



# Mining Accident News No.1036

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Friday 3 December 2010

## USA: Oklahoma Coal Mine Operator in LeFlore County Agrees to Pay Fines

*Extract from NewsOn6.com*

FORT SMITH, Arkansas -- The U.S. Department of Labor's Mine Safety and Health Administration says it has reached a settlement agreement with an Arkansas coal mining company in the 2007 death of an employee at its Rock Island Mine in LeFlore County, Oklahoma.

Farrell-Cooper Inc. has agreed to pay penalties totaling \$375,204 for seven citations issued in the wake of the fatality, including three flagrant violations.

On November 16, 2007, Jack Ward, a 66-year-old truck driver, was fatally injured when the truck he was operating backed over the edge of a spoil dump, where waste materials from the surface coal mine were deposited.

The truck rolled 177 feet down the dump slope and came to rest upside down in a pool of water at the bottom of the pit.

The cause of death was drowning. Just two weeks earlier, a similar accident occurred at the same mine when a truck nearly slid off the roadway, injuring the driver.

"New miners need to be properly trained to anticipate and avoid potentially deadly hazards in the workplace," said Joseph A. Main, assistant secretary of labor for mine safety and health. "Furthermore, the mining environment needs to be properly inspected to detect unsafe conditions that can easily endanger miners, and proper safety measures must be in place to prevent accidents. Due to the mine operator's failure to provide these protections, a miner tragically died."

**NOTE:** Views expressed in this newsletter are those of the individual sender, and are not necessarily the views of Industry & Investment NSW.

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In a news release, MSHA issued three flagrant violations to Farrell-Cooper, the first because it failed to provide Ward with new miner training.

According to an MSHA "Certificate of Training" form filled out by the company, Ward received eight hours of new miner training on Nov. 2, 2007. However, the investigation revealed that he was at the mine site for only two hours that day, after which he left the mine for his pre-employment physical. Four days later, Ward began driving the haul truck. He was killed in the accident 10 days later.

The release says a second flagrant violation was issued for failing to conduct shift examinations and identify hazardous conditions at the mine site. MSHA's inspection revealed that 675 feet of elevated roadways and dump sites at the mine had deficient berms, which directly contributed to the fatal accident, as well as the lost-time injury accident two weeks earlier.

MSHA issued a third flagrant violation for not providing berms, bumper blocks, safety hooks or similar means to prevent overtravel and overturning at the pit spoil dump. Dump sites at the mine were missing 185 feet of berm, including the location where the fatal accident occurred.

On September 15, 2010, in U.S. District Court for the Eastern District of Oklahoma, mine superintendent Greg Bryce pled guilty to knowingly allowing miners to work without first receiving the required number of hours of introductory training in November 2007.

The mine operator accepted all seven citations as written, except for one minor change, and agreed to pay 80 percent of the penalties as originally assessed.

## **USA: Under Fire since Explosion, Mining CEO Quits**

*Extract from The New York Times, USA*

Don L. Blankenship, the embattled chief executive of Massey Energy, resigned Friday in a move that might enable the company to

improve relations with federal regulators but might also hasten a takeover.

Mr. Blankenship, 60, and Massey, one of the country's largest coal producers, have been under fire since an explosion in April at a mine in West Virginia in which 29 workers were killed. The explosion, at the Upper Big Branch mine, was the nation's worst coal mining accident in 40 years.

Since then, the company has been hit by civil and criminal investigations and damage suits, and regulators have stepped up investigations of several more company mines for possible safety infractions.

"After almost three decades at Massey, it is time for me to move on," Mr. Blankenship said in a statement. His resignation will be effective Dec. 31.

He will be succeeded by Baxter F. Phillips Jr., president of Massey, as chief executive and by retired Adm. Bobby Inman, a former senior Central Intelligence Agency official and the lead independent director on the Massey board, as nonexecutive chairman.

Reports of possible takeover bids have been swirling for more than a month. The leading contender has been Alpha Natural Resources, which has already made a bid. ArcelorMittal, the world's largest steel company, and Arch Coal have also expressed interest.

Several Indian coal companies are thought to be interested in buying assets from Massey. Such a deal would enable Massey to meet rising liabilities that have resulted from the accident and still remain independent.

It was not immediately clear what effect Mr. Blankenship's surprise resignation would have on the future of the company. Investment bankers with an interest in coal companies have said that Mr. Blankenship personally has opposed a takeover.

However, his resignation may help soothe the harsh relations between Massey and regulators,

which have been stoked by his public and frequent claims that the company's safety measures were more than adequate.

He argued that the Upper Big Branch accident was probably caused by leakage of natural gas from a crack in the mine rather than from unsafe mining practices like excess coal dust and impaired monitoring devices.

"The resignation could make the relationship on the federal side improve because it may be perceived as an attempt to clean house at the top," said Chris Ruppel, managing director and group head of renewables at Execution Noble, an international investment firm. But Mr. Ruppel added, "I think it will help a takeover. When you have a transition, it makes a company more vulnerable. You don't have a steady hand. The whole court is now changed."

Massey directors have said they are open to a buyout.

A company news release gave no hint that Mr. Blankenship, who was chairman as well as chief executive, was forced to resign. Mr. Phillips thanked Mr. Blankenship for his service and said in the statement, "This is a strong and successful coal company, and I will work hard to match and surpass its success in the future." Mr. Phillips has been president since November 2008.

Massey has the largest reserves of metallurgical coal, also known as coking coal, of any American mining company. It stands to grow with the large increase in exports to countries like India and Brazil that rely heavily on coal for steel production. Since the Upper Big Branch accident, however, the company has spent \$150 million in related expenses. And last quarter it reported a loss of more than \$41 million, in large part because of a slowdown in production mostly caused by tightened regulatory oversight.

A merger with Alpha Natural Resources would create a global coal behemoth. The two already are the largest metallurgical coal producers and

have the largest reserves of any American mining companies.

The United States is the only major producer with the rail and port infrastructure to ramp up exports quickly in the next several years. For ArcelorMittal, Massey's coal assets would provide ready access to coal at any market price and protection from natural disasters like floods in other coal-producing countries.

Mr. Blankenship is known as an outspoken skeptic of global warming theories, which he has characterized as a hoax that endangers the American economy. He came into prominence during a bitter mining strike in the 1980s, when as a manager he fiercely resisted making concessions to unions. The unions ended up making concessions, and Massey eventually became nearly union-free. Over the years, he has used his wealth and company power to become a force in West Virginia politics, chiefly to reduce environmental and safety regulations.

A version of this article appeared in print on December 4, 2010, on page B7 of the New York edition.

## **All 7 Miners Trapped in C. China Mine Flood Dead**

*Extract from CRIENGLISH.COM*

All the seven miners trapped in a flooded coal mine in central China's Hunan Province Tuesday were found dead early Friday, rescuers said.

Rescuers retrieved all their bodies at 6 a.m. at a depth of 90 meters in the flooded pit of Yide Coal Mine in Xiangtan County, a spokesman with the emergency rescuer headquarters said.

The bodies were found at the end of the shaft, indicating they were swept there by the gushing flood shortly after the accident happened at 11:38 p.m. Tuesday, he said.

After the accident, a deputy mine manager led 27 workers safely out of the mine.

Despite all-out rescue efforts over the past two days, the spokesman said little progress was

made due to serious cave-ins and lack of oxygen.

Yide is a small mine that has doubled its annual output to 60,000 tonnes after recently merging with a neighboring mine. The local safety authority said the mine managers had been warned of potential safety loopholes, both orally and in writing, over the past four weeks.

Senior executives and major shareholders of the mine are in police custody.

The cause of the accident is still under investigation.

Sunday 5 December 2010

## **NZ: Ex-Pike miner says safety issues were known**

*Extract from TVNZ.co.nz*

A former Pike River miner has spoken out about what he says were known safety issues at the mine.

Brent Forrester, a friend of miner Riki Keane who died in the explosion, worked in the mine from August 2008 until July 2009.

He told Sunday there were signs of bad ventilation when he was there.



[Brent Forrester, friends with Riki Keane who died in the Pike River mine - Source: Sunday](#)

"There's evidence of it, through different texts that miners have made, through comments they've made leading up to the explosion. There's been gas issues, there's been ventilation issues," Forrester said.

"Did management even know about it? Were they even told? I don't know - it just goes to show the partnership between management and workers didn't work."

Forrester says safety procedures weren't what they should be - and pointed to the confusion on the day of the explosion about how many miners were actually in the mine.

First reports were from management and people were told there were 36 miners' tags on the wall at the entrance of the shaft. Later management said, 27, then 29.

"I believe some guys had forgotten to take their tags off the board. Things like that did happen and happened quite regularly," Forrester said.

"I don't believe there were accurate measures put in place to know exactly who was down there."

Forrester says he is very angry - at management and at the fact he has lost a friend of many years.

"It should not have happened - it was 100% preventable."

Forrester said when he worked in the mine, management sounded like they knew what they were doing and "had procedures for everything".

He said he became worried about safety when he found that if staff had problems and reported it, not much changed.

"It didn't seem like anything every really got done about it."

He claims there weren't methane sensors in the area he was mining.

"If we had a gas problem, in the explosive range, the control probably wouldn't even read that [until] probably 15 or 20 minutes later."

He also said the sensors weren't always calibrated.

He said Keane's concerns were the same as his own but many of the miners were worried about losing their jobs.

"We had a time when they were using one vehicle to get contractors in and out all day and we had no vehicles underground there to get out if we needed.

"One of the guys rang... I was in the control room and he said 'we've got no stretchers, no safety equipment, no vehicle to get in and out - this is just ridiculous. I said 'right I'm ringing the union'."

"The union representative said he believed we should come out, but it was the miners' call." Forrester said he rang them and they walked out.

He said Riki Keane and Daniel Herk, another of the dead miners, were two of those who walked out.

He said management weren't happy about the move and told the miners if they had issues, management was approachable.

"I don't believe they were ever approachable when it came to issues and they wanted to know who rang the union, so I felt threatened... there was a risk of losing my job."

#### **Whittall responds to ex-miner's claims**

Sunday put Forrester's claim that the accident was preventable to Pike River CEO Peter Whittall .

"Well I accept that mines shouldn't blow up, and I accept that mines should have every system in place to make sure that they can detect the safety conditions underground," Whittall said.

He said the accident may have been preventable on the day, but until the investigation is complete they won't know.

"We may know what factors led to that eventually, and therefore be able to prevent that same occurrence again somewhere, or at that mine."

He said as Forrester hasn't worked at the mine for more than a year, he hadn't seen the improvements in it such as the ventilation shaft and auxiliary fans.

"We increased the air up to 80 to 90 cubic metres per second, which gave more than enough ventilation for those areas. And then in recent months we've installed the first of our two main underground fans, and that increased it by another 30 percent on top of that," Whittall said.

Whittall said he had not heard of the methane sensors not being calibrated.

"We have requirements for those things to be recalibrated and we have a requirement for them to be kept in calibration to do the job they're doing. If there's an allegation that they weren't in calibration it's something we'll have to look into and no doubt will," Whittall said.

He also said the issue of the miners' tags was something they had tried to enforce with the miners time and time again. He said there was a firm message sent and signs placed in the mine reminding them of their responsibility to remove their tags when they left the mine.

"The reinforcing message to guys is always 'can you imagine if there was an emergency and your family thought you were in the mine, but you weren't really'."

He said he stands by his statement that the mine was developed with safety as its foremost concern.

Meanwhile Forrester said if he is asked to testify to the Royal Commission of Inquiry, he will.

"It's about trying to find out the truth... and what's happened to these 29 guys that have been left in the mine."

## **USA: Coal Truck Overturms at Massey Site; Driver Killed**

*Extract from ABC News, USA*

Federal mine regulators say a coal-hauling truck overturned at a Massey Energy Co. mine site in West Virginia, killing the driver.

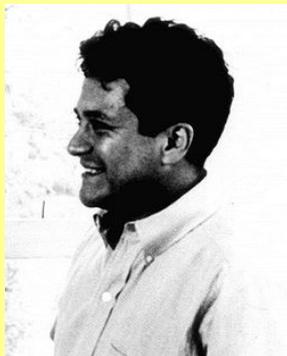
Amy Louviere, a spokeswoman for the Mine Safety and Health Administration, says the truck overturned around 5:30 p.m. Saturday on a haul

road in Scarbro, which is about 50 miles southeast of Charleston.

Louviere said in an e-mail Sunday that two inspectors were sent to investigate the wreck, which may have been caused by faulty brakes and icy roads.

The truck was operated by a contractor, Medford Trucking. Massey said in a news release Sunday that the crash happened at the company's Republic Energy operation. Massey says it will investigate the crash and work to ensure its haul roads are safe.

### Quote of the week



Carlos Castaneda 1962

"A man of knowledge lives by acting, not by thinking about acting."

Carlos Castaneda  
(Peruvian-born American anthropologist and author, 1925-1998)

Monday 6 December 2010

## NZ: How do we make sure miners are heard?

*Extract from stuff.co.nz*

**OPINION story:** The Pike River mine explosion is a dreadful disaster in all respects: 29 mine workers dead, bodies not yet recovered, families and friends bereft, the mine's future and that of its hundreds of other workers very uncertain.

The Engineering, Printing and Manufacturing Union had 71 members at the mine. Eleven died, the rest lost close workmates and live with the knowledge that it might have been them.

The mine's most experienced union delegate was killed. Those remaining have the daunting task of stepping into his shoes at this time when workers need their union support.

This was a workplace accident. Unions have long been the voice of workplace health and safety. We have a motto: Mourn the dead and fight for the living. There is and will continue to be mourning over the deaths of these men. At the same time we need to make sure their voice is heard in the strongest terms in all the various inquiries.

The inquiry must include an expert on workplace health and safety in the broadest sense.

The judge is experienced and will have heard evidence on many different issues in his time on the bench. He will be able to distil information and draw conclusions. A mine safety expert will be good on the technology and risks of mining and can probe the structure and practice of mining, safety equipment and so on.

But who will be the voice of those killed? Who will ask the witnesses about the adequacy of health and safety training, the processes for raising safety issues, and support systems for workers that contacted the union about them? Who will question witnesses about the culture of the place, about how Department of Labour inspectors interacted with health and safety delegates when visiting? Who will ask the DOL why the recommendations from the last fatal mine accident inquiry in 2008 were not implemented? When determining the inquiry report and recommendations, who will ensure that workplace safety policies are considered?

There are risks that integrity is already being compromised. The EPMU has been working with members to support them through their grief and over employment issues in the immediate aftermath, and these tasks will multiply in the coming months. Many members will want representation and advice during interviews with police, DOL officials and the inquiry, and the

union is equipping itself in the most impressive way to do that.

It has done the right thing in holding its tongue about any of the wider issues so far, but while it has been silent serious political decisions are being made.

The DOL and police have started interviewing workers, eight a day, four at a time, up to four hours allocated for each one. The commission is being set up and appointments being made. The memorial service was planned and the union, unlike the company, was excluded from consideration. Some statements were made at that service concluding already that this was just some sort of unfortunate accident.

There are issues which the Council of Trade Unions is already raising which need to be answered. The DOL and police have agreed to co-operate in their interviews to minimise repeated questioning of people, but each is collecting evidence for different purposes: The police for the coroner as to cause, the DOL for the Government as to future policy and breaches of the Health and Safety Act.

There is a risk that the DOL is effectively investigating itself. This mine was operating for a little over a year; how could this happen in such a short time, what was the DOL's involvement when it was opened, and what will be its role if it is to reopen?

The company and many of those that work for it want to reopen the mine; how will that happen in a way that is safe, how will we avoid the pressures between those that want the profits and those that simply want the decency of a job without compromising safety standards?

The mine company is pressuring the DOL and police to let their lawyers sit in on interviews with witnesses. The union says no, that workers must feel free to say what they want and answer fully without feeling that they may hinder their future work prospects.

The company can dispute the evidence in the normal way when it is presented but it shouldn't

influence its collection during interviews. Many contractors without the protection of employee status are losing employment and income immediately although some may well have entitlements.

Who will support them, and what are the policy implications for this form of employment?

The CTU and unions are in a difficult position. While we are excluded from all the big decisions, any criticisms we make will no doubt be called by the Government as making political capital. But there are core worker interests at stake here: the future of mining, the right of workers to return home after a day's work, the need for accountability for this disaster, the safety standards of other mines.

While the company has been very supportive of the victims' families since the explosion and Pike River Coal chief Peter Whittall has obviously been very traumatised, in the end both the ongoing media interest and, more importantly, the conduct of inquiries and investigations must now consider the reality that there are different interests at stake.

This has been a terrible tragedy.

Let's not compound it by a shoddy approach to inquiries. Let the miners speak.

*Helen Kelly is Council of Trade Unions president.*

Tuesday 7 December 2010

## **NZ: Flames no longer roaring from mine shaft**

*Extract from tvnz.co.nz*

Flames that were coming from the Pike River mine vent are no longer visible and temperatures on the concrete pad around the vent are reducing.

Gas level readings from the mine are also showing positive signs, with some areas showing inert readings.



Aerial view of drilling rig at Pike River Coal Mine - Source: NZPA

Superintendent Gary Knowles says this morning's developments were encouraging.

"This is an important step in allowing us to get a metal cap on the vent shaft. Work is also continuing to cool even further the concrete pad around the vent.

"However the fact that flames have stopped coming from the vent doesn't mean the fire inside the mine is out yet.

"We will keep running the GAG machine. If we can get the cap on this will help the GAG in putting out the fire inside the mine."

Knowles stressed that even with the fire out, entry to the mine was still a long way off.

"Safety remains paramount and we can't just put the fire out and rush in there.

"Even with all the expertise and resources available to us this is still an operation which will take weeks, if not months."

Knowles will meet with the chief coroner in Greymouth later today to give him a briefing on the operation.

The Chief Coroner will also be taken to the mine site and is due to meet the families tomorrow.

## USA: Dead Miners' Kin Wrestle With Choice to Settle or Sue

*Extract from The Wall Street Journal*

DAWES, W.Va.—Two days after an explosion ripped through a Massey Energy Co. coal mine,

with rescuers continuing their search for survivors, the company's board convened by phone.

They agreed that it was unlikely any of the 29 workers had survived. Then they decided to make a settlement offer of \$3 million to each deceased miner's family to help them financially and head off a wave of litigation, according to people familiar with the matter.

Indeed, the first letters from law firms would soon begin to arrive in mail boxes along the twisting roads here, offering to represent relatives of miners in wrongful-death lawsuits against Massey.



Kim Lane, whose husband Rick Lane was killed at the Upper Big Branch mine explosion, stood in a memorial garden in Cool Ridge, W.Va. Ms. Lane had the garden built to honor her husband and the 28 other miners who were killed.

Tommy Davis—whose son Cory, 20, brother Timmy, 51, and nephew Josh Napper, 25, were all killed in the explosion—got more than a dozen letters from attorneys. He threw them in the garbage. At the same time, Mr. Davis, who worked in the mine himself and narrowly escaped the blast, hasn't taken up Massey on its \$3 million offer, presented by Massey operating chief Chris Adkins in Mr. Davis's home.



Tommy Davis watched television with his son Nathan, 11, at his home in Dawes, W.Va.

"I'm in no hurry," says Mr. Davis, as he sat in his wood-paneled living room recently, watching a digital picture frame display photos of his son. "I don't think it's justifiable that they want to put a dollar sign on my boy."

Nine months after the worst U.S. coal-mining disaster in 40 years, most of the 29 families who lost a father, son or brother at Massey's Upper Big Branch mine, in Montcoal, W.Va., are torn over whether to accept Massey's \$3 million settlement offer or to file suit.

The decision has split some families. Seven widows or close relatives have accepted settlement offers, but only three agreements have been finalized. In at least two cases, family members are at odds and plan to let a court decide which path they should take. Two families have filed wrongful death suits against the company.

Most, if not all, of the other families have retained lawyers and are awaiting the outcomes of federal and state investigations into the accident to see if the company is found responsible.

The difficult and life-altering choice—settle or sue—is similar to the one faced by relatives of workers killed in other industrial accidents, including the BP PLC oil spill that killed 11 workers this year, the California gas-pipeline explosion that killed four and a Connecticut power plant explosion that killed six. Kenneth Feinberg, a Washington attorney who has been appointed to oversee claims in BP's \$20 billion oil spill fund and who oversaw the September 11 victims fund, says Massey's settlement offer is "standard operating procedure where the company wants to stay out of court and avoid the limelight and offers what it feels are very generous settlements."

Mr. Feinberg, who has become a go-to figure in such heart-wrenching matters, says settlement offers worked out in court generally adhere to several factors: the age, income and number of dependents of the person killed, and whether

the person had a generous life-insurance policy. In the current case, he says he would also look at other variables—such as how long miners typically work over their lifetime.

"It's a cold calculus," Mr. Feinberg says. The situation is further complicated because families may also believe they are owed punitive damages.

The Massey offer exceeds the average wrongful death settlement in the U.S., which was \$1.8 million in 2009, but is less than the average wrongful death jury verdict of \$7.8 million, according to ALM, a New York legal information company.



"We tried to pick a number that we thought should work for everybody," said longtime Massey CEO Don Blankenship in a recent interview. On Friday, he stepped down as chairman and CEO, under pressure from some members of Massey's board, which is exploring a sale or merger.

For all families, whether they accept the settlement or not, Massey is supplementing workers' compensation benefits, so widows receive miners' full salaries for the rest of their lives or until they remarry. It also provides medical benefits to widows for 20 years and continued medical benefits for dependent children with no premiums. The company will also pay \$5,000 a year for child care, and provide dependents with four-year scholarships to an accredited public college or vocational school in West Virginia.

The benefits "were far beyond what we were required to do," said Mr. Blankenship.

Legal experts say the \$3 million offer is high for workers who earned at most about \$80,000 a year, and they say the sum might be considered even richer in the context of rural West Virginia, where the poverty rate exceeds 19% and the unemployment rate is 9.3%.

"Some families will say that just gives me peace of mind and it's more money than I thought I would ever have," says Robert Bastress, a law professor at West Virginia University in Morgantown, W.Va. "Some families will say I want a piece of Massey, and I want my day in court."

Mr. Bastress says families could receive more if a jury finds that Massey intentionally or recklessly violated safety laws that caused the deaths. Litigation involving miners' deaths, he says, usually takes three to four years to resolve. That could motivate some families to settle. But they stand to receive less if the company is cleared of wrongdoing and decides to lower its offer. Massey says it currently has no plans to do so.

Under state law, any family members who were financially or emotionally dependent on the dead are allowed to seek the company's settlement.

Divisions among individual families matter, because they have the potential to scuttle Massey's attempt to settle the cases. Even if a widow—or next closest relative—accepts Massey's offer, other dependents and family members can object to the settlement at a court hearing. In West Virginia, a judge must weigh their arguments and decide whether a settlement can go forward. The outcome brings with it a certain finality: any settlement would bar all of the miner's dependents from suing Massey over the accident in the future.

The Mullins family is split, according to Clay Mullins, whose brother Rex was killed in the explosion. He said his sister-in-law, Brenda Mullins, wants to accept the offer. But Rex's

siblings and mother want the option to sue Massey.

Mr. Mullins says his brother Rex told him that if he was ever killed in the mine to sue. "If that's his last wish, then I feel that we should follow through," says Mr. Mullins, a retired miner from Pax, W.Va.

Brenda Mullins didn't return calls for comment. A man answering her door said she didn't want to discuss the matter.

Two families will make arguments for and against settlement in the next two weeks before a judge in closed hearings. Under state law, a judge needs to approve wrongful death settlements and can determine how to distribute funds among dependents.

John Wooten, a Beckley, W.Va., attorney, represents Clay Mullins, as well as two miners' widows who haven't accepted the settlement. "Three million is a lot of money, but if it turns out [a future settlement] is worth 10 times that, then \$3 million is not a lot of money," he says.

In the small coal communities of southern West Virginia, the paths of these families often cross. At a small memorial service recently in Whitesville, five miles north of the Upper Big Branch mine, several dozen family members gathered at dusk on a strip of grass between Route 3 and the bank of the Big Coal River.

Among them was Nancy Burgess, of Artie, W.Va., whose 31-year-old son, Ronald Maynor, was killed in the blast. "I know no money can't bring them back, but I tell the families to take them for every dime they can get out of them," says Ms. Burgess. Her daughter-in-law rejected the settlement and has filed a wrongful death suit against Massey in Raleigh County Circuit Court.

Standing nearby was Kim Lane, whose husband, Rick, a foreman at Upper Big Branch mine, was killed. Ms. Lane, 46, accepted Massey's \$3 million offer and doesn't blame the company for the accident. "Massey's been good to me, and I have nothing bad to say," she says.

Ms. Lane created a memorial garden on her property as a tribute to all 29 of the miners who were killed.

"Money is not the issue," Ms. Lane says. "Healing my broken heart, the love that I have for my husband, is the only thing that matters to me right now."

Few families could illustrate the difficult choices presented by Massey's offer better than the Davis family, which lost three members. They have agonized over the decision and determined that what is best for one family member might not be necessarily right for another.

Charles and Linda Davis, the patriarch and matriarch of the close-knit family, lost a son, Timmy, and two grandsons, Cory and Josh. On the morning of the accident, their grandsons were in their kitchen. Ms. Davis was packing their lunches.

"I said, 'Boys, you need to think about getting into school. Go do something with your life,' she recalled. "You know what their reply was? 'Big money, Mamaw. Big money.' That's what got them"—the lure of the high wages on offer in the mines.

Charles Davis worked in the mines for 37 years before retiring. He says he never saw an explosion of this magnitude and believes it must have been caused by safety lapses. He believes the company was responsible for keeping the mine safe or shutting it down if there were signs of problems.

But when his daughter-in-law called for advice about the settlement, he was torn between his own anger and concerns for her. He told her to take it.

"I don't figure you'll get any better than that," Mr. Davis recalls telling Timmy's widow, Diane. "If you go and fight, you'd have to go hire a lawyer and they'd take almost half."

He doesn't want her to go through the pain of a lawsuit, having to relive the accident.

Diane Davis says she doesn't want to talk about the settlement or the accident. "I'm done talking about it," she says.

In order for her to receive the settlement, all of the Davis family members, including siblings, parents and children, had to waive their rights to sue.

"I wouldn't want to take something that belonged to Diane," says Mrs. Davis.

Two other members in the Davis family, Tommy and his sister, Pam Napper, forfeited their rights to sue over their brother's death. They are still undecided about accepting Massey's settlement offer for their respective sons, Cory and Josh.

Ms. Napper says no amount of money can bring back Josh, who worked in the mine for less than two months. He had been a licensed practical nurse in Ohio, earning \$18 an hour, but wanted to work in the mines to make more money to help support his two-year-old daughter.

Ms. Napper says she was disturbed to learn that the Massey mine had been cited for repeated safety violations. She is concerned that by accepting the settlement, she won't be able to push for changes.

Regulators say the Massey mine had a pattern of serious and frequent safety violations over the past two years—some that required evacuations.

Massey has said it believes the mine's safety devices and practices met government standards at the time of the blast.

Meanwhile, Tommy Davis says he is struggling with the decision. He, himself, worked at the Upper Big Branch mine for a contractor, knew coal mining paid well and encouraged his son Cory to develop his mining skills.

Like other relatives of the miners, Mr. Davis holds onto his last memory of his son. They were both at the mine. Cory was putting his lunch away. Mr. Davis took a couple of steps toward the mine and stopped. "I looked at Cory Boy, and I said, 'I love you, boy.' He said, 'I love

you too, old man. I'm going to go in and cut me some coal."

## **NZ: Mine rescue bid presented 'unprecedented challenge'**

*Extract from Otago Daily Times*

Attempting to rescue the 29 miners and contractors from the Pike River mine after last month's explosion last month created an unprecedented challenge, say police.

They have been criticised for not going into the West Coast mine after the initial explosion on November 19 but said it was too dangerous.

"Walking 2.5km along the tunnel to where the miners were working would be like walking into a bomb," Assistant Commissioner Grant Nicholls said in the latest issue of the police magazine, *Ten One*.

"Towards the end of the tunnel the atmosphere was so volatile that any movement could displace the air and cause an explosion."

Mr Nicholls said throughout the operation police and rescue teams were looking for an opportunity when gas levels were "trending towards stable and key indicators allowed the possibility of a rescue. But that was not to be".

Greymouth police said the loss of 29 men was gut wrenching, particularly for youth aid officer Constable Rosemary Green whose husband Bernard died in a mining accident at Roa mine near Greymouth in 2006.

She had a son working in another West Coast mine.

"It's been bloody hard and bloody gut wrenching," the officer in charge of Greymouth police. Senior Sergeant Allyson Ealam told the magazine.

"We're not sure how to feel. It's surreal."

For the first six days of the operation focusing on the rescue of the trapped men, officers regularly worked 15-hour days.

Ms Allyson said in spite of the anger and frustration of miners' families portrayed in the media, the relationship between the police and the community was strong.

The police station was inundated with flowers, cards and food and had telephone calls from around the world.

Wednesday 8 December 2010

## **NSW: Snapshot of Hunter mining highlights safety and massive royalty payments**

*Extract from ABC News Online, Aus*

A New South Wales Minerals Council report talks up safety and the extreme wealth generated by the resources sector in areas like the Hunter Valley.

The Key Industry Statistics 2010 report says in the 12 months to June \$130 million was spent on exploration, with 110 million tonnes of coal exported.

No deaths were recorded and nearly one-billion dollars was collected in royalty payments.



Snapshot of Hunter mining industry (User submitted via Contribute: Araluen, file photo)

Minerals Council CEO, Nikki Williams says the report confirms the Hunter is key driver of the state's economy.

"We're continuing to create new jobs," she said.

"Some 2,100 new jobs were created and in fact for the Hunter region, since the snapshot was taken of our statistics for last year there has been an additional 2,500 jobs in the Hunter, so that trend continues very importantly."

Dr Williams says injuries were also down and there were no fatalities.

"The story is quite fantastic, I mean zero fatalities," she said.

"We've had long stretches of many years without fatalities in the coal sector.

It reflects the changes that have taken place in the culture of mine sites."

## QLD: Service to farewell NZ mine blast victim

*Extract from ABC News Online, Aus*

Hundreds of people are expected to gather at a memorial service on south-east Queensland's Fraser Coast today to remember Willy Joynson, who was killed in last month's New Zealand mine explosion.



Mr Joynson has been described as a fine citizen who had dedicated his life to mining. (AAP: New Zealand Police)

Family, friends and former workmates will gather at the Kingdom Hall of Jehovah's Witnesses at 11:00am (AEST) in Tinana, south of Maryborough, to farewell Mr Joynson.

The 49-year-old was among 29 men trapped after an explosion at the Pike River Mine in New Zealand on November 19.

A second explosion five days later ended all hope the men had survived.

Mr Joynson has been described as a fine citizen who had dedicated his life to mining.

He had worked in the Wide Bay-Burnett and central Queensland regions before moving with his wife and two sons to New Zealand a year ago.

Mr Joynson had been expected to return to Australia in January.

## Thirteen dead in China mine explosion

BEIJING — A gas explosion at a coal mine in central China on Tuesday killed 13 people, state media said, in the latest accident to hit the nation's mining industry.

The blast took place at 7:40 pm (1140 GMT) in Mianchi County in central Henan province, the state-run Xinhua news agency reported, while 33 miners were working underground.

Twenty miners escaped alive from the Juyuan Coal Industry Company mine but the remaining 13 were confirmed dead early Wednesday, provincial work safety bureau director Zhang Guohui was quoted as saying.

China's mining industry suffers frequent disasters, with floods, explosions and shaft collapses killing thousands each year.

Last year 2,631 Chinese miners were killed, according to official statistics, but independent labour groups say the true figure is likely to be much higher as many accidents are believed to be covered up.

## QLD: Lights not practical, court told

*Extract from The Morning Bulletin, Rockhampton, Qld, Aus*

THE Supreme Court at Rockhampton yesterday heard it was impractical to light an area in a mine where a man fell down a hole.

John Arthur Osborne is suing Downer EDI Mining for \$1.4 million after the accident at the Cracow Gold Mine on May 6, 2005.

Mr Osborne claimed the mine's management was responsible because the path had not been lit, the unsafe area was not barricaded and he was not informed where it was.

Yesterday Richard Morton, for Downer EDI, asked Department of Environment and Resource Management mines inspector Terry

Fisher whether it was practical for the open stope to be subject to permanent lighting.

Mr Fisher said it was not because of the blasting that was carried out at the mine.

According to court documents, at 7am on the morning of the accident Mr Osborne was verbally instructed by an employee of the mine to go to a tunnel and drill a series of cable bolt holes.

When he entered the tunnel to find where the holes were to be drilled there was no artificial lighting bar that from his mining cap lamp.

While walking along the tunnel he fell down an open stope receiving the multiple fractures, head injuries as well as memory loss.

The trial was expected to finish tomorrow.

## **DR Congo mine collapse kills 20**

*Extract from Xinhua*

About 20 miners were killed when a tin mine collapsed in the central Democratic Republic of Congo, the local government said Tuesday.

The accident was caused by torrential rains Saturday night, which was operated illegally, an official from the central Maniema province said on condition of anonymity.

A rescue team had arrived at the mine, but the chances of finding survivors are very slim, he said.

Owners of the mine did not report the cave-in to the government.

DR Congo President Joseph Kabila decided in September to suspend mining activities in the provinces of North Kivu, South Kivu and Maniema in an effort to curb the illegal exploitation and trade in minerals in those regions.

Deadly mine disasters are common because of illegal mining supported by local rebel groups and lack of safety regulations.

## **4 Killed in Coal Mine Tunnel Collapse in NE China**

*Extract from CRIENGLISH.COM*

Four miners have been confirmed dead, after a coal mine tunnel collapsed Tuesday afternoon in northeast China's Liaoning Province, the local authorities said Wednesday.

The provincial coal mine safety department said the accident happened at 4 p.m. Tuesday in Caitun Coal Mine in Benxi City, when seven workers were working under the tunnel. Three of them managed to escape.

The state-controlled coal mine, which turned out 600,000 tonnes last year, was under renovation when the accident happened. The provincial coal mine safety department has set up a working group to investigate into the accident.

## **USA: Judge upholds W.Va. mine accident reporting rule**

*Extract from Associated Press*

CHARLESTON, W.Va. -- A Kanawha County Circuit judge has upheld a West Virginia law requiring coal mine operators to report serious accidents such as fires to mining authorities within 15 minutes.

The ruling comes in a case involving an International Coal Group Inc. subsidiary that was fined \$100,000 for waiting too long to report a gas ignition in 2008. Judge Tod Kaufman ruled Nov. 19 that Wolf Run Mining Co. failed to report the ignition by the 15-minute mark and reinstated the fine, which had been overturned by the state Coal Mine Safety Board of Appeals.

The decision is the first legal test for the reporting requirement, one of a myriad of changes in state law passed after the deaths of 12 miners at ICG's Sago Mine on Jan. 2, 2006.

It's also another victory for the state Office of Miners' Health Safety and Training, which brought the appeal. In 2008, Kanawha County Circuit Court Judge Duke Bloom reinstated a \$100,000 late reporting fine against Massey

Energy Co. after the Board of Appeals cut it to \$10,000.

Assistant Attorney General Elaine Skorich said the state mine office is thrilled.

"It's reassuring to know that the laws passed after the Sago Mine disaster are working to promote safety for West Virginia's coal miners," Skorich said.

Scott Depot-based ICG is considering an appeal, General Counsel Roger Nicholson said.

"We're disappointed by the Judge's ruling, and believe that the Board's earlier decision that Wolf Run had not violated the required immediate notice provision was the correct one," Nicholson said in an e-mail. "We will review the decision and determine whether Wolf Run will seek further judicial review."

The case centered on the briefest of accidents at ICG's Sentinel Mine in Barbour County. It was just after midnight on May 21, 2008 when a miner reported seeing an orange glow perhaps 7 feet high for a few seconds, according to court records. Three other miners told their foreman that they, too, had seen something.

Their foreman, however, couldn't find evidence of an ignition and the section had normal methane levels and air flow, and he was unconvinced. A second foreman finally reported the incident to the state mine office and its federal counterpart.

Kaufman's ruling is succinct: State law requires reporting within 15 minutes, an ignition occurred and Wolf Run should have reported it promptly.

The board was wrong to decide in Wolf Run's favor and to decide the state mine office hadn't proved a violation occurred, he wrote.

ICG also was cited by the federal Mine Safety and Health Administration for missing its 15-minute reporting deadline. The company is contesting a \$4,000 fine, according to the agency's website.

## This week in mining accident history

**9 December 1911**

**Cross Mountain Coal Mine**

**Briceville, Tennessee, USA**

**Underground coal mine**

**84 killed by explosion**

Source: [www.usmra.com](http://www.usmra.com) & [www.coalcreekaml.com](http://www.coalcreekaml.com)

Briceville, Tenn., Dec. 9 -- Between 126 and 156 men are entombed here to-night in the great Cross Mountain Coal Mine of the Knoxville Iron Company. They had entered to begin the day's work when at 7:30 o'clock this morning a terrific explosion, which shook the county, wrecked the workings.

Three only have come out alive. They had entered a lateral off the main shaft and succeeded in getting into the open before the flames and smoke caught them. They are John Lang, Sam Farmer, and Bert Haymaker. Warned by the blast's rumble, they escaped before overtaken by flames. They say they observed had "signs" as they entered the mine. They believe the exact location of the blast is at least two miles in the interior and a thousand feet from the mountain crest.

The body of Lee Polston, operator of the mine's fan plant, was found first buried and mangled under the cave-in in the main shaft. Later two bodies were found by rescuing party within few feet of each other, badly blackened and mangled, near an air shaft 2,000 feet from the entrance.

The rescue work is under the direction of Supt. P. F. Lynch of the mine, President T. I. Stephenson of the operating company, and two crews from the mine rescue service of the Federal Government.

One of the latter is under the direction of Edgar S. Sutton, foreman miner in charge of the Knoxville rescue station, and the other under William Burke's engineer, in charge of mine rescue car No. 7, which reached Briceville at 5:30 o'clock this afternoon from Artemus.

Rescue workers are making scarcely any headway. The Government rescue car and force is on hand with rescuers and engineers from all over the district.

The shafts extend two miles into the mountain. According to President T. I. Stephenson of the iron company, the men, if they had reached their posts were in lateral shafts when the explosion occurred. This encourages those on the surface to hope that many may be living.

Rescue work was checked before 11 o'clock. Great billows of flame began to belch from the openings. Members of rescue squads who were driven from the mine declared they had advanced a mile into the main shaft, and that in that distance they had discovered no signs of the imprisoned men.

Just before they were driven out they encountered a cave-in in each of the entries. They found dense and compact deposits of slate, earth, rock, and coal in the main shaft of the mine, and also in an abandoned entry which had been used for an airshaft.

About the mouth of a vertical ventilator leading to the top of the mountain fires have been built to create, if possible, a circulation of air from within the mines.

It is not yet possible to determine whether this blockading of the entry is shallow or whether it extends hundreds of feet or a mile or more. Wood posts are trusses in the shaft have been blown outward, and this, miners state, is indicative of a serious explosion beyond. Brattices are being constructed by means of which air is being forced into the channel as fast as it is possible to remove the debris.

There are three theories as to the cause of the explosion. One is that in some manner powder or dust exploded, the second is that an electric wire came in contact with explosives, and the third that the explosion was caused by poor tamping of a drill.

The mine was thoroughly inspected Friday of last week by J. F. Hatmaker, who has been

Inspector of the mine for eight years. He remained in the mine nearly all of Friday night. He said that there was no trace of gases when he emerged.

The mine also was recently inspected by an Inspector under George E. Sylvester, State Mine Inspector and a representative of a casualty company which carries insurance on the employees of the company, and is said to have reported that it was in excellent condition.

President Stephenson made the following statement late this afternoon:

"I deeply regret the accident in the mine, and I am bending every effort to rescue the men who are entombed. I am in hope that the men will be reached. According to the topography of the mine, the gases go generally into the entry in which the explosion took place. Most of the men in the place must have gone into the cross-sections where they are employed in mining, and this, therefore, causes me to believe that they escaped fatality, at least some of them."

President Stephenson declared he did not believe the casualties would be as large as were first reported. He did not believe there were many men in the mine at the time of the explosion.

He said the mine is usually manned by 126 workers, who were brought each morning to the mine in trains. Mr. Stephenson said he understood several of these trains were late this morning, which would have delayed the miners in getting into the shaft. He thinks large numbers of workers had not got into the mine before the blast.

The first intimation of the explosion was a slight concussion at the shaft; then smoke curled out from the opening.

Mr. Stephenson said he thought there would have been greater disturbance about the shaft opening if the explosion had been of tremendous force.

The rumble of the explosion brought great crowds to the mine opening, and company officials made immediate preparations to organize rescue operations. Throngs of women and children clamoured to be allowed to make their way inside to aid in the rescue. Many of the women knew their husbands had entered the mine, but most maintained brave hearts. A majority of them had witnessed similar scenes.

Hugh Larue, a miner, owes his life to a dream his wife had last night. When he prepared this morning to go to his daily task Mrs. Larue refused to prepare his lunch. She did not want him to work. She said she dreamed she saw scores of miners with their heads blown off being carried out of the mine entrance as she and her children stood at the mine's mouth.

Larue had not missed a day from work for many months, but he was prevailed upon to-day to remain out of the mines. It was only a short time after Mrs. Larue recited her story when the explosion occurred.

Briceville, which is in Anderson County, has had a stormy history. It was the scene in the early nineties of rioting when miners rebelled against working with convicts leased by the State. Troops were sent there to quell the trouble. At Coal Creek, near there, on May 19, 1902, 200 men were killed in the Fraterville mine explosion.

*From the New York Times, December 10, 1911*



Friends and relatives awaiting news of the rescue efforts after the Cross Mountain Mine explosion in Briceville on December 9, 1911

### **The explosion and recovery efforts**

Major mining operations began at the Cross Mountain Mine in 1888, when a railroad spur line

was extended up the Coal Creek Valley and into Slatestone Hollow. Over the years, large amounts of volatile coal dust had accumulated in the mine's shafts. Although Cross Mountain was classified as a non-gassy mine, methane gas was detected during the subsequent investigation at 25 Left entry. On the morning of December 9, 1911, a roof fall occurred near one of the mine's entrances, which released methane gas into the air. The gas and coal dust probably ignited when a miner approached the roof fall with an open light. The explosion killed or trapped the 89 miners who had gone into the mine that morning.

A crowd consisting of miners' families and curious onlookers quickly gathered at the Cross Mountain Mine as miners and engineers immediately initiated a rescue operation. A ventilation fan was brought from a nearby mine and used to expel the afterdamp and force air into the mine shafts. A rescue crew from the Bureau of Mines— which had been created the previous year— arrived at around noon equipped with gas masks, oxygen tanks, and caged canaries. Water was piped into the mine from a nearby brook, allowing the Bureau crews to extinguish fires and erect brattices.

Around midnight, the first three bodies were brought out of the mine. Two bodies were recovered the following day. On Monday, rescue workers followed miners' inscriptions to an area where five miners had barricaded themselves with several tubs of drinking water. Two of the miners were burned, and two had left the barricaded area to find a way out, although all five were found alive. On December 19, the last two miners— Alonzo Wood and Eugene Ault— were found dead behind another barricade. Before suffocating, Ault and Wood managed to inscribe "farewell" messages to their families on the barricade wall.

**Editor's note:** The Cross Mountain Mine operation was one of the first major rescue efforts carried out by the Bureau of Mines. Although only 5 of the 89 miners trapped by the

explosion were rescued, the bureau collected invaluable information that aided later mine rescue efforts. The rescue effort also helped the bureau's public image, and ensured continued funding in the future.



Bureau of Mines Rescue Crew

Thursday 9 December 2010

## Mine-Safety Measure Giving U.S. Regulator More Powers Fails to Pass House

*Extract from Bloomberg, USA*

Legislation giving regulators expanded power to shut mines with repeated safety violations, such as the Massey Energy Co. mine where 29 coal miners died this year, failed to pass in the House of Representatives.

Lawmakers voted 214-193 for the bill, less than the two-thirds majority needed for expedited action today after the National Association of Manufacturers fought the additional regulations on companies. Republicans, who take control of the House next month, opposed the measure and don't plan to consider it in the new Congress.

The measure, approved by the House Labor and Education Committee in July, would have boosted penalties for some types of mine-safety violations and added protections for whistleblowers who report safety lapses. It would expand subpoena powers of the Mine Safety and Health Administration and provide additional pay protection for employees unable

to work when violations lead regulators to close a mine.

"There are life-threatening gaps in our mine safety laws," said Representative George Miller, a California Democrat and sponsor of the measure. "We've tried it the other way, with self-enforcement, and it doesn't work."

Lawmakers and regulators have been examining steps to boost safety after an April 5 explosion ripped Massey's Upper Big Branch mine in Montcoal, West Virginia, the worst U.S. mine accident in 40 years. The mine has been cited by regulators for deficiencies in ventilation and for buildups of combustible coal dust before the explosion.

### Manufacturer Opposition

Business groups led by the National Association of Manufacturers said the bill would limit appeals by employers and lacked incentives for companies to improve workplace safety programs. "It seeks to create a solution to a problem we don't fully understand," said Representative Brett Guthrie, a Kentucky Republican.

Massey is challenging the mine-safety agency over ventilation requirements at Upper Big Branch. The company said in a June lawsuit that MSHA rejected a system that it said would have aided workers and forced installation of a complex setup in an area where miners are working at the time of the blast.

Regulators are seeking to change a system in which Massey and other mining companies appeal safety violations to delay or avoid safety enforcement actions.

The legislation is H.R. 6495.

## Mining dictionary

### A guide to coal mining terminology

#### A

**ADB**

**Air Dried Basis.**

-Ed