less than a years’ experience at their current mine due to the constant layoffs and idling in the coalfields, are working with a metaphorical knife at their back, pressured by coal operators to cut corners on safety and keep silent about hazards. For this hostage situation and the latest unnecessary deaths of coal miners the entire political establishment, regulatory agencies, and the unions all bear blame.



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