

Officials: Upper Big Branch Mine Took Safety Second

Tim Huber, AP Business Writer

JULIAN, W.Va. (AP) — The coal mine rocked by an explosion that killed at least 25 workers in the nation's deadliest mining disaster since 1984 had been cited for 600 violations in less than a year and a half, some of them for not properly ventilating methane — the highly combustible gas suspected in the blast.

The disaster at the Upper Big Branch mine has focused attention on the business and safety practices of the owner, Massey Energy, a powerful and politically connected company in Appalachia known for producing big profits, as well as big piles of safety and environmental violations and big damage awards for grieving widows.

"There are mines in this country who have operated safely for 20 years," said J. Davitt McAteer, head of the federal Mine Safety and Health Administration in the Clinton administration. "There are mines who take precautions ahead of time. There are mines who spend the money and manpower to do it."

He added: "Those mines haven't been blown up."

Four other miners were missing and feared dead underground in Monday's blast, believed to have been caused by a buildup of methane, a naturally occurring gas that is odorless and colorless.

Last year alone, MSHA cited Upper Big Branch for 495 violations and proposed \$911,802 in fines. Production more than tripled during that period, according to federal records. So far this year, the agency has found 105 violations at the mine.

Upper Big Branch is one of Massey's biggest underground mines, with more than 200 employees, and it is not uncommon for big coal mines to amass hundreds of violations a year — and to contest many of them, as Massey does. But most big mines don't have as many serious infractions as Upper Big Branch, industry experts said.

At least 50 citations charge the company with "unwarrantable failure" to comply with safety standards such as following an approved ventilation plan, controlling combustible materials or designating escape routes.

"I've never seen that many for one mine in a year," said Ellen Smith, editor of Mine Safety & Health News. "If you look at other mines that are the same size or bigger, they do not have the sheer number of 'unwarrantable' citations that this mine has."

Massey has had problems elsewhere, too. In 2006, two miners were killed in a fire

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Published on Industrial Maintenance & Plant Operation (<http://www.impomag.com>)

at Massey's Aracoma Alma No. 1 mine. Massey settled a wrongful death lawsuit for an undisclosed sum, and its subsidiary Aracoma Coal Co. paid \$4.2 million in civil and criminal penalties.

Testimony showed Massey CEO Don Blankenship suggested firing two supervisors for raising concerns about conveyer belt problems just before the belt caught fire.

"Massey has a history of emphasizing production," said Pittsburgh lawyer Bruce Stanley, who represented the miners' widows. "I'm concerned that they may not have learned the lessons of Aracoma."

In an interview less than 24 hours after the disaster at Upper Big Branch, Blankenship insisted the mine is no more dangerous than others of comparable size, and he defended the company's track record in a perilous business.

"It's natural that the enemies of coal would view Massey as the primary enemy," he said.

He pointed out Massey's many innovations, such as installing steps in place of ladders and putting protective cages on underground vehicles even though the government doesn't require them.

"I think that I've proven that we run safer coal mines — you know, most of the time — and accidents sometimes happen. We've got to figure out what happened here," he said.

Kevin Stricklin, an MSHA administrator, said that the number of citations at the mine appeared high, and that he was concerned about the more serious violations. "It means the operator was aware of some of these conditions," he said.

Massey is contesting 36 percent of all violations at Upper Big Branch since 2007, The Associated Press found. Overall, U.S. mine operators contest 27 percent. Challenging violations can enable a mine owner to stave off the heavier punishment that the government can impose on companies that have been deemed repeat offenders.

Massey became a political and industrial powerhouse under the guidance of Blankenship, who rose from poverty to become one of corporate America's highest-paid and least apologetic executives, a guy who proudly displays in his office a TV set with a bullet hole from a striking union miner's rifle.

He freely spent millions of dollars from his personal fortune to help install a West Virginia Supreme Court justice, a maneuver that led to an important conflict-of-interest ruling from the U.S. Supreme Court, and on a failed bid to elect a Republican majority in the state Legislature.

Under Blankenship, Massey clawed to the top of the Appalachian coal industry, shrewdly buying up coal deposits to amass more than 2 billion tons of reserves. It is a major economic force regionally, with more than 6,000 high-paid miners in some

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of the poorest counties in America.

Operating nonunion mines across southern West Virginia, eastern Kentucky and southwestern Virginia, Massey more than doubled its profit to \$104.4 million in 2009 from the year before, despite slumping demand for coal amid the recession. The company expects to be shipping 2 million tons of coal a year to India by next year.

Massey has managed to push the United Mine Workers union out of all of its operations except for a single processing plant.

Blankenship's hard-driving approach was illustrated in a 2005 memo in which he told mine workers that if their bosses ask them to build roof supports or perform similar tasks, "ignore them and run coal."

"This memo is necessary only because we seem not to understand that the coal pays the bills," he wrote.

Few workers are willing to openly criticize Massey because of its powerful hold on people's livelihoods in Appalachia.

But Terry Holstein, who worked at Upper Big Branch, said it took him 10 years to decide he didn't like the way Massey ran the mine. He left in 2006.

"It was like they wanted production more than they wanted safety, myself, you know what I mean?" he said. "They speak safety first, but production's really first for them."

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Associated Press writers Sam Hananel and Lee Powell in Washington, Allen G. Breed in Dry Creek, W.Va., and Holbrook Mohr in Jackson, Miss., contributed to this report.

Source URL (retrieved on 03/26/2015 - 8:13pm):

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