



# Mining Accident News No.1116

20 to 27 May 2011

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Friday 20 May 2011

## USA: 2010 US mine disaster preventable - probe

*Extract from AFP*

WASHINGTON — Last year's death of 29 miners in one of the worst mining disasters in US history "could have been prevented," a panel concluded Thursday, blasting the owner for lax safety at the Upper Big Branch mine.

A powerful explosion in the mine nearly 1,000 feet beneath the surface on April 5, 2010 at Montcoal, West Virginia "was the result of failures of basic safety systems," an independent investigation panel said.

An inadequate ventilation system allowed explosive gases to build up, coal dust propagated the fireball through 2.5 miles of mine shafts, and water sprays that were not properly

maintained failed to extinguish a spark that caused the blast, said the commission created by the US state's governor 13 months ago.

The accident occurred when a shearer operator cut into sandstone causing sparks that "ignited a pocket of methane or natural gas," said the 120-page report.

"Although the shearer was equipped with water sprays that are designed to douse the flame at the point of ignition, later testing found... some had been removed and some were clogged," it said.

The panel was also critical of federal and state inspectors for not forcing the mine's owner Massey Energy to meet basic safety standards at the mine, notably for ventilation.

In a statement, Massey Energy said it was "carefully reviewing" the report, but immediately rejected its conclusion "that this was an explosion fuelled by coal dust."

"We believe that the explosion was caused by a massive inundation of methane-rich natural gas. Our experts feel confident that coal dust did not play an important role," the company said.

The head of the commission Davitt McAteer, formerly the top US mine regulator during the Clinton administration, acknowledged that the force of the blast destroyed a lot of the evidence, leaving many questions unanswered.

But, he concluded: "Ultimately, the responsibility for the explosion at the Upper Big Branch mine lies with the management of Massey Energy."

The company "operated its mines in a profoundly reckless manner, and 29 coal miners paid with their lives," he said.

The panel heard from 300 witnesses over the past 13 months, but 18 Massey Energy managers, including its chief executive at the time of the blast, Don Blankenship, refused to testify.

**NOTE:** Views expressed in this newsletter are those of the individual sender, and are not necessarily the views of Industry & Investment NSW.  
Issue 16 of 2011

In January, Massey was purchased by competitor Alpha Natural Resources for \$8.5 billion. Shareholders of the two coal mining giants must still ratify the deal on June 1.

## USA: MSHA Speaks Out About UBB Investigation Findings

*Extract from WDTV*

"We all could have done better". That is what the assistant U.S. Labor Secretary for Mine Safety and Health had to say Thursday after independent investigator Davitt McAteer laid the blame on Upper Big Branch Mine owner Massey Energy for the explosion that killed 29 miners last year.

Joe Main says he agrees with the independent investigative report that shows many failings, on multiple fronts, contributed to the tragedy. The report says the UBB explosion was a man-made disaster that could have been prevented.

5 News told you Thursday on 5 News at 5:30 that the report also put some of the blame on MSHA. It claims there was a disconnect between the ongoing problems at UBB, and the response from MSHA which is charged with enforcing the Federal Mine Safety Rules.

The report says MSHA failed in its duty as a watchdog for coal miners. Main responded by saying; "We're looking at a number of issues that have been raised in the independent report and that is part of our investigation as well.

I would have to say that, if you look at what we have done from the moment of the disaster, we have been taking a hard look at how mine safety is managed."

MSHA officials are on track to finalize the federal investigative report on the disaster this summer. It is scheduled to be released on June 29. There are also several other separate investigations pending, as well as criminal probes.

## Quote of the week



"The guy who invented the first wheel was an idiot. The guy who invented the other three, -he- was a genius."

Isaac Sidney "Sid" Caesar  
(USA comic actor, writer and musician, 1922-)

Saturday 21 May 2011

## NZ: Pike River victim's family believes mistake to release video

*Extract from The Timaru Herald*

The father of a Pike River victim believes it was a mistake to release video footage that potentially showed a body in the mine.

Six months on from the West Coast disaster, Temuka couple Rod and Christine Holling want the mine sealed and a memorial put in place to mark the lives of their son, Richard Holling, and the 28 other men who died after the mine blast on November 19.



TRAGEDY: Christine and Rod Holling lost their son Richard in the Pike River Mine explosion. NATASHA MARTIN/ The Timaru Herald

However, talk of recovering bodies from the mine continues and the recent suggestion a

shape captured on video image of the mine could be of a body, had raised families' hopes their loved ones could be recovered.

Since then more footage has been released by the police which could indicate a second body.

Mr Holling said to him the images were insignificant.

"If somebody is going to release that sort of thing in my opinion they should have their facts 100 per cent clear in their own minds," Mr Holling said. "All it does is build up hope again ... and then if they find out, as they most likely will find out, that it's a log or a rock or a bag of cement then it all gets deflated again."

Initially the Hollings were told the footage was taken on November 24 – before the second explosion; families were later told the first image was taken through a bore hole in February.

"I get angry when people assume that there are bodies down there. I reckon it's only remains. They had four explosions and supposedly fires of 2000 degrees."

Instead of waiting to show families footage of the portal at the time of the explosion, Mr Holling said it should have been released straight away so that families could make up their own minds about what had happened.

"They have compared this to the Anzacs who never left their boys behind. They can't liken it to a war. It wasn't a war. It was an unfortunate accident."

Mr Holling said he did not need a cemetery to remember his son.

"As a family we had a memorial service and we felt that was closure. That was the end of it for us. As a family we are not interested in having our son come out of there. He's down under the place that he loved in the bush, he's down there with his workmates.

"If they shift him they are going to shift him from the cold, cold ground and they are going to put him in the cold, cold ground."

The Hollings expressed concern for people who lived on the West Coast, including their 22-year-old daughter-in-law. "They are reminded of it every week."

Mr Holling said if he did not want to read something about the disaster, he stopped, and Mrs Holling said she had been able to focus on her work in Timaru with the Stroke Foundation to move on.

They had been able to talk to mine experts who had explained various facets of mines and mining risks to them.

Their son Richard was a trained cabinet-maker who had gone to Pike River with a three-year plan to save money for a house in Christchurch. He had been married less than two years and had been at the mine for only about 3 1/2 months. The Hollings said they knew everyone had been safety conscious at the mine – Richard had just completed a safety certificate through the polytechnic.

Mrs Holling said she believed life was for the living and their son would want them to get on with life.

Sunday 22 May 2011

## **Six dead, 27 injured in coal mine explosion in southwest China**

*Extract from Xinhua*

CHENGDU, -- Six people were killed and 27 injured in a coal mine gas blast in southwest China's Sichuan Province Sunday, rescuers said.

Altogether 192 miners were working underground when the accident happened at the Xinsheng coal mine, run by Sichuan Hongxin mining co., Ltd., in Rongxian County at about 7:50 a.m.

While 186 miners escaped, six were trapped, said a spokesman of the rescue team at a press conference held Sunday night. The six bodies were removed from the shaft as of 9: 40 p.m.

The 27 injured miners were sent to No. 4 People's Hospital in the city of Zigong.

The Sichuan Electric Power Corp. has sent 95 workers to the mine to assist in rescue operations and ensure a steady supply of electricity to the area.

Police are investigating the accident.

Monday 23 May 2011

## Coal-mine accident leaves 7 dead in central China's Hunan

*Extract from Xinhua*

CHANGSHA, -- At least seven people were killed and one injured after a gas blast at coal mine in central China's Hunan Province Sunday evening, local government sources said Monday.

The accident occurred around 6:25 p.m. Sunday at the Minxing Coal Mine in Zhonglian Township, Lengshuijiang city, while 15 miners were working underground. Eight people including the injured managed to escape.

Rescue work finished at around 5:00 a.m. Monday, leaving the death toll at seven. The cause of the accident is being investigated.

The mine's legal representative, who allegedly attempted to conceal the accident, is under police custody, a spokesman with city government said.

Minxing Coal Mine opened in 1994 and operates under a collective ownership with an annual productivity of 60,000 tonnes of coal.

Over the past two months, coal and gas blasts also occurred in Yunnan, Sichuan, Heilongjiang and Xinjiang, killing at least 46.

The majority of China's coal mines, 94 percent, are shaft mines that pose significant risks for gas safety management, said Wang Xianzheng, head of the China Coal Industry Association, at an international coal mine and gas safety management forum held earlier in May in China's eastern city of Hefei.

## Qld: Coal seam gas well blowout near Dalby

*Extract from the telegraph.com.au*

**THERE has been a major gas leak at a coal seam gas well near Dalby, west of Brisbane.**

The incident happened on Sunday at a remote location west of Dalby, about four kilometres from the nearest residence.



An Arrow Energy employee measures casings used in the drilling rigs at the company's coal-seam gas operations in Dalby, Queensland. Source: Bloomberg

Queensland Fire and Rescue Service crews, along with staff from Arrow, the company which operates the well, have been on site overnight monitoring the situation and have established a 100 metre exclusion zone around the well.

Specialist Mines Department staff have been on site since 6am (AEST) today to find out what went wrong, and staff from the environment department are also assessing the incident.

Queensland Mining Minister Stirling Hinchliffe told AAP there were no public health concerns because of the restrictions which have been put in place.

Mr Hinchliffe said investigators would looking into communication between the landholder, the company and authorities to see if correct protocols were followed.

"It's important for us to get to the bottom of this instance and be confident that the correct protocols and regulations were being observed," he said.

Mr Hinchliffe said an initial report was due later on Monday and at this stage he did not have all the details.

"While the Queensland government stands ready to take appropriate action we need to have the full information and details before pursuing these sort of issues," he said.

He assured Queenslanders there would be a full disclosure of the incident.

"We need to make sure the whole community has an understanding and is confident in the strict guidelines and regulations we have in place to regulate this industry."

Comment was being sought from Arrow.

## This week in mining accident history

**27 May 1925**

**Coal Glen Mine**

**Farmville, Chatham County, North Carolina, USA**

**Underground coal mine**

**53 killed, methane explosion and afterdamp**

Source: <http://freepages.history.rootsweb.ancestry.com>

The Coal Glen-Farmville Mine Disaster was the worst industrial accident in North Carolina history. Though more recent incidents such as the flash fire at the Imperial Food Products Plant in Hamlet on September 3, 1991, which killed 25, and the spectacular explosion at West Pharmaceuticals in Kinston on January 29, 2003, are more in the public consciousness, the Coal Glen Disaster killed 53 men, made 38 women widows, left 79 children fatherless, made Farmville a ghost town, and virtually put an end to coal mining in North Carolina.

*(Article from Durham Morning Herald, 28 May 1925)*

## Explosions at Coal Glen, Near Sanford

**Six Miners Are Known to Be Dead In Disaster At Carolina Company Pit**

Rescue workers are toiling ceaselessly in hope of reaching the others in time to save them: first explosion came at 9:30 O'clock Wednesday morning, followed by two others at half hour intervals.

### GASES DELAY RESCUE EFFORTS

First explosion was about the thousand-foot level and is thought to have blocked main tunnel; officials believe the air in most of the mine is clear of gas and have hopes that the entombed men are still alive and that they will be brought out safely.

### WASHINGTON BUREAU OF MINES SENDS TEAM

Alabama is also sending a crew to aid in the work of rescue; General Metts is present representing the state, but has found no need for troops, there being no tendency to disorder; families of the entombed men gather about the ropes, waiting patiently for news; six men brought out were alive when discovered but died before they could be gotten out.



Photo by Ben Dixon McNeill of the *Raleigh News and Observer* (Courtesy of the North Carolina Collection, Library of the University of North Carolina at Chapel Hill).

*(By the Associated Press)*

**Coal Glenn, May 28.**--Hope that a single one of the three score or more miners entombed in the mine of the Carolina Coal company near here early Wednesday morning by a series of three explosions, was alive was abandoned at 1:30 o'clock this morning by rescuers who had entertained the hope earlier in the night that the men might have escaped suffocation following the blasts.) It is the opinion now that if the actual explosions did not kill them, the afterdamp snuffed out their lives. Efforts to reach the

recesses of the mine where the miners were caught will be redoubled at daylight. Searchers during the night have penetrated to the 1800 foot level without finding any bodies.

Hope had been expressed by B. H. Butler, vice president of the mining company, and William Hill of the Cumnock coal mine, nearby, that the entombed men might still live. Miners from the Cumnock company aided throughout the day in the work of rescue.

Mr. Hill said the air was clear in the mine below where the bodies were found and this was held to indicate by officials that the entrapped men might still survive. The fans were kept going all day purifying the inner recesses of the mine, that eager fellow workers and those from nearby points might penetrate further into the dark passages that were believed to hold the victims of the disaster.

Mr. Butler told newspaper men tonight that his information was to the effect that the first explosion was in the second right lateral of the mine, approximately a thousand feet from the entrance. He added that if this was true the main shaft may not have filled with gas but merely was blocked with debris.

The two subsequent explosions were believed by officials to have occurred between the second right shaft and the opening. The second and third explosions came at half hour intervals after that at 9:30 o'clock which had blocked the men from the entrance.

Mine authorities said the finding of the six bodies climaxed what appeared to be almost a rescue for them, the men apparently having died only a short time before they were reached.

This section tonight presented a scene of sorrow and suspense, with women and children composing the families of the men caught in the lap of the disaster, gathered as near the scene as possible, waiting and praying that their father or brother might be returned safely to them, yet grimly realizing that only a miracle could have saved them.

Many, too, awaited hopefully for rescue cars rushing across neighbouring states to the aid of the pent-in miners, and hoped against time that they might not be too late. Leaders of the rescue work had been advised of action taken by the bureau of mines at Washington to lend aid and were looking forward to their arrival, although feverish workers toiled as rapidly as possible that they might if possible effect a rescue at any hour.

Little hope of reaching the entombed men before tomorrow was held, those in charge admitted.

While two lorries of troops from Fort Bragg were sent to the scene, their services were declined. Adjutant General Metts, representing Governor McLean, is on the grounds and declared that he would remain at the mine for two or three days.

Removal of the six bodies from the mine brought to light an attempted rescue by Howard Butler, son of the vice president of the company, and Joe Richardson, an employee. Immediately after the first blast these two men penetrated the mine to the first right lateral and upon entering the lateral found six men partially overcome by gas. Together they dragged these men to the main shaft and pure air and left them there while they went to summon additional aid.

Then the second and third explosions occurred, Richardson reaching the surface before they look place while Butler was caught in a lateral but escaped the full force of the explosion. He crawled out of the main entrance nearly an hour later and was given medical aid. Tonight he was in a Sanford hospital and doctors said he would recover, while in a nearby undertaking establishment lay the six bodies of the men he had striven heroically but in vain to save.

There were no scenes of disorder at the mine. Hundreds stood behind the ropes which held them back from the mouth of the fatal shaft, but they appeared too numbed to make their grief visible.

Adjutant General Van B. Metts, sent by Governor McLean to take charge of the situation

and if need be to summon military aid said that the crowd about the mine was orderly and that there appeared to be no need of outside aid. Sheriff G. W. Blair of Chatham county had a force of extra deputies on duty at the mine to aid in holding back the crowds.

Headed by Major Burr of Fort Bragg, a company of army engineers and a hospital detachment came to the scene from Fort Bragg to render aid but it was found that the troops were not needed and they were returned to the fort.

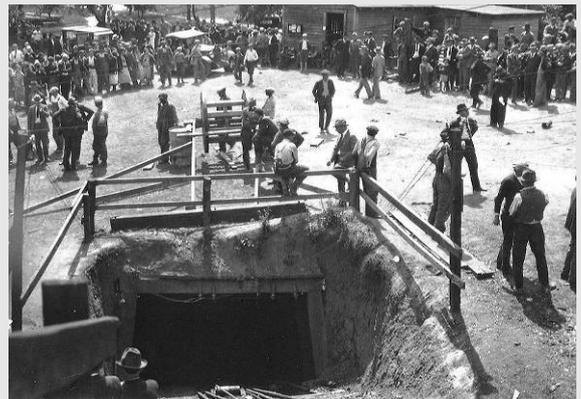
The hospital detachment however remained on duty at the mine and was aided by a corps of volunteer nurses from Sanford. General Metts said that he would remain on the scene for a day or two in order to respond to any emergency.

Estimates as to the length of time it would take to clear the mine and reach the entombed men varied. Some believed that the work would require at least a week, while others said it would not take more than a day or two. The arrival here tomorrow of a specially equipped mine rescue car, ordered here by the federal bureau of mines was expected to aid materially in the work of rescue.

The rescue crew working throughout the day used gas masks when entering the mine, although the main shaft was said to have been cleared of foul air late today. The men remaining in the mine are known to have been working in the main shaft from the 1,000 foot level down and hope was held out that they might be rescued. The work of rescue was going forward under the direction of J. R. McQueen of Lakeview, N. C., president and general manager of the Carolina Coal company. In this he was being assisted by Vice President Butler and other officials. The rescue crews were led by William Hill of the Cumnock mines, C. Scott and W. A. Jones, the three men being experienced mine workers. A full crew of miners from the Cumnock company was aiding in the work of rescue.

Hour after hour during the day hundreds of men, women and children surged around the mine, all straining toward the entrance of the mine shaft where those rescued, if any, must emerge. Time after time they were disappointed as the mine bucket came to the surface loaded only with debris.

Then shortly before 10 o'clock tonight, a stir ran through the crowd and it pressed more closely against the ropes which held it back from the mine opening. The order had gone out for the soldiers to bring their stretchers close to the shaft and the nurses stood by to give their aid. Once, twice, the cable which brought the car to the surface stopped and the mass of human beings watching it wind its slow way out of the shaft held its breath. Then seven grimy men came out of the opening with set faces. As if called, a group of miners descended to the cars just a few feet below the surface and tenderly removed the bodies of six of their comrades. Death had struck them down just after the heroic work of Butler and Richardson had given them an opportunity for life. The soldiers brought up the stretchers and the bodies were carried away to waiting ambulances to be transported to Sanford. Another crew of miners entered the shaft and the work of rescue was resumed.



The mine where the men are entombed, it was explained by Vice President Butler tonight, has only three openings--an air shaft, the main shaft and an old abandoned shaft. It is possible only to work down the main shaft to set at the men below and the rescue crew have reported that the main shaft is filled with fallen timbers and

other debris. The second right lateral, where the first explosion is believed to have occurred, is about 1,000 feet from the mouth of the shaft, and about 100 feet underground, measured perpendicularly. It was from the mouth of this shaft that the six bodies were then brought. The air in the main shaft beyond is reported as pure, giving rise to the hope that the men might be safe behind the debris in which the main shaft at this point is filled.

The work of rescue was to be continued throughout the night with crew of seven men, the largest number which can enter the mine at the same time, working in shifts of two hours each.

At 11 o'clock tonight no additional bodies had been recovered. Following is the official list of the men known to have gone in the mine this morning:

White: George Anderson, A. F. Martin, C. B. Johnson, Joe Hutson, Claude Woods, Zeff Riners, J. E. Lobisser, A. L. Stokes, A. L. Holland, A. Williams, Sam Jeter, W. H. Sullivan, N. R. Johnson, C. L. Woods, S. Holmes, W. E. Howard, Sid Clegg, Albert Holland, Sam Napier, Elmer Hayes, Dan Hutson, S. B. Davis, T. S. Anderson, W. E. Bailey, Reuben Chambless, Tom Cotton, Gus Boyles, John Henley, H. C. Hall, D. McDonald, N. E. Dillingham, W. D. Dillingham, Wilson Chasner, Dave Wilson, — (?)— Hill, John Curd, Hollis Richardson, Joe Hutson and Robert Williams. Total 29.

Negroes: J. J. Wilson, Lee Buckingham, John Burgess, John Shaw, Charles Waton, David Barr, June Cotton, James Small, John Austin, Julius Cotton, Henry Austin, Wade Wilson, Will Moore, Page Munn, Will Austin, Arthur Poe, Charlie Wright, T. D. Wright, Will Irick, Manly Lambers. Total 20.

The six men whose bodies were removed from the mine tonight were:

White: A. L. Holland, W. E. Byerly, Hollis Richardson, and Zeff Rimer.

Negroes: Will Irick and one other unidentified.

### 27 May 1925 Photographs



Tuesday 24 May 2011

## USA: Massey Directors Saw Government 'Conspiracy' Against Company, Filing Shows

*Extract from Bloomberg*

Massey Energy Co. (MEE)'s management believed government officials, including President Barack Obama, conspired to destroy the coal producer, according to unsealed court records in a case related to a fatal mine accident.

Don Blankenship, Massey's former chief executive officer, and Chairman Bobby Ray Inman, a retired U.S. Navy admiral, made clear in sworn testimony that they "firmly believed the company was being targeted by the government," lawyers for Massey investors who are suing the company's directors said in filings unsealed today in state court in Delaware.

Inman, a former deputy director of the Central Intelligence Agency, “was unequivocal in his assertions” in pre-trial depositions that mine regulators, union officials, plaintiffs lawyers “and President Obama himself harbored a secret agenda to destroy Massey, and that the large numbers of safety violations Massey received were proof of the conspiracy,” according to the lawyers.

The filings were made public today as part of a lawsuit brought by the New Jersey Building Laborers Pension Fund seeking to hold Massey directors liable for the Richmond, Virginia-based company racking up more than \$25 million in assessed violations by the U.S. Mine Safety and Health Administration.

### **29 Killed**

The suit accuses Massey’s board of allowing managers to systematically disregard safety regulations, contributing to a blast that killed 29 miners in April 2010 at the Upper Big Branch mine in West Virginia.

Micah Ragland, a Massey spokesman, declined to comment today on the unsealed files in the Delaware case.

Massey agreed in January to be acquired by Alpha Natural Resources Inc. (ANR) for \$7.1 billion. Pension fund officials contend Massey’s board agreed to sell the coal company at a fire-sale price because of its poor safety record. They contend Massey officials could have gotten at least another \$1.5 billion for the shares.

Delaware Chancery Court Judge Leo Strine is scheduled to hear the investors’ request to block the deal at a May 26 hearing in Wilmington.

A state investigator concluded last week that Massey officials were responsible for the Upper Big Branch explosion. The company “operated its mines in a profoundly reckless manner,” according to the report issued May 19 by J. Davit McAteer, a former federal mine administrator named by West Virginia’s governor to investigate the blast.

### **Safety Procedures**

McAteer found that Massey officials could have prevented the disaster by following “basic, well-tested” safety procedures. The report cited failures to maintain a proper ventilation system, comply with federal and state rock-dust standards and poor maintenance on safety equipment.

Hughie Stover, the Upper Big Branch mine’s security chief, pleaded not guilty today to charges of obstruction of justice and lying to the FBI and mine-safety regulators in connection with the explosion at the facility. Stover is accused of ordering an associate to destroy thousands of security documents tied to the mine.

The mine, about 46 miles (76 kilometers) south of Charleston, West Virginia, is run by Massey’s Performance Coal Co. unit. The nonunion mine opened in October 1994.

Over the years, federal safety inspectors cited the operation hundreds of times for violations including the buildup of explosive methane and coal dust, according to filings by the pension fund’s lawyers.

Blankenship, who worked with Massey for almost 30 years before stepping down as chairman and CEO in December, battled with mine-safety regulators over conditions at the company’s facilities.

### **‘Run Coal’**

The pension fund’s lawyers cite a 2005 memo Blankenship wrote to Massey mining managers telling them to disregard instructions to improve safety in the mines or orders “to do anything other than run coal.”

“This memo is necessary only because we seem not to understand that coal pays the bills,” Blankenship wrote.

While studying the company in preparation for a bid, Alpha officials found “the Massey culture is driven by a strong focus on production, with the other facets of the operations such as employee

safety and regulatory compliance receiving minimal consideration,” according to filings unsealed in the Delaware case.

Ted Pile, a spokesman for Abingdon, Virginia-based Alpha, didn't immediately return a phone call and e-mail seeking comment.

### **Investor Complaints**

In the wake of the Upper Big Branch explosion, Massey's board formed a committee to examine whether investor complaints about directors' lack of oversight had merit.

In November, Massey's directors concluded the company had to be sold and Blankenship ousted after the committee found longstanding operational problems and a corrosive relationship with mine regulators, according to the unsealed papers.

The group told directors that “a change in top leadership was required to rebuild the company's reputation,” the pension fund's lawyers said in the filing.

Massey officials denied last week that directors forced Blankenship to step down. The board's independent directors “did not make a recommendation to the board to remove Mr. Blankenship or request his resignation,” officials said in a May 19 filing with the U.S. Securities and Exchange Commission.

### **'Clean Slate'**

The sale to Alpha was motivated by directors' desire to be protected from liability for shareholder suits, the lawyers added. The pension's fund case was filed as a so-called derivative suit, which would return any recovery to the company. Individual shareholders wouldn't receive any direct payments as a result of the suit.

“The Massey board did not negotiate the merger from a clean personal slate,” the pension fund's lawyers said.

Massey fell 45 cents to \$60.75 at 4:15 p.m. in New York Stock Exchange composite trading. Alpha dropped 39 cents to \$49.89.

The case is *New Jersey Building Laborers Pension Fund v. Blankenship*, CA5430, Delaware Chancery Court (Wilmington).

Thursday 26 May 2011

## **Judges Orders Mine Operators to Release Workers' Medical Records**

*Extract from [www.fairwarning.org](http://www.fairwarning.org)*

An administrative law judge has ordered two major coal producers to turn over to federal regulators information about mine accidents as well as about their workers' job-related injuries and illnesses, the Associated Press reports.

The federal Mine Safety and Health Administration said Massey Energy Co. and Peabody Energy Corp. had refused to provide information needed to determine if mines that they operate in five states should be subject to tougher enforcement because of persistent safety violations. If the agency finds that an operator has had persistent violations, it can stop production and remove miners when inspectors identify serious new problems.

The two companies' unwillingness to turn over all of the requested records “has unnecessarily delayed MSHA's review ... for seven of these mines,” MSHA director Joe Main said in a news release. “Mine operators should be aware that we are not going to rely on what they report to make such critical determinations. We will check those records ourselves.”

Massey spokesman Jeff Gillenwater said that the company is considering an appeal, adding that it has provided MSHA with everything the agency has requested except employees' medical records.

“Our miners have a right to privacy and we respectfully opposed providing private medical information,” Gillenwater said.

Peabody issued a statement expressing alarm that MSHA could demand to review private medical records. The company said it is evaluating its legal options.

Kenneth Andrews, an administrative law judge with the Federal Mine Safety and Health Review Commission, rejected an argument made by Peabody that it could withhold “sensitive and private” records. He ruled that MSHA’s request was a “reasonable exercise of government responsibility” and that the agency’s interest in improving mine safety outweighs the privacy concerns.

The judge’s action was not related to Massey’s operation of the Upper Big Branch mine in West Virginia, which last year was the site of the deadliest U.S. mining accident in four decades.

## Mining dictionary

A guide to coal mining terminology

### A

**ARCHING** Fracture processes around a mine opening, leading to stabilisation by an arching effect.



Arching underground at Smallcleugh Lead Mine, Nenthead, Cumbria, UK

## MAN Facts

### Did you know that?

- **Mining Accident News** started as an email to NSW mine inspectors in March 2003
- Newsletter format started in March 2007
- Now emailed throughout Australia and other mining countries, including:
  - \* NSW mine safety inspectors and other safety performance officers
  - \* NSW mine operators
  - \* Port Waratah Coal Services
  - \* NSW Coal Services and Mines Rescue
  - \* Qld Department of Mines & Energy who further distribute to all mines in Queensland
  - \* University of Technology Sydney
  - \* University of Queensland and MISHC
  - \* WA mines inspectors
  - \* WA mining contractor and mine operator
  - \* Tasmania WST mines inspectrate
  - \* CFMEU who further post on their internet
  - \* New Zealand Department of Labour
  - \* New Zealand mine industry and MinEx Health & Safety Council NZ who further post on their internet
  - \* United Kingdom global mining company and safety consultants
  - \* South Africa NOSA and mines inspectrate
  - \* Turkey mine operator
  - \* USA Department of Labor
  - \* USA MSHA
  - \* University of Nevada who distribute to mining engineering students
  - \* USA mining companies
  - \* Canada’s Queen’s University, Department of Mining
  - \* Brazil global mining company.

-Ed