



Mining Accident News No.1037

10 to 17 December 2010

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Friday 10 December 2010

USA: Blankenship to take the 5th

Extract from Charleston Gazette, W Va. USA

We've just confirmed that retiring Massey Energy CEO Don Blankenship no longer plans to appear next week to be questioned by state

and federal investigators who are looking into the Upper Big Branch Mine Disaster.

C.A. Phillips, acting director of the state Office of Miners Health, Safety and Training, said his agency was informed just a little while ago that Blankenship would invoke his 5th Amendment rights and not answer questions from the investigation team.

NSW: Mines in spotlight as air monitoring begins

Extract from ABC News Online, Aus

NSW Minerals Council chief executive, Dr Nikki Williams, admits she has been "shocked" by the initial results of research into the cumulative impact of coal mining on the Upper Hunter.

The organisation which represents mining companies commissioned independent research in September to gauge community concerns and how it could be addressed by the industry.

"I think there are much bigger differences between the community and the industry than I or the industry believed was the case, that is what was shocking to me," Dr Williams said.

"We have to understand that then present that to the community and say OK, well here is the situation, what are we collectively going to do about that."

The Minerals Council expects to discuss the results with participants in the Upper Hunter Mining Dialogue research early in 2011.

Dr Williams' comments come as NSW Environment Minister, Frank Sartor, warned the region's open cut coal mines they must improve the standard of blasting techniques.

He made the remark during the launch of the Upper Hunter Air Quality Monitoring Network in Singleton, which will report on the impact of emissions from local coal mines and power stations.

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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Mr Sartor's warning came after members of the public reported a number of incidents this year when coloured plumes drifted from open cut mines after blasting.

"We do not want to hear reports of blasting in wet conditions, where there is blasts and that leads to pollutants being emitted and so on, we do not want too much cost cutting in the blasting area, we think blasting is another important factor," Mr Sartor said.

"We have always got to strike a balance, you cannot allow one sector of the economy or the community to dominate everybody else,"

"Everyone has got a right to live with reasonable amenity and reasonable health."

Meantime, seven Hunter Valley coal mines have had their management of dust assessed during a joint compliance operation by State Government agencies.

The Departments of Environment, Planning and Industry conducted the operation to assess the mine's compliance with regulatory and approval conditions.

Nine mines statewide were inspected including the Drayton, Ashton, Camberwell, Hunter Valley Operations, Glennies Creek, Mount Arthur and Mt Owen pits.

The operation identified areas where improvements will need to be made.

"The need for increased visual monitoring of stockpiles for example also having sufficient controls on operations when unfavourable wind conditions start," Deputy Director-General of Environmental Protection Regulation, Greg Sullivan said.

"Looking at the placement of air quality monitoring equipment so that it was being placed in locations that allow accurate readings,"

"There were non-compliances and they will each be followed up."

WA: Injured mine worker flown to Perth

Extract from ABC Online, Aus

A man injured at a mine site in the Kimberley has been flown to Perth by the Royal Flying Doctor Service.



The injured man was brought by the LifeFlight plane from Broome to Perth early this morning

The 26 year-old man is believed to have spinal injuries after a piece of metal fell on him at an onshore oil rig site at Bidyadanga near Broome.

He was taken to Broome late yesterday before being transferred to Royal Perth Hospital early this morning.

The Department of Mines and Petroleum is investigating the incident.

Sunday 12 December 2010

USA: Upper Big Branch worker used forged foreman's license

Extract from Charleston Gazette, W Va. USA

CHARLESTON, W.Va. -- A month before the Upper Big Branch Mine disaster, a Massey Energy worker admitted that he had used what turned out to be a forged foreman's card when he conducted hundreds of mine safety checks at the Raleigh County operation, the Sunday Gazette-Mail has learned.

Thomas Harrah of Seth performed at least 228 pre-shift, on-shift and conveyor belt safety examinations at Upper Big Branch over a nearly two-year period from January 2008 to August 2009, according to state records obtained under the Freedom of Information Act.

Later, state investigators learned that Harrah was using a certification number that actually belonged to another individual. By then, though, Harrah had started using another certification number -- again belonging to a different individual -- and was performing safety checks at another Massey operation, the Slip Ridge Cedar Grove Mine, in August 2009, state records show.

Harrah had a state license to work as an underground coal miner, but he failed the test to become a certified mine foreman. Mine foremen not only supervise other workers, they also perform important safety checks and sign required reports meant to document that any problems discovered are corrected before miners go to work.

On March 9, 2010, the state Coal Mine Safety Board of Appeals suspended Harrah's underground miner license for a year, rejecting a proposal from the state Office of Miners Health, Safety and Training to permanently bar Harrah from working underground in West Virginia.

Last week, some federal and state officials looking into the Upper Big Branch Mine disaster said they had not previously heard details of Harrah's case. Some are now saying the incident deserves a second look, in light of the April 5 explosion that killed 29 miners in the worst U.S. coal-mining disaster in more than 40 years.

"It is of grave concern to me that there is a possible improper acquisition of foreman's cards," said Davitt McAteer, who was appointed by former Gov. Joe Manchin to conduct an independent review of the disaster. "It is something that we absolutely will have to look into."

C.A. Phillips, acting director of the state mine safety office, said records about the Harrah case are being turned over to federal criminal authorities investigating the mine disaster.

"It's disturbing," Phillips said of the incident.

On Friday, Amy Louviere, spokeswoman for the U.S. Mine Safety and Health Administration, issued a short statement in response to Gazette-Mail questions about the Harrah case.

"This is the type of matter MSHA investigates when it becomes aware of it, but as with any matter that may or may not be under investigation, we cannot comment on whether there is an open investigation into this matter," the MSHA statement said.

Harrah could not be reached for comment.

Shane Harvey, general counsel for Richmond, Va.-based Massey Energy, said that when Harrah's actions were discovered, the miner left the company before Massey could fire him.

"It appears that Mr. Harrah forged the certification because he was unable to pass the test to obtain the certification," Harvey said. "It does not appear that he blames anyone else for the incident other than himself and we feel confident that no one at Massey helped Mr. Harrah violate the law. We have no tolerance for such behavior and are thankful that no one was hurt as a result of Mr. Harrah's conduct."

Harvey added that Massey has "learned a valuable lesson from the incident."

"We quickly took steps afterward to verify the accuracy of all of our miners' certifications and we will continue to be more vigilant in this area in the future," Harvey said. "We would be in favor of any efforts that could be undertaken to improve the ability of operators or state or federal officials to catch or prevent such behavior."

State investigators apparently began looking into Harrah after he showed up for a required continuing-education training session held by Massey Energy at its Marfork Coal operations on June 6, 2009. By then, Harrah had been working at Upper Big Branch since December 2007.

At that event, taught by longtime Massey safety official Jonah Bowles, Harrah signed in using a

foreman's certificate number that belonged to someone else. The number had been assigned to that person on Aug. 28, 2007, the day before Harrah failed the state foreman's examination.

When the training event roster was given to the state so that those who took part could receive credit for attending, state investigators noticed that the number Harrah used wasn't assigned to him.

By Aug. 12, 2009, Harrah had been transferred to Massey's Slip Ridge Cedar Grove Mine. There, he conducted at least six pre-shift and on-shift safety examinations on Aug. 13 and 14 before he left the company when investigators started questioning his qualifications.

In October 2009, then-state mine safety director Ron Wooten filed a formal petition seeking to have Harrah's license to work underground as a rank-and-file miner permanently revoked.

Harrah appeared at a March 2 hearing before the state mine appeals board -- the body that considers whether to punish miners and foremen who violate safety rules -- without an attorney and offered sometimes-conflicting accounts of what happened.

On the one hand, Harrah told board members that Massey officials had "been pushing me into this bossing stuff and, one day, I came in and -- bam -- there [his foreman's card] is."

Harrah said he wanted to admit to the allegations against him, but insisted several times that he did not actually forge a foreman's card.

"Really and truthfully, I didn't forge any papers," Harrah testified, according to an audio recording of the meeting obtained by the Gazette-Mail. "I didn't want to endanger anybody. I'm just not that kind of person."

"They're saying I forged it, but I didn't," Harrah said. "I didn't know the number was somebody else's when I was using it. It's got my name on that card, but I don't know how it got there. I'm in

a little bit of a guilty way, because I should have known better than that."

Harrah testified that he did not know whether he passed or failed the test, and that two Massey officials, Jason Whitehead and Rick Hodge, gave him a number to call to check his results. Harrah said he didn't know who he was calling, but when he called the number, he was faxed a paper with a foreman's certification number. He later received a foreman's card with yet another number in the mail, Harrah said.

Clinton Smith, chairman of the mine appeals board, said board members hear only the cases that are before them and saw no need to take any further steps after ruling.

"There was nothing put to us that indicated that it was some sort of vast conspiracy or something else going on," Smith said. "I don't remember there being any testimony about those individuals being involved in any other such incidents."

Across the coal industry, though, miners misstating their fireboss qualifications or working with forged foreman certificates is not that unusual.

Following the Sago Mine disaster in 2006, a former International Coal Group foreman was sentenced to probation after pleading guilty to one felony count of falsifying a safety record. Robert L. Dennison was originally charged in a 116-count indictment that focused on 113 instances in which he allegedly certified that he was a licensed foreman when he really wasn't.

Just last week, a miner named Neil A. Hasen was indicted by a federal grand jury in Charleston for allegedly performing five safety examinations at a Mason County mine using another worker's foreman's certification.

U.S. Attorney Booth Goodwin said his office would look closely at any evidence of forging of mine foreman certifications and safety checks done by miners using forged licenses.

"It shouldn't be tolerated if someone didn't have the proper certification, because a mistake can have catastrophic consequences," Goodwin said. "We will be vigilant when something like this occurs."

NZ: Burning coalmine's ventilation shaft capped

Extract from Stuff.co.nz

The Pike River mine's ventilation shaft has been capped.

Pike River Coal chief executive Peter Whittall yesterday welcomed the news, saying it was "a significant step ... towards stabilising the mine and recovering our men".

A fire has raged in the West Coast mine since an explosion on November 19 killed 29 men.

A jet-powered machine – a Gorniczny Agregat Gasniczy (GAG) unit – has been pumping a mix of gases into the mine to quell the fire and just after 2pm yesterday two 770 kilogram semicircular metal plates were lowered on to the shaft opening.

Police Superintendent Dave Cliff, who is overseeing the recovery operation, said it was hoped the cap would help to improve the effectiveness of the GAG engine, and stabilise conditions inside the mine.

"Monitoring will continue over the coming week while we plan to introduce a nitrogen-generation unit.

"This will pump nitrogen into the mine to maintain an inert environment and reduce the temperature."

Once the fire is out and the mine cools, the recovery team hopes to recover the 29 bodies.

Meanwhile, Grey District Mayor Tony Kokshoorn will join Development West Coast representatives at a meeting with Energy Minister Gerry Brownlee in Wellington on Wednesday.

He hopes to return with a plan that will ensure miners made redundant by Pike River Coal can

get other jobs on the Coast within the mineral industry.

Pike River Coal is expected to announce this week a four-week notice period for redundancy for up to 90 staff.

"We've got a workforce we don't want to lose.

"It's extremely hard to get professional miners and if we lose them, we won't get them back," Kokshoorn said.

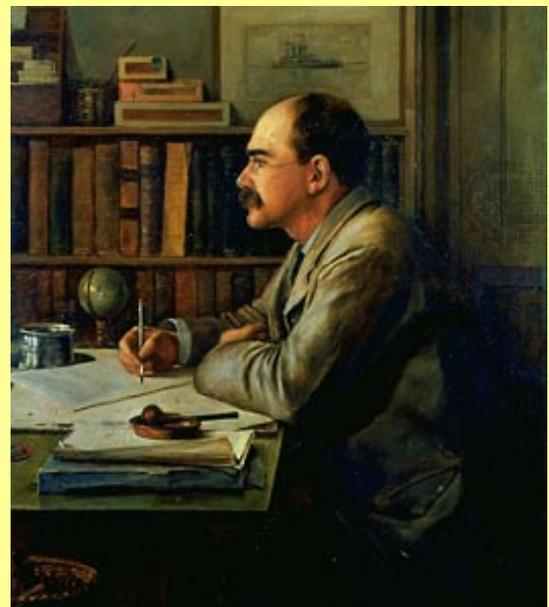
An injection of government funding was one option.

Employment could be found at Solid Energy's Spring Creek mine, near Greymouth, or at mines yet to be developed, he said.

Projects such as TrustPower's Arnold River hydro scheme were also potential employers.

"Looking at other opportunities here on the West Coast, maybe there's some way they can put that forward a bit," Kokshoorn said.

Quote of the week



"Call a truce, then, to our labours - let us feast with friends and neighbours, and be merry as the custom of our caste; for if faint and forced the laughter, and if sadness follow after, we are richer by one mocking Christmas past."

Rudyard Kipling
(English short story writer, 1865-1936)

Monday 13 December 2010

NZ: Pike River Coal mine receivers appointed

Extract from The Daily Telegraph, NSW

RECEIVERS have been appointed to Pike River Coal Ltd, following the company's decision that it needs to focus on solvency before major debts are due.

Pike River's major shareholder, New Zealand Oil and Gas Ltd (NZO) today appointed John Fisk, Malcolm Hollis and David Bridgman of PricewaterhouseCoopers as receivers of Pike River.

"The company finds itself in a precarious position financially as a result of the events of the last three weeks," Pike River Coal chairman John Dow said today.

"The only prudent action we could take was to approach our major creditors and advise them we were unlikely to be able to repay our loans at the end of the standstill period that NZOG and BNZ offered us after November 19.

"The Pike River Coal Board had a clear business plan for the next few months but unfortunately this has proved to be unachievable because of the explosions and subsequent coal fire."

NZO chief executive, David Salisbury, said in a separate statement that it would be "an extended period before any resumption of mining can be contemplated (at the Pike River colliery on New Zealand's South Island).

"With (Pike River Coal) rapidly facing insolvency, receivership is an unavoidable step," Mr Salisbury said.

Operations at the Pike River mine have been suspended since a gas explosion on November 19 that killed 29 miners.

There have been another three explosions since then. The miners' bodies have yet to be recovered.

NZO, which holds 29.4 per cent, of Pike River, also is a secured creditor of the collier, along with Bank of New Zealand (BNZ). Both creditors had provided moratoria to allow Pike River Coal to sort out its situation.

NZO said that the board of Pike River Coal had requested the appointment of receivers, following a decision over the weekend that the company "needs to address corporate solvency ahead of the extension of time that its secured creditors had provided in the immediate days following the mine explosion.

"(Pike River Coal) has debts which are substantial and in excess of its cash and other immediately foreseeable sources of funds," NZO said in the statement.

"Given these circumstances, receivership provides the best mechanism to manage the business immediate future."

NZO said the receivers would pay particular attention to options for recovering the miners bodies and making the mine safe, co-operating with the inquiries set up to look into the incidents, employee entitlements, and preserving the value of the company's asset, while recognising that there is considerable uncertainty about the future of the mine.

"Both PRCL and NZOG are supportive of any intentions to eventually reopen the mine," Pike River said.

"It is to be hoped that the inquiries now under way will result in findings which allow this to happen in a safe manner."

Pike River said the arrival of the receiver later today "will expedite the orderly transition of the company's governance and management into its new form.

NZO said decisions on the mine's future must at least await a conclusion to the recovery efforts, but NZOG was supportive of any intentions to eventually reopen the mine.

The receivers were in Greymouth today to initiate a handover with PRCL management, NZO said.

A trading halt in NZO shares on the NZ and Australian stock exchanges was lifted after the statement.

USA: CONSOL cited in July mining death

Extract from wvgazette.com

CHARLESTON, W.Va. -- CONSOL Energy did not ensure that the mine roof and walls at its Loveridge Mine in Marion County were adequately supported prior to a July collapse that killed a miner, state officials have concluded.

Jessie Adkins, 39, a roof bolter from Belington, was killed in the July 29 incident at the CONSOL operation near Fairview. A piece of mine wall fell on him, pinning him against a continuous mining machine. Adkins had a wife, a daughter and a son.

Investigators from the state Office of Miners Health, Safety and Training cited CONSOL, alleging the mine wall in the area where the death occurred was "not supported or controlled adequately to protect persons from falling rock."

"This is a violation of a health or safety statute," the state report said. "It is of a serious nature, and the violation involved a fatality."

In its 13-page report, the state agency also recommended that CONSOL rewrite its comprehensive safety plan to ensure that any unusual or hazardous conditions found in the mines is communicated with the miners working in the area and to the oncoming shift of workers.

Investigators found that workers on previous shifts said they warned Adkins' crew about poor mine wall conditions in the area prior to the accident. But at least three members of Adkins' crew told investigators they thought the conditions were "normal," according to the state report.

Results of the state's investigation into Adkins' death are scheduled to be discussed as part of this month's meeting of the state Board of Coal Mine Health and Safety, set for Tuesday and Wednesday in Charleston.

The U.S. Mine Safety and Health Administration has not yet released its report on the incident.

So far in 2010, 48 coal miners have died on the job in the United States, including the 29 who were killed in the Upper Big Branch Mine Disaster. Nationally, that's the most since 1992, when 55 coal miners were killed.

In West Virginia, 35 miners have died on the job so far this year, the most since 36 were killed in 1979.

This week in mining accident history

19 December 1984

Wilberg Mine

Wilberg, Emery County, Utah, USA

Underground coal mine

27 killed by fire

Source: www.usmra.com &

The Wilberg Mine fire, which claimed the lives of twenty-seven miners on 19 December 1984, was the most deadly coal-mine fire in Utah history and the worst U. S. mine disaster in a dozen years. Investigation of the fire revealed serious failures by the agencies charged with assuring coal mine safety.

Located in Emery County, some 115 miles southeast of Salt Lake City, the Wilberg Mine was one of three area mines owned by Utah Power and Light Company (UP&L) and used to fuel its nearby power plants. The mine was operated by the Energy West Mining Company.

On the evening of 19 December 1984, twenty-eight people -- over twice the usual crew number -- were present in the Fifth Right longwall section as the crew neared completion of a new twenty-four-hour world-production record. At about 9 p.m., fire broke out in First North near the entrance to the Fifth Right section. First

North, the main haulageway into the Wilberg Mine, consisted of a series of six parallel tunnels running several miles into the mountain. Just over a mile along First North were the two right-hand tunnels leading to the Fifth Right longwall section. Within minutes, smoke and lethal gases travelled the 2,400 feet down Fifth Right to the working face of the longwall. One miner escaped, but eighteen miners and nine company officials were trapped and killed. Among the victims was Nannett Wheeler, the first woman to die in a Utah mine since women officially entered mining in 1973.



Rescuers, believing that the trapped miners might still be alive, worked frantically to reach them. Following three days of heroic effort, rescue crews entered Fifth Right and located 25 bodies. Before the bodies could be removed, however, the fire rekindled, forcing rescuers to evacuate and seal the mine. Recovery of the bodies was finally completed in December 1985, nearly a full year after the disaster. The sealed area where the fire began was not opened until July 1986. Only then could the federal Mine Safety and Health Administration (MSHA) begin its investigation into the cause of the fire.

In the Spring of 1987, MSHA ruled that the Wilberg fire was caused by a faulty air compressor, allowed to run unattended in a non-fireproofed area. In his article, *"Remembering the Wilberg Mine disaster"* in The Salt Lake Tribune, Mike Gorrell says: *"MSHA concluded an air compressor with two defective safety devices started the fire, a theory rejected by Emery Mining and the union."*⁴ MSHA issued thirty-four citations against Utah Power and Light

and Emery Mining Company (the mine's operator). Nine of the citations were for violations that directly contributed to the disaster. However, MSHA itself received strong criticism from the United Mine Workers of America (UMWA), in part for failing to issue these same citations when it inspected the mine only days before the fire. The union also questioned MSHA's focus on the cause of the fire rather than the cause of the deaths, insisting that miners died, not because there was a fire, but because they had no escape route.

Following a Senate Labor and Human Resources Committee hearing into the Wilberg disaster, Utah Senator Orrin G. Hatch requested an investigation by the General Accounting Office (GAO) -- the investigative arm of Congress -- into MSHA's conduct regarding the Wilberg Mine. The GAO review, released in November 1987, cited MSHA for allowing the Wilberg Mine to operate with an outdated firefighting and evacuation plan, to operate with no fire suppression devices, and to run a compressor known to be faulty. The GAO report also criticized MSHA for permitting the longwall section to operate while a tunnel running off the tailgate of the longwall machine was blocked to human travel by a cave-in.

Victims of the Wilberg Mine Fire and Tragedy

- James F. Hamlin, Jr. Vice President of Operations
- Alex Ted Poulos, Longwall General Mine Foreman
- David William Bocook, Mine Manager
- Philip Earl Bell, Longwall Coordinator
- James M. Bertuzz, Longwall Maintenance Foreman
- Victor A. Cingolani, General Mine Foreman
- Leroy Milton Hersh, Service Foreman
- Barry L. Jacobs, Longwall Section Foreman
- Lynn Robinson, Fireboss
- Kelly Blake Riddle, Beltman
- Lee Johansen, Mechanic
- John Wilsey, Laborer
- Gary Kay Jennings, Longwall Propman
- Lester Walls, Jr., Longwall Shear Operator
- Ricci G. CamberTango, Longwall Shear Operator
- Robert S. Christensen, Longwall Cornerman
- Randall P. Curry, Longwall Mechanic
- Brian John Howard, Longwall Faceman
- Bert A. Bennett, Longwall Propman
- Nannette M. Wheeler, Gas Watchman
- Roger Glenn Ellis, Loading Machine Operator

Joel Thomas Nevitt, Laborer
Gordon Paul Conover, Faceman
Curtis A. Carter, Stoper Operator
Owen Keith Curtis, Jr., Beltman
John Frank Waldoch, Laborer
Ray Paul Snow, Laborer

Two monuments stand in Emery County in honour of the twenty-seven who died in the Wilberg Mine fire: 18 miners and 9 company officials. One stands outside the Emery County courthouse in Castle Dale. The other, an eight-foot slab of Canadian granite bearing the etched figures of a male and female miner and the names of the victims, stands vigil on a hillside overlooking the canyon that leads to the Wilberg Mine.



Tuesday 14 December 2010

NZ: It wouldn't happen in our mines - Newmont

Extract from Stuff.co.nz

The country's largest gold miner has reassured workers and their families an explosion similar to the one which killed 29 men in the Pike River coal mine on the West Coast last month could not happen at its mines.

The 16 miners and 13 contractors died when a methane gas blast ripped through the mine on November 19. Their bodies have yet to be recovered because authorities say it is still too dangerous to go into the mine.

Newmont Waihi Gold owns the Martha's Pit open cast gold mine and the Favona underground gold mine in the Bay of Plenty town

of Waihi and said since West Coast tragedy, questions had been asked about whether a similar tragedy could happen in Waihi.

"We can reassure that the short answer is no," said the company in a newsletter.

"The type of incident that happened at Pike River would not occur in a gold mine."

It said coal was a source of energy so was combustible but gold was inert and could not combust.

Coal could also emit methane and other flammable gases but no methane had been detected at Favona.

Dust from coal under some conditions could spontaneously explode and also could amplify an explosion but dust from Favona ore and waste rock would not spontaneously explode under any conditions.

The company said the Favona underground mine also had three refuge chambers for emergencies.

Each of the chambers could provide up to 20 men with enough oxygen and basic requirements for at least 36 hours. Two more smaller chambers were to be installed soon, said the company.

Refuge chambers were in active work areas to limit travel distances to no more than 750 metres.

At any one time there were no more than 40 men underground and the Favona mine had several escape routes with ladders from the bottom of the mine to the surface.

Newmont Waihi Gold's general manager Glen Grindlay, who had worked in coal and gold mines, said mining was "not dangerous, but certainly unforgiving".



5 Killed, 1 Missing in SW China's Coal Mine Accident

Extract from CRIENGLISH.COM

Five people died and one is missing in a coal mine accident in southwest China's Guizhou Province, sources with the local government said Tuesday.

The accident happened at 10 a.m. Monday in privately owned Changjiang coal mine in Qianxi County, the sources said.

Thirty-four miners were working underground when the accident occurred and 26 of them fled the mine by themselves, another two rescued alive later, the sources said.

Rescuers are trying to retrieve the missing miner.

Safety authorities are probing into the cause of the accident and initial investigation showed that the accident was caused by gas leak.

NZ: Union wants more for axed Pike River workers

Extract from ABC Online, Aus

The receiver for New Zealand mining company Pike River Coal says it has enough money to pay out the 114 staff being retrenched.

Production at the mine was suspended after a series of blasts last month left 29 miners dead, and the company was placed into receivership yesterday.

Receiver John Fisk says the company has \$9 million in the bank which will be enough to meet statutory obligations to axed staff.

But the Engineering, Printing and Manufacturing Union which represents the workers says this is still a cruel blow for the miners.

It says most workers will not qualify for the maximum payment of \$14,500.

The union has signalled it will be pushing for each employee to get the \$6,000 bonus promised before the explosions.

Pike River Coal chairman John Dow says the company had been planning capital raising to be launched in the week following the first explosion.



Production at the Pike River Coal mine was suspended after a series of blasts last month left 29 miners dead. (AAP Image/NZPA: Martin Hunter, file photo)

He says this means the company was in an even more precarious financial position when production stopped after the blast, giving the company no choice but to appoint receivers.

Mr Fisk says he wants to support the families but he has made no commitment about the costly effort to recover the bodies of the 29 miners.

He says he still needs to talk with the police who are mounting a recovery operation.

The town of Greymouth, home to only 13,000, is reeling from the loss of its mine, which had injected about \$80 million into the local economy.

Mayor Tony Kokshoorn says he is concerned the town will lose miners, who he says are speaking with Australian companies about working there.

USA: Mine Safety Bill's Defeat - How Industry and Inattention Killed Overhaul Prompted By Tragedy

Extract from The Huffington Post, USA

Comment by Marcus Baram

"Every mine law ever wrote has been written in blood, but this time even that wasn't enough" -

Fred Burgess, whose stepson died in the Upper Big Branch mine explosion in April.

In the wake of a tragic mine explosion in West Virginia resulting in many deaths, members of Congress from both parties push to toughen mine safety laws and increase penalties for habitual violators. The bill passes the Senate by unanimous content and sails through the House before landing on the president's desk and being signed into law.

That was 2006's MINER Act, prompted by the Sago mine explosion in which 13 miners died without access to crucial life-saving equipment. Despite criticism from mine-safety advocates that it didn't go far enough to prevent accidents from occurring in the first place, the law represented a major overhaul of rules to help miners after an accident. "We honor the memory of all lost miners today, that's what we're doing signing this bill," said President Bush. "We make this promise to American miners and their families, we'll do everything possible to prevent mine accidents and make sure you're able to return safely to your loved ones."

Since then, several congressional attempts to address shortcomings in the act by controlling coal-dust levels in the mines and making it easier to shut down dangerous sites have stalled in the face of opposition from the mining industry.

But after the worst mining disaster in decades killed 29 at West Virginia's Upper Big Branch mine last April, prompting outrage that impotent federal regulators were unable to close dozens of mines that had racked up thousands of safety and health violations, lawmakers in both parties vowed to make sure such a tragedy never occurs again. So far in 2010, 48 coal miners have died on the job in the U.S. -- the most since 1992, when 55 coal miners were killed.

Despite widespread media coverage and passionate speeches by politicians promising swift action, a bill to improve miner safety and

health took eight months to get to the floor of the House, where it was quietly defeated last Wednesday afternoon, failing to reach the two-thirds majority needed to pass. The measure would have made it easier to shut down problem mines, increased penalties for serious safety violations and offered more protection for whistleblowers. Every single Republican but one and 27 Democrats voted against it.

Relatives of miners who died at the Upper Big Branch were devastated by the defeat of the legislation.

"Every mine law ever wrote has been written in blood, but this time even that wasn't enough," retired miner Fred Burgess, whose stepson Ronald Maynor died in the Upper Big Branch explosion, told The Huffington Post. "The miners should have a safer workplace, but the mine companies throw a lot of money around, they have lobbyists all over the place."

"I was expecting it to pass -- I can't believe it was voted down," said Burgess, a Vietnam veteran who worked for 13 years in the mines before a mine accident in 1984 broke the straps of his helmet and left him with a compression fracture in his back, creating permanent injuries.

The Post-Mortem

The death of legislation aiming to improve the safety and health of workers who toil at one of the country's most dangerous jobs is a tale of inattention, intensive lobbying efforts by a powerful industry and the lack of clout of this labor force.

The mining industry, which has an outside influence in states like West Virginia, Kentucky and Pennsylvania, fiercely fought the act, sponsored by California Democrat George Miller. In addition, business lobbying heavyweights like the Chamber of Commerce and the National Association of Manufacturers were outspoken in their "strong opposition" to the legislation.

In a "Key Vote Alert" letter sent to members of Congress, Chamber Executive Vice President

Bruce Josten attacked the bill as "unbalanced and punitive" because mining companies "could be forced to suffer significant economic loss," among other reasons.

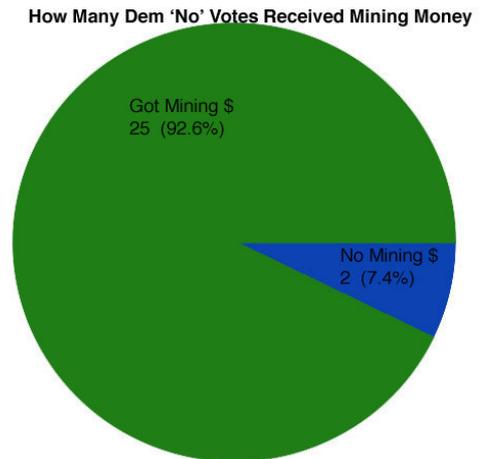
The mining industry spent over \$21 million lobbying Congress in 2010, a reduction from 2008, when it spent over \$30 million to attack previous attempts to update mine safety laws. The vast majority of the 64 groups lobbying on this particular bill represent mine operators, including such giants as Peabody Coal, LafargeSA and the National Mining Association.

Asked about the industry's lobbying of Congress, NMA spokesman Luke Popovich declined to name individual lawmakers whose minds were changed, saying only, "The vote speaks for itself." The NMA, which contributed \$520,000 to members of Congress in the last election cycle, opposed the bill because it grants too much authority to regulators and "impinges on employee relations," says Popovich, who blames the Mine Safety and Health Administration for ineffective oversight of mines. "We know best how to train our workforce; we don't think they should be in the business of telling us how to mine coal and how to produce it."

The industry spent \$3.7 million on campaign contributions in the 2009-2010 election cycle, with 71 percent going to Republicans. Massey Energy, the company that owned the Upper Big Branch mine (a site tagged with thousands of safety and health violations), gave \$55,500 to Republican members of Congress in the last election cycle. But the money's influence seems to spread across the aisle.

While only 10 percent of Democrats voted against the bill, of those 27 no voters, 25 (or 93 percent) of them have received money from the mining industry, according to a HuffPost analysis based on data compiled by the Center for Responsive Politics. Less than a third of all House Democrats received donations from the industry.

See pie chart below:



Only one Republican, North Carolina's Walter Jones (who did not get any money from mining interests in 2009-2010), voted for the bill.

Members of Congress who voted against the bill received, on average, four times as much (\$2,362) in campaign contributions as those who voted for it (\$589), according to Maplight.org.

The influence of money doesn't always predict legislative action -- two of the biggest Democratic recipients of mining industry money in the House, West Virginia's Nick Rahall (\$44,000) and Pennsylvania's Jason Altmire (\$70,300), voted for the bill.

Nevada's Dina Titus, who received \$16,000 in mining contributions in the 2009-2010 cycle, went back and forth with her vote. At first, she supported the legislation since it included an act she sponsored to bulk up the Occupational Safety and Health Administration inspectors' power to shut down unsafe workplaces. But when that measure, fiercely opposed by the business lobby and powerful Republican Senators Johnny Isakson and Mike Enzi (who sponsored the 2006 mine safety bill), was removed, Titus switched her vote in protest.

'Doing the Bidding' Of King Coal

Stunned by the defeat of the bill, mine safety advocates attributed the loss largely to a combination of Republican intransigence, the influence of the mining industry and lack of concern for miners.

A spokesman for Rep. Miller said that "our nation must live up to the promises we make to the families after every one of these mine tragedies. Unfortunately, too many on the other side seem to forget these commitments once their big business lobbyist friends come calling."

Tony Oppegard, an attorney in Lexington, Ky. and longtime advocate for improved mine safety, was withering in his criticism of Congress. "Anyone who voted against the bill doesn't place a very high value on miners' values," he said. "Republicans in the House are doing the bidding of the coal industry, which wants the bill to be defeated...there is an undertone whenever there's an accident that there are a certain amount of deaths that are acceptable -- that it's the part of the cost of having cheap electricity."

Oppegard disputed the industry's stance that the bill went too far and too fast. "There is nothing in this bill which any coal operator who operates a safe mine should be worried about," he said, calling them "basic reforms." He explained that it would have given MSHA subpoena power "essential" to any investigative agency, which the organization has lacked since its creation in the 1970s. He compared that situation to Kentucky's, where regulators "can subpoena to investigate allegations of unsafe mining practices whether or not an injury has occurred."

"This was very disappointing," says Alex Chasick, policy counsel at Public Citizen's Congress Watch. "We had heard that the OSHA provisions were the big sticking point - [Senator Mike] Enzi said that when he blew up the bipartisan talks in August. So once that stuff got pulled, we were really expecting that this might have a shot because the MSHA stuff was not controversial."

GOP's Near-Unanimous Opposition

Republicans complained the bill was rushed and should have waited until the results of the federal probe into the Upper Big Branch disaster were completed. But back in 2006, California's Howard "Buck" McKeon voted for the MINER

Act, saying, "Let's not delay any more" and claiming that the issue cuts "across party lines" and "enjoys rare support from both labor and industry." Hours after the Upper Big Branch disaster, he stated, "I will continue my work on the Education and Labor Committee in ensuring that the safety of our nation's miners remains a top priority in Washington," adding that he welcomes an investigation of this "horrific event."

But McKeon voted against the bill on Wednesday. The lawmaker, who declined comment to HuffPost, told colleagues that any Congressional action should wait until the investigation is complete, according to congressional staffers.

Other congressional staffers blamed the Republican obsession with passing the extension of the Bush tax cuts for the near-unanimous vote. But NMA's Popovich claimed widespread concern existed in both parties about the pace of the legislation: "Given the short time for debating the issues, there wasn't enough time to deal with an issue like this."

Another common Republican complaint about efforts to enhance regulations -- they cost too much money -- didn't apply to this particular legislation, which would have reduced the deficit, saving \$115 million over the next decade, according to the Congressional Budget Office.

Back in Dawes, West Virginia, former miner and grieving stepfather Burgess remains concerned about the fate of future attempts to enhance miner safety. "This might have been our last chance for a long time to come. Right after the Upper Big Branch, you'd think they'd do something. But up there in Washington, they don't care about us."



Wednesday 15 December 2010

Queensland mine safety boss appointed to Pike River disaster inquiry

Extract from mysunshinecoast.com.au

The Queensland Government's senior mine safety expert has been appointed by New Zealand to serve on the royal commission into the Pike River coal mine tragedy.

Premier Anna Bligh said Mr Stewart Bell had today been appointed one of three royal commissioners by the New Zealand Governor-General following consultation between the New Zealand and Queensland governments.

"Stewart Bell is one of the world's leading mine safety and health experts and brings over 25 years of international experience to the role," she said.

"He is Queensland Commissioner for Mine Safety and Health as well as Deputy Director-General, Safety and Health Division, for the Queensland Department of Employment, Economic Development and Innovation.

"He also has vast experience in chemical, gas and dust problems in mines; and is an international expert in monitoring, controlling and the inertisation of mine fires.

Ms Bligh said it was appropriate Queensland would have a key role in helping to establish the causes of the 19 November 2010 mine accident.

"This terrible tragedy claimed the lives of 29 miners, including two Queenslanders Joshua Adam Ufer and William John Joynson.

"Queensland Government mine safety experts and equipment were at Pike River within 24 hours of the explosion and are still there helping New Zealand authorities with fire suppression and recovery efforts.

"Queensland has one of the safest mining industries in the world and is an international leader in mine safety technology and expertise.

"But as a large coal mining state we have as much interest in the lessons of this disaster as New Zealand does."

The New Zealand Government today announced the appointment of the three commissioners to the Pike River Royal Commission.

The Royal Commission will be chaired by Justice Graham Panckhurst, a sitting High Court judge.

Mr Stewart Bell will be joined as a commissioner by Mr David Henry, a former public servant who has been Chief Executive of the New Zealand Electoral Commission and an Inland Revenue Commissioner.

Joint Statement:

Premier and Minister for the Arts

The Honourable Anna Bligh

Minister for Natural Resources, Mines and Energy and Minister for Trade

The Honourable Stephen Robertson

13/12/2010

Thursday 16 December 2010

QLD: Injured miner awarded \$432,201

Extract from The Morning Bulletin, Rockhampton, Qld, Aus

A JUDGE has awarded a miner who fell down a hole more than \$400,000 after he found his employer failed to provide precise instructions to him on where to drill holes in a tunnel.

Justice Duncan McMeekin said, in a written judgement delivered in the Supreme Court at Rockhampton on Tuesday, that the company's explanation for why the miner had gone too far down the tunnel was "improbable".

John Arthur Osborne, 51, sued his former employer Downer EDI Mining for \$1.4m in November, 2008 over an accident at the Cracow gold mine on May 6, 2005.

Mr Osborne, a long hole driller of more than 20 years' experience, fell down an open stope or hole in the mine floor, receiving multiple fractures, head injuries and memory loss.

Justice McMeekin found Mr Osborne was trying his best to fulfil his task with "inadequate instructions" and in a difficult environment.

However he awarded him about one-third of his claim, \$432,201, after finding he was responsible for "35%" of the accident due to him "inexplicably" failing to be on high alert once he passed a barrier marking warning of a stope ahead.

Mr Osborne had gone to tunnel 2166 south in search of marks identifying where he was to drill cable bolt holes.

At the end of tunnel 2166 there was the open stope which led down to tunnel 2150.

The tunnel was dark and the only light came from Mr Osborne's cap lamp.

During a civil trial held last week, lawyers for Downer EDI and third party Newcrest Mining, which runs the mine, stated Mr Osborne received precise instructions on where to drill the holes, about 30m into the tunnel, from production engineer Nick Strong and his foreman Ray Furness.

But Justice McMeekin said this was unlikely.

He said Mr Furness had no recollection of giving precise instructions or Mr Strong being present.

Where Mr Osborne fell was 140m into the tunnel and the only reason for him being anywhere near that area was if he was still looking for the markings indicating where to drill the bolt holes.

Downer EDI offered the explanation that Mr Osborne ventured so far down the tunnel to admire his own handiwork creating an edge to the stope three weeks prior to the accident.

But Justice McMeekin said this was "fanciful". He said Mr Osborne was an experienced driller who had seen hundreds of stope edges and no one had suggested it was his habit to go off "frolicking". If he was looking for markings on the wall then he may not have been looking at the ground, he said.

WA: Mine safety inspectors to double next year

Extract from ABC Online, Aus

The WA Mines Minister Norman Moore says he expects the number of mine safety inspectors to double next year.

Today Mr Moore announced the appointment of 21 new safety inspectors whose jobs will be to ensure mining companies comply with the relevant regulations.

The inspectors will also work with companies to improve the safety culture on minesites.

Mr Moore says a 'cost recovered system' - which means mining companies pay for the inspectors - enables the government to employ even more safety personnel.

"We're advertising for additional staff next year I'm not quite sure how many there will be in that but, the intention is to about double the number on inspectors we have in the system."



Six mine workers were killed on minesites last year - a significant increase from 2009. (ABC News)

Garry Woods from the Mining and Energy union has welcomed the appointment of the new inspectors.

He hopes they have suitable qualifications.

"Hopefully these people have got the necessary skills and they're not just engineers," he said.

"We hope they've got good safety backgrounds particularly in the auditing process as we move forward to more of a risk management approach to safety in the industry."

Mr Moore says the death of six workers on minesites last year - significantly higher than previous years - highlighted the need for safety reform on WA minesites.

Mr Moore says the new recruits will help drive significant changes to resource safety regulations.

They have a two-fold job. One to make sure mining companies are doing the right thing, but at the same time also to work with them to improve the culture if you like of safety of minesites and to have a cooperative approach between the government and the companies."

Friday 17 December 2010

Insurance Benefits of NZ Mine Blast Victims Still Cloudy, PwC Says

Extract from inaudit.com

NEW ZEALAND – Survivors and kin of 29 victims of the November 25 Pike River methane gas explosion may have to wait for a long time before they could avail of the insurance benefits due them from the mining company, PwC receiver John Fisk said.

November 25 was the second fateful day for the Pike River miners following the same methane gas explosion that ripped through the site November 19, the worst in New Zealand for over 90 years.

As relatives and survivors of the blast continue to struggle melting down the traumatic accident, the uncertainty that threatens their claim to the full \$ 100 million insurance benefits is an added burden as Pike River's receivers said these days do not seem to be the right time to come up with figures.

Fisk said the full amount of insurance benefits remained unclear as of the moment due to the incomplete assessment of the total damage in the mine, making it hard to say how much the beneficiaries could claim exactly from the \$100 million maximum value of the insurance benefits.

The mining company has yet to pay the \$80 million it owes to BNZ and New Zealand Oil and Gas secured creditors, while another 10 to 15 million is claimed by its contractors, Fisk said.

Authorities are currently removing the remaining gas samples in the mine site.

A royal commission established by the New Zealand government has started its investigation into the accident, the result of which would dictate the future of the mining industry in the country, Prime Minister John Key said.

Earlier, in November 2010, PwC predicted, that after the 2008 global recession, mid-tier miners' revenue in neighbouring Australia managed to record a 32 percent high with increased market capitalization.

PwC's report, Aussie Mine — Rise and Shine, showed about 25 percent increase in the combined revenues of the mid-tier 50 for financial year ended June 2010, from \$8.5 billion to \$11.3 billion

Mining dictionary

A guide to coal mining terminology

A

AIR LOCK The passage, closed at both ends by stoppings with doors, connecting two airways along which currents of air having different pressures are flowing.

As 2010 comes to a close we remember all those that lost their lives and are permanently injured as a result of mining incidents. How ironic that two coal mine explosions would each take 29 lives; at NZ's Pike River Mine and also at the Upper Big Branch Mine in the US. Whilst these have been high profile mining disasters we should not forget the tragic loss of just one life in our mines and the effect it has on the loved ones left behind, especially at this time of year.

To all my safety friends, **MERRY CHRISTMAS** and the best of New

Years, back in 2011

-Ed