



# Mining Accident News No.1135

12 to 20 December 2011

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Monday 12 December 2011

## S.Africa: Sick miners want Anglo American to pay up

*Extract from Mail & Guardian online, South Africa*

Mongezi Mponco left his village of grassland hills as one of hundreds of thousands of healthy young black men who poured into the deep underground of South Africa's gold mines.

The 54-year-old continued working when diagnosed with early incurable lung disease until he was fired after 30 years, in a story traced on

thumb-worn papers kept in his home off a rutted dirt road in the Eastern Cape.

"Thank you for your loyal service and all the best," advised the termination letter to the father of six who has certified silicosis scarring of the lungs.

But the best has not materialised for Mponco and hundreds of other former mineworkers who now want mining giant Anglo American to pay up for exposing them to dangerous dust levels.

The London-listed firm's South African subsidiary is being sued on two continents in cases that could run into millions of rands in damages.

A seven-year case with 18 claimants is nearing trial in South Africa, and a class action recently filed in Britain has more than 700 claimants and is still collecting names.

"We're averaging around about 100 now per month," said Zanele Mbuyisa, an attorney working on the mass suit, who criss-crosses rural areas meeting potential clients.

### Generations of poverty

Rural Eastern Cape has long supplied workers to what were the world's richest gold mines which burrow up to nearly 4km below the earth's surface.

Silicosis is caused by inhaling gold mining dust and can rest dormant for years before permanently scarring the lungs.

Black miners working in often unsafe conditions during apartheid were hard hit, with one study citing prevalence of up to 32% in deceased black miners.

The former miners return home with battered health to their villages to eke out a survival, unable to support their families, and often falling under the radar for medical examinations and compensation.

**NOTE:** Views expressed in this newsletter are those of the individual sender, and are not necessarily the views of the NSW Department of Trade and Investment, Regional Infrastructure and Services  
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"The economy in South Africa, as it is, was built by ex-mineworkers. We are who we are in terms of the economy because of those men," said Mbuyisa.

"Yet two things came out of that: you had generations of wealth for the mine owners and generations of poverty for the workers. That doesn't seem fair does it? And that's how I personally look at it."

### **Wealth for mine owners, poverty for workers**

At 54, Zwelinzima Mfenyana looks years older since getting sick in the early 1990s after 13 years underground. He followed other men to the mines aged 16 and his family now live off just over R500 in two monthly child welfare grants.

"I'm old now and I want my money that I worked for that wasn't given to me," he said in a round traditional thatched rondavel hut.

South Africa's Constitutional Court in a landmark judgment this year cleared the way for sick ex-mineworkers to sue companies directly.

Ex-miner Thembekile Mankayi had claimed damages of R2.6-million from AngloGold Ashanti who had handed him a pay-out of R16,320. He died just days before the ruling but his attorney has also indicated possible mass action.

Deeply rooted in Africa's biggest economy, Anglo American South Africa is the country's biggest private employer with profits running to billions of dollars.

The company denies responsibility as the claims involve companies in which its South African wing had minority interests.

"Anglo American does not believe that it is any way liable for the silicosis claims brought by former gold workers and is defending the actions," said the company.

"Anglo American maintains that these gold companies which employed the mineworkers were responsible for the health and safety of

their employees and took reasonable steps to protect them."

### **'We need help'**

But lawyers argue that the giant was the parent company to many operations.

"A lot of mines fell under them, so because a lot of the ex-miners come from there, it would only make sense for you to sue them," said Sayi Nindi of the Legal Resources Centre, which is acting for the 18 claimants.

Their case was filed in 2004 on behalf of a widow and 17 miners, of which three have since died. Anglo is providing treatment to the remaining miners.

In the mass suit, names are still being collected.

"But whether or not their claims can be pursued will depend on medical confirmation of silicosis being obtained," said Richard Meeran, attorney with London firm Leigh Day acting for the miners.

Part of the mass suit, Mponco received a 97,000-rand pay-out in 2008 after his illness escalated from the first diagnosis and left him legally medically unfit to work.

"What was I supposed to do? I was told that it was first degree and to continue working," he said.

"What the mine is doing to us is very painful. We are in a very difficult situation. We need help."

"I want them to pay me my money," he added.

## **USA: Upper Big Branch deal aimed at preventing future disasters**

*Extract from Charleston Gazette, USA*

CHARLESTON, W.Va. -- More than 20 years ago, the old U.S. Bureau of Mines began promoting a new optical meter that could tell immediately if coal operators had not spread enough crushed limestone through underground tunnels to prevent a disastrous coal-dust explosion.

The coal industry has never deployed these devices, and the U.S. Mine Safety and Health Administration has never tried to require them.

But within two years, Alpha Natural Resources officials will have installed these "coal dust explosibility meters" at every single one of their 104 underground mines across the nation's coalfields.

Alpha, the nation's third-largest coal producer, will also add state-of-the-art ventilation monitors to measure fresh-air velocity, direction and methane content to all of its underground mines.

All these moves are part of \$80 million in safety improvements Alpha has agreed to make in a \$209.5 million Upper Big Branch Mine Disaster settlement to resolve potential corporate criminal charges Alpha inherited when it bought Massey Energy six months ago.

U.S. Attorney Booth Goodwin crafted the deal in an effort to push Alpha -- and the rest of the coal industry -- toward reforms aimed at avoiding a repeat of the April 5, 2010, explosion that killed 29 miners in the worst U.S. coal-mining disaster in a generation.

The key, according to Goodwin and his team, is the \$80 million in safety improvements are specifically designed to address root causes of the Upper Big Branch explosion, such as poor ventilation practices and most specifically doing a better job cleaning up highly explosive coal dust that can turn a minor methane ignition into a horrific blast like the one at UBB.

"This started out by looking at what we could require them to do to do these things better," said Assistant U.S. Attorney Steve Ruby, a lead prosecutor in Goodwin's ongoing criminal probe of Upper Big Branch and the key architect of the Alpha settlement.

Goodwin announced the move last Tuesday morning, upstaging the release several hours later of the U.S. Mine Safety and Health Administration's report of its investigation into the causes of Upper Big Branch.

Under the settlement, Bristol, Va.-based Alpha must perform a study to determine if its mines have adequate staffing to clean up accumulations of explosive coal dust, accelerate research on new ways to control dust accumulations, and install new emergency oxygen equipment for miners. Alpha will build a state-of-the-art training center at its regional office in Julian and set up an aggressive new schedule of worker and supervisor training programs.

The deal also includes \$46.5 million in restitution to miners' families and a provision for Alpha to pay \$35 million in pending safety fines from former Massey operations, including \$10.8 million for new violations related to the explosion investigation.

"There should never be another UBB," Goodwin said. "For far too long, we've accepted the idea that catastrophic accidents are an inherent risk of being a coal miner. It's long past time we put that myth to rest. We believe that this agreement does that."

Families of the miners who died at Upper Big Branch, though, have not welcomed the settlement. They want more criminal prosecutions, to put top Massey officials -- especially former CEO Don Blankenship -- in jail.

So far, Goodwin's sprawling, 20-month probe has brought charges and secured convictions of two individuals at Upper Big Branch: a former Massey miner who admitted that for two years he faked his credentials to perform required mine safety examinations and the mine's long-time security director, who was convicted of lying about the company's policy of warning underground workers of impending government inspections.

As details of last week's settlement emerged, some of the biggest critics of Massey and of Blankenship welcomed language in Goodwin's deal that, unlike a promise not to prosecute reached after the 2006 Aracoma Mine fire,

allows future criminal charges against any individual officers, executive or employees found to have committed crimes at Upper Big Branch.

"Sadly, aggressive prosecution against upper management in the Aracoma case might have spared us the horror of UBB," said Bruce Stanley, a lawyer for the families of miners Don Bragg and Ellery Hatfield, who died at Aracoma. "We'll never know, of course. But we certainly hope that the lesson of making deals with the devil has been learned, that the criminal investigation makes its way into the boardroom as well as the guard shack, and that Alpha chooses a different path than its predecessor."

In its report last week, the MSHA investigation team outlined what it called "reckless disregard" and "unwarrantable failure" by Massey to comply with some of the most basic mine safety requirements for proper ventilation, control of explosive coal dust, and failure to find and correct hazards before miners go to work. MSHA also outlined what it said were concerted efforts by Massey to cover up those violations, by warning workers prior to inspections, lying on safety reports the government reviews, and making workers so afraid for their jobs they won't report safety concerns to the company or regulators.

Many of the civil citations MSHA issued to Massey and its Performance Coal Co. subsidiary might have easily drawn criminal charges. But Goodwin's office worked out a "non-prosecution agreement" with the corporate entities, rather than bringing charges or trying to force Alpha to enter into a formal plea agreement.

David Uhlmann, a former federal prosecutor who teaches at the University of Michigan Law School, said Goodwin was too quick to give Alpha a deal that included no corporate criminal charges.

Uhlmann, an expert in criminal enforcement of environmental and worker safety laws, said Goodwin worked out an "impressive settlement"

in terms of civil penalties, restitution to victims and the steps Alpha will take to enhance safety. But he said the case was more than an appropriate one in which to bring criminal charges against the company.

"The bottom line is that the law authorizes those charges and, if the law is not going to be used in a case that is this egregious, when is it going to be used?" Uhlmann said in an email interview. "If you cannot bring a criminal case against the companies involved when there are years of violations and numerous deaths, when will criminal charges be brought?"

Other critics of the Alpha deal, like Rachel Moreland, a lawyer for several miners' families, complained that the company was getting credit for safety improvements it would eventually have to make anyway.

But longtime mine safety advocate Davitt McAteer, whose independent team's recommendations formed the basis for many of the safety reforms in the Alpha settlement, disagrees. McAteer, a former MSHA chief, said it takes agency officials years to implement new safety requirements, especially in the face of industry opposition and cries of over-regulation by coal's friends in Congress.

Joe Main, a former longtime United Mine Workers safety director who now runs MSHA, admitted as much during the press conference where his agency released its Upper Big Branch report.

"It's pretty clear to everyone that the U.S. Attorney can move more swiftly than we can," Main said.

At that same press conference, chief Labor Department lawyer Patricia Smith tried to argue that many of the changes Alpha has promised to implement would need an act of Congress for MSHA to require, but Main appeared to agree MSHA could -- and should -- take action itself through rulemaking proposals. "These are issues that one would believe we will be focusing attention on going forward," Main said.

It is far from certain that the mining industry will be moving quickly to adopt Alpha's reforms on its own. Carol Raulston, a spokeswoman for the National Mining Association, said last week, "Many of NMA's members, including Alpha, are already investing in safety efforts and equipment not specified, required by MSHA.

"We have not read the agreement between Alpha and the U.S. Attorney, so I cannot comment on any specific provision including the equipment stipulations," Raulston said. "As such, I am reluctant to speculate about future actions of NMA members at this time."

Other critics have argued that the total cost of the settlement -- \$209.5 million -- isn't really that much money to a major coal producer.

For Alpha, the settlement amounts to about three quarters' worth of earnings, based on last quarter's results as reported to the U.S. Securities and Exchange Commission. But it's also 50 times what Massey paid to resolve civil violations and criminal charges related to the Aracoma fire.

The Upper Big Branch settlement is hardly the first time that federal prosecutors or regulators tried to figure out a way to clean up environmental and workplace violations at Massey Energy operations.

In the years before Upper Big Branch, at least four Massey subsidiaries pleaded guilty in criminal cases that called for improved operations. And the U.S. Environmental Protection Agency worked out a \$20 million deal agency officials touted as the end of Massey's Clean Water Act violations, only to have citizen groups find continued problems that prompted another lawsuit.

Goodwin told reporters last week that he never would have agreed to the Alpha settlement if he were not "absolutely convinced that Alpha is committed to safety and to following the law."

But in the last year, Goodwin's office has prosecuted an Alpha miner who faked foreman's credentials for more than a year and an Alpha

contractor who admitted lying to investigators about training practices at the company.

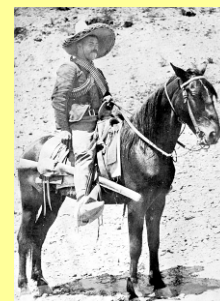
And Goodwin was very clear last week in stating that he would not make public periodic reports Alpha is required to file with his office outlining its progress in meeting the terms of the settlement.

Still, some mine safety advocates aren't jumping to join the Upper Big Branch families in criticizing the Alpha settlement. In holding their tongues, those safety advocates are putting a lot of faith in Goodwin, saying they believe his office is committed to bringing more charges in the disaster.

Pat McGinley, a West Virginia University law professor who served on McAteer's Upper Big Branch investigation team, said he's "confident" that Goodwin's investigators "will continue to pursue every lead" and "bring to justice any and all Massey corporate managers who they find have engaged in criminal conduct leading to the horrendous deaths of 29 UBB miners.

"Coal company managers and executives whose willful conduct causes the death of even one coal miner need to be held criminally accountable and if criminal prosecution and jail time becomes a real possibility for those corporate officials who place profits above miners' lives, I can guarantee that the nation's coal mines will quickly become significantly safer."

### Quote of the week



"Don't let it end like this. Tell them I said something."

Pancho Villa  
Mexican revolutionary leader (1877-1923)

Thursday 15 December 2011

## UK Coal fined £1.2 million for mine deaths

*Extract from Australian Mining*

UK Coal, the United Kingdom's largest mining firm, has been fined £1.2 million following the deaths of four miners at its England collieries in 2006 and 2007.

Anthony Garrigan, 42, Paul Hunt, 45, and Trevor Steeples, 46, died in accidents at Daw Mill colliery in 2006 and 2007.

Paul Milner, 44, died after an accident at the now closed Welbeck Colliery in Nottinghamshire in 2007.

Milner was crushed under approximately 90 tonnes of rock after a roof collapse and Garrigan died after a support wall collapsed on him.

Hunt died after falling from a poorly maintained underground transporter and Steeples asphyxiated after being exposed to high levels of methane.

UK Coal admitted to breaching safety regulations and said it deeply regretted the loss of life on its sites.

The fines levelled at £112,500 and £187,500 for each fatality, and in his sentencing Justice MacDuff said he did not impose harsher penalties because of the financial strain it would put on the already loss-making company.

Earlier this year UK coal suffered more deaths on site following a roof collapse at its Kellingley Colliery.

UK Coal said it accepted the court's decision and was currently working to review its safety measures.

It said safety was the number one priority on its mine sites.

## USA: 20 Rescued, Seven Hospitalized After Collapse at Idaho Mine

*Extract from FoxNews.com*

MULLAN, Idaho – All 20 miners working at the Lucky Friday mine in Mullan, Idaho, on Wednesday night have been rescued after a collapse triggered fears that staff had been buried underground.

The Shoshone County Sheriff's Office said at a press conference late Wednesday that the 20 miners inside the mine at the time of the collapse had been able to get out, Fox News reported.



The Sheriff's Office said seven people had been transported to an area hospital by ground and air ambulance. Their condition was not immediately known. The seven were injured by a rock burst while working more than a mile deep, a mine company official said late Wednesday.

The miners were working about 5,900 feet underground when they were injured about 7:40 p.m. by a rock burst, which is an explosion of rock caused by excessive pressure from the weight of the ground above.

Capt. Holly Lindsey told The Spokesman-Review that the alarm was raised when a call came in to dispatch at 7:51pm local time.

Medical officials were dispatched to the mine, roughly 80 miles east of Spokane, Wash., and a mine rescue team was also deployed, Lindsey told the newspaper.

It is not yet known what caused the incident.

The collapse at the mine, owned by Hecla Mining Company since 1958, comes almost exactly a month after an incident at the site where a miner died and another was hospitalized.

Brandon Gray, 26, working for Cementation Inc., a company contracted to construct the mine's No. 4 shaft, died when he was crushed by loose rock while working in the shaft project on Nov. 17. Another miner with him at the time was treated in the hospital for minor injuries and released.

Immediately following the accident, Hecla ceased mining operations at Lucky Friday and the U.S. Mine Safety and Health Administration subsequently issued a 103(j) order, which prohibits activity at the accident site to prevent evidence being destroyed, MarketWatch reported.

Then, roughly two weeks after Gray's death, Mine Safety and Health Administration regulators slammed Hecla over the death of miner Larry Marek earlier this year. Marek died when his work area collapsed in April, The Spokesman-Review reported.

The regulators hit Hecla with four citations and nearly \$1 million in penalties over the incident, saying that the company failed to test the stability of the ground in the area where Marek died, the newspaper added.

According to the Hecla Mining Company website, the Lucky Friday mine is "a deep underground silver, lead, and zinc mine located in the Coeur d'Alene Mining District in northern Idaho."

## **USA: Explosion Reported at Mine in Kanawha County**

*Extract from KSAZ-TV, USA*

Emergency crews are on the scene of an explosion at a mine in eastern Kanawha County.

This happened about 3:15 p.m. Thursday at the Samples Creek Mine.

Dispatchers say they believe the explosion happened at a gas well on the mine's site.

It did not happen inside the mine.

There is no word on if anyone has been hurt.

## **USA: Employee taken to hospital after gas well blast on Cabin Creek mine property**

*Extract from Daily Mail - Charleston*

An incident at a gas well in eastern Kanawha County sent a man to the hospital Thursday afternoon, authorities said.

Kanawha Metro 911 dispatchers say an employee of a Cabin Creek area mine was taken to a local hospital after a gas well exploded on mine property.

Dispatchers said the explosion occurred at a gas well about 3:15 p.m. Thursday on Samples Mine property in the Eskdale area.

The gas well -- a traditional vertical well -- is owned by Cabot Oil and Gas, according to a company spokesman

Dispatchers said one employee was "dazed and confused and a little bloody," after the explosion but was otherwise OK. The worker was taken to Charleston Area Medical Center's General Hospital, said company spokesman George Stark.

No fire was reported at the scene.

County emergency officials were at the scene Thursday afternoon. Authorities said the company indicated there was no threat to public safety.

## **SA: Excavator hits detonator at mine site**

*Extract from ABC News Online, Aus*

SafeWork SA is investigating a small explosion at a mine site in outback South Australia.

It says the blast was caused when an excavator digging trenches hit a detonator.

No-one was hurt in the incident at the Cairn Hill Mine, near Coober Pedy.

## This week in mining accident history

**16 December 1929**  
**Rothbury Colliery**  
**Rothbury, NSW, Aus**  
**Underground coal mine**  
**1 killed by gunshot during riot**

### Norman Brown & the 'Rothbury Riot'

On Monday 16 December, 1929, Norman Laurence Brown was wounded at Rothbury Colliery and died, later that day at Maitland Hospital. The *Cessnock Eagle and South Maitland Recorder* headlines on the next day reported :

### Sensational happenings at Rothbury Colliery

FIVE THOUSAND MINERS ASSEMBLE AT COLLIERY GATES

RIOTING, SHOOTING, AND LOSS OF LIFE

DEMONSTRATION AGAINST INTRODUCTION OF FREE LABOUR

....one miner was killed and three critically wounded

Some two months later after a inquest lasting six days the Maitland District Coroner, Mr. D.W. Reed, found that '*Norman Laurence Brown... died from the effects of a gun shot wound accidentally received at Rothbury ... during the course of a quelling of a riot by police officers... the said Norman Laurence Brown not then being one of the rioters*'. Mr. Reed then went onto exonerate the police by finding that '*they (the police) exercised all ordinary skill and caution so as to do no more harm than could be reasonably be avoided*'.

The site of this riot was North Rothbury a small village some 5km south of Branxton. A road sign

displays 'Rothbury Riot' Memorial. This historic site marker commemorates the circumstances of that day.



There are besides this site marker and his tombstone, two other memorials to Brown and the riot. The first is a wall plaque located in the offices of the Newcastle Trades Hall in Union Street, Newcastle. The second a bronze tablet mounted on the wall of the Miners' Memorial at Freemans Waterhole approximately 27 kilometres from Cessnock.

**Historical Information:** Brown was buried in the Greta cemetery before a crowd of 7,000. The *Maitland Mercury* of the 18 December 1929 gives a full report of the Bishop of Newcastle eulogy as well as those of other notables present. The comments of the minister who was at the service on the size of the funeral and the emotions are recorded some 50 years later at the unveiling of the 50th anniversary tablet.

On 16 December 1929, New South Wales Police drew their revolvers and shot into a crowd of locked-out miners in the New South Wales town of Rothbury in Australia, killing a 29-year-old miner, Norman Brown, and injuring approximately forty five other miners. The incident became known as the **Rothbury Affair** or the **Rothbury Riot**.



In 1929 colliery owners on the Northern New South Wales coalfields combined as the Northern Collieries Association. On Thursday 14 February 1929 the mine employers gave their 9,750 employees 14 days notice, that they (the miners) should accept the following new conditions:

"A wage reduction of 12½ per cent on the contract rates, one shilling (\$0.10) a day on the "day wage" rate; all Lodges must give the colliery managers the right to hire and fire without regard to seniority; all Lodges must agree to discontinue pit-top meetings and pit stoppages".

The miners refused to accept these terms, and on Saturday 2 March 1929, all miners were "locked out" of their employment.

In September 1929, the NSW State Parliament introduced an *Unlawful Assembly Act* designed to suppress the miners, which authorised police to break up any gatherings.

During December 1929 about 4,000 miners were demonstrating against the introduction of non-union labour into the Rothbury mine by the conservative Thomas Bavin State Government who had taken over the colliery. The State Government called in 400 officers from the New South Wales Police from other districts to protect the colliery and allow the entry of non-union labour. On the morning of 16 December the miners had marched to the mine gate led by a pipe band. When the miners charged the gate, they were met by baton charges by the police and hand to hand clashes. Then the police drew their revolvers and shot into the crowd. The youngest miner was 15-year-old Joseph Cummings. He risked his life, dodging bullets running for the doctor in a futile effort to help save Norman Brown.

The Sydney Daily Telegraph Pictorial described the event as "the most dramatic industrial clash that has ever shocked Australia."<sup>1</sup>

After fifteen months of starvation and living in poverty, the miners capitulated in June 1930 and

returned to work on reduced contract wages. The lockout failed to break the resolve or organisation of the miners union.

The mine finally closed in 1974. A monument in honour of Norman Brown is located at North Rothbury.

The site is now a railway workshop, the workshops work on restoration of locomotives and rollingstock.

The word **Rothbury** has been trademarked by the Fosters Group.

Friday 16 December 2011

## Hecla defends safety record at Idaho mine after accident

*Extract from KAJ18.com, Idaho News, USA*

MULLAN, ID - Hecla Mining Company is defending its safety record in the aftermath of this week's accident at the Lucky Friday mine, saying the rock burst is "unrelated" to two fatalities at the mine.



Seven miners were injured Wednesday night when the rock burst happened more than a mile underground at the mine in Mullan, just west of Lookout Pass. The company says none of the miners suffered life-threatening injuries, with the most serious wounds being cuts, a broken arm and a broken pelvis.

There were 25 Hecla employees and 18-contract employees in the mine, but the company says most weren't in the vicinity of the rock burst, which happens when a "seismic event" causes the rock to fracture as if it exploded.

Hecla officials say another rock blast happened in the same general area November 16th, but that was "triggered by mine blasting at the end of a shift" and no one was nearby or injured. But Phil Baker, Hecla's President and Chief Executive Officer says the company says Wednesday's incident isn't related to that rock burst, or the fatalities that happened at Lucky Friday in April and late November.

"There's no connection to the previous fatal events," said Baker in a released statement. "Our peoples' safety is very important to us, and we are working hard to get the mine back on track to its longstanding safety record prior to this year, characterized by more than 25 years and 8.5 million man-hours without a fatality."

Baker said Hecla was in the "process of installing designed tunnel supports, which consist of a steel liner and other materials such as shotcrete, in that particular area." He explained the method is similar to what is used in road tunnel construction.

The Lucky Friday remains closed while the company and the Mine Safety and Health Administration investigates the accident.

## USA: West Virginia lawmaker introduces federal mine safety bill

*Extract from [www.platts.com](http://www.platts.com), USA*

US Representative Shelley Moore Capito, a West Virginia Republican, introduced mine safety legislation on Friday, citing conclusions from a federal investigation that the nation's deadliest coal mining accident in 40 years could have been prevented.

The bill, H.R. 3697, the Mine Safety Accountability and Improved Protection Act, comes 10 days after the US Mine Safety and Health Administration released the results of its investigation into the April 2010 explosion at the Upper Big Branch mine in Montcoal, West Virginia. The agency determined the explosion that killed 29 miners was caused by basic safety

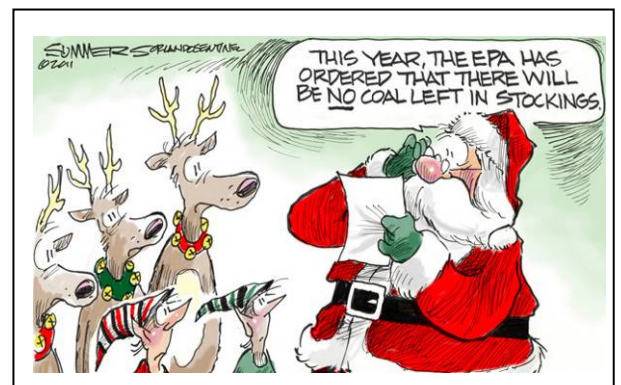
violations and the "corporate culture" created by then-owner Massey Energy. Alpha Natural Resources acquired Massey in June of this year.

"In an effort to address serious shortcomings in current mine safety standards, I have introduced a mine safety bill that I hope will ignite fruitful debate on how we can improve the effectiveness of mine safety laws, as well as create tougher penalties for those who don't play by the rules," the Republican lawmaker and co-founder of the Congressional Coal Caucus said in a statement on Friday.

Capito said the bill would streamline the conference and appeals process for federal health and safety citations, improve the implementation of mine safety and health regulations, and hold violators accountable by increasing criminal and financial penalties for violations.

Representatives George Miller and Lynn Woolsey, both California Democrats, in April introduced H.R. 1579, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. The bill seeks to strengthen whistle-blower protections, increase MSHA's oversight and accountability, improve the pattern of violations process and reduce safety risks for miners associated with coal dust. Capito is not a cosponsor of that bill, but fellow West Virginia Representative Nick Rahall, a Democrat, is a cosponsor.

A similar bill to H.R. 1579 was introduced in the Senate in January by West Virginia senators Jay Rockefeller and Joe Manchin, both Democrats. The senators called for action on their legislation following the release of MSHA's investigation report.



Saturday 17 December 2011

## **USA: Representatives call for prosecution in response to UBB**

*Extract from The State Journal, W.Va, USA*

U.S. Rep. Nick Rahall and U.S. House members wrote a letter demanding the federal Justice Department pursue criminal prosecutions in the Upper Big Branch mine disaster.

"From the very day of the disaster at UBB, I have stood with the families of the 29 miners who perished and called for answers and accountability. We now know, beyond any doubt, what caused that explosion, but we have yet to see the justice that those men and their families deserve," said Rahall.

In a letter to Attorney General Eric Holder dated Dec. 16, the House Education and Workforce Committee urged an investigation that reaches far up the Massey corporate ladder in determining who is responsible.

"MSHA imposed a record \$10.8 million penalties; however these fines do not hold any of the managers or senior executives of Massey Energy Co. or its subsidiary Performance Coal Co., personally accountable for their actions or inactions that resulted in the miners' deaths," the committee wrote.

Massey was acquired by Alpha Natural Resources in June. Alpha recently reached a \$210 million settlement that spares the corporation criminal prosecution, but would allow prosecution of individuals.

The MSHA report, the letter points out was caused by "stunningly brazen misconduct and violations of federal law" that included intimidations of miners, advanced notice of inspector arrival and keeping a duplicate and doctored version of safety mine safety history.

"Individuals, alone or in concert, established these deadly practices and procedures," the letter states. "Individuals, alone or in concert, implemented and enforced these deadly

practices and procedures. Though these individuals stood at the head of the disaster, they have thus far escaped justice."

The letter also points to an estimated \$186 million entitled to CEO Don Blankenship and 18 other board members following the merger with Alpha. The sum, the lawmakers write "dwarfs" the \$46.5 million provided for civil restitution in the non-prosecution agreement reached between Alpha and prosecutors.

The agreement does not preclude miners' families from seeking further restitution in civil litigation.

Twenty-nine men died when the Raleigh County exploded in April 2010. Several investigations have declared the accident preventable.

"This was the worst coal mining disaster in our country in more than forty years," Rahall said. "It is a huge tragedy, but it will be made even more tragic if individuals who knowingly enabled the UBB mine to devolve into a death trap are allowed to walk away from their misdeeds without punishment."

## **Coal Mine Flooding Traps 3 in Southwest China**

*Extract from Xinhua, China*

Three workers remain trapped after a coal mine flood early Saturday in southwest China's Yunnan province, local authorities said.

The accident occurred near 1:00 a.m. at a shaft of the Feilongma Coal Mine in the county of Mile in Honghe Hani and Yi autonomous prefecture. Twelve miners were working in the shaft and nine managed to escape, said a spokesman with the county government.

Rescuers are rushing to pump water out to save the trapped men, and the cause of the accident is under investigation, according to the spokesman.

Owned by Jialing Industrial Company, the Feilongma Coal Mine is a legal coal mine with an annual production of 60,000 tonnes per year.

Sunday 18 December 2011

## **Gas explosion kills 9 in C China coal mine**

*Extract from Xinhua, China*

Nine people were killed after a gas explosion occurred at a coal mine in Binzhou City of central China's Hunan Province Sunday morning, said rescuers.

The rescue work has stopped as rescuers were told that there were altogether nine people working under the pit owned by Sandu Township, when the accident happened at 8 am.

The mine with an annual production capacity of 60,000 tonnes is under a technological renovation construction.

The cause of the accident is still under investigation.

Monday 19 December 2011

## **Death toll rises to five in NW China coal mine cave-in**

*Extract from Xinhua, China*

The death toll has risen to five with one other in critical condition in a coal mine roof collapse in the northwestern province of Gansu that occurred around midnight Sunday, said the local security monitoring department.

The accident happened at 11:56 p.m. while a team of 11 workers were digging at the Jinhe coal mine operated by the Lanzhou Yaojie Coal and Electricity Group. Of the 11, five escaped safe and sound and six others were buried.

The six workers buried at the scene were all pulled out by 2:00 a.m. Monday. Two were pronounced dead at the scene, four were sent to nearby hospitals where three died.

Local authorities are investigating the cause of the accident.

## **NSW: Mine probes bullying claims**

*Extract from ABC News Online, Aus*

An investigation has been launched into allegations of bullying at an open-cut coal mine in Werris Creek.

The general manager of Whitehaven Coal, Casper Dieben, says it is working as fast as possible to review operating procedures and get production up and running again at Werris Creek Mine.

Operations were suspended last Thursday by the Department of Trade and Investment after unsafe working practices were discovered.

Safety inspectors allegedly discovered staff working too close to loaded blasting holes and over previously mined ground that risked collapse.

Mr Dieben says it is also investigating allegations of bullying to ensure they are dealt with as a matter of urgency.

Tuesday 20 December 2011

## **Tanzania: Improve safety at small -scale mines**

*Extract from The Citizen, Tanzania*

The recent spate of accidents at small-scale gold mines in various parts of the country is cause for grave concern. These accidents raise serious questions about the issue of safety in small-scale mining activities in the country, and even more worrying is their alarming frequency.

Memories are still fresh in the minds of Tanzanians of the 70 miners who died when rainwater flooded a shaft at the Mererani tanzanite mines in Simanjaro District, Manyara Region three years ago.

In 2002, 40 people suffocated in a shaft at the mines when a machine pumping in fresh air broke down. For how long will this be allowed to continue?

The problem is that small-scale mining is to a large extent unregulated in Tanzania, making the country's small-scale mines some of the most dangerous in Africa.

Many small-scale mines are virtual deathtraps, but the allure of the precious metal is apparently too strong to resist for most of those engaged in what is a highly risky undertaking. For most of these impoverished souls, working in deep pits whose wall could collapse any time, with disastrous consequences, is a risk worth taking.

The way the pits are dug and the absence of rescue and other emergency services make it virtually impossible to carry out rescue and recovery operations in the event of an accident. The Mererani accidents of 2002 and recent incidents in Geita District are a case in point.

Poor record keeping is another major problem at small-scale mines. This is the reason behind wildly conflicting casualty figures given after an accident. For instance, it is still not known exactly how many people died in the 2002 and a string of accidents in Mererani and elsewhere.

It's time frequent inspections were carried out at small-scale mines all over the country with a view to preventing further loss of life. Those found to be wanting insofar as safety is concerned should be blacklisted and closed down immediately.



To all my readers and your family and friends have a Merry Christmas and the happiest of New Year's. As 2012 approaches I look forward to less issues of MAN which means there will have been fewer fatalities and incident news from Australia and other mining countries.

All the best,

-Ed

## Mining dictionary

### A guide to coal mining terminology

#### B

#### BEAM

A bar or straight girder used to support a span of roof between two support props or walls.