



# Mining Accident News No.1208

1 to 9 April 2012

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Sunday 1 April 2012

## China stresses coal mine safety after fatal blast in NE

*Extract from People's Daily Online, China*

BEIJING, -- Work safety regulators on Sunday ordered local authorities to improve coal mine safety and draw a lesson from a recent gas

explosion in northeast China that killed five people.

The gas blast occurred on March 22 at the Dahuang No. 2 Coal Mine in the city of Liaoyang, Liaoning province. The accident killed five people, trapped 17 and injured one. Rescue work is currently under way, the State Administration of Work Safety (SAWS) said in a circular posted on its website on Sunday.



[Chinese mineworkers](#)

The circular said the accident exposed many problems, including illegal mining, substandard working conditions and a failure to report to safety authorities in a timely fashion.

Local authorities had ordered the mine to suspend operations before the blast happened, but the mine continued operating illegally, the circular said.

The mine did not have two emergency exits as stipulated by mining industry regulations, and its ventilation system fell short of basic requirements, according to the circular.

The administration ordered local authorities to severely crack down on illegal production activities, reinforce supervision over suspended mines and improve their emergency management and response abilities.

The circular said more severe punishments will be handed down for anyone found responsible for causing a coal mine accident as a result of illegal production.

**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  
Issue 8 of 2012

China's mines are among the deadliest in the world. Data from the SAWS showed that 1,973 miners were killed in coal mine accidents in 2011. The death toll for that year, however, was 19 percent lower than that of 2010.

Monday 2 April 2012

## **NZ: Pike River inquiry, final phase**

*Extract from [www.3news.co.nz](http://www.3news.co.nz)*

Today marks the beginning of the final phase of the royal commission of inquiry into the deaths of 29 men at Pike River Coal Mine in Greymouth.

Over the next three days, representatives of 13 submitters will talk about factual and policy issues, including Nicholas Davidson QC, for the families; Simon Moore SC, New Zealand Police; Garth Gallaway, NZ Mines Rescue Service; Kristy McDonald QC, Department of Labour, Department of Conservation, Ministry of Economic Development and Ministry for the Environment; Stacey Shortall, Pike River Coal Ltd; Craig Stevens, Solid Energy; Ross Wilson, NZ Council of Trade Unions; and Nigel Hampton QC, NZ Amalgamated Engineering, Printing and Manufacturing Union.

It's expected to be over around 1pm on Wednesday.

The commission is due to report its findings to the Governor-General by September 28.



Pike River coal mine - Source: ONE News

## **Qld: Toxic mine gas sparks work suspension**

*Extract from ABC News Online, Aus*

Poisonous gas eruptions have forced coal mining giant Thiess to suspend night-time operations at one of its Queensland mines.

About 30 workers from the Collinsville mine were taken to hospital suffering from headaches and nausea.

The company says it has always had a problem at the site but it is baffled about why the problem has intensified recently.

Thiess is the world's largest open-cut coal contract miner and Collinsville is one of its prized assets, valued at \$190 million a year.

Spokesman Alex Smith says some of the mine's 510-strong workforce have succumbed to poisonous gases in the site's longwall mines.

"The most abundant gases are carbon monoxide and sulphur dioxide, sulphur dioxide being the most irritant of them," he said.

"It has a range of effects, the most common being sore throats and headaches, and thus far we've had approximately 15 workers requiring attention in hospital and a further dozen or so have been taken to hospital over a period of some weeks for observation."

Mr Smith says the effects are short-term, but he says all night-time mining operations have been suspended until an adequate study can be carried out into what is causing the leaks and then measures put in place to control it.

"The major problem with the production of these gases is at night because of the atmospheric conditions and temperature inversions that can hold them in place," he said.

"During the day, because they are produced in fairly low concentrations, they disperse naturally very quickly.



Gas rises from the ground at the Collinsville open-cut mine. (ABC News)

### **Mystery**

Mr Smith says the reason for the escalation is a mystery "although there is a fair bit to support the fact that two very wet summers in a row are having some impact on the production of these gases".

"In terms of controlling them, the most important thing to do is get on top of the piles of particular material which can be producing these gases and cover them with inert material, which is going to take some time to do - as in a couple of days - and we should be in a position to look at resuming normal operations soon after."

Steve Smyth from the mining union says he is taking the issue very seriously.

"You've got carbon monoxide, hydrogen sulphide, sulphur dioxide and you've got some higher hydrocarbons like the benzenes, which are a real issue because a lot of those gases are carcinogenic and more incidents seem to be occurring," he said.

### **Effects**

Mr Smyth has questioned Mr Smith's suggestion that there will be no long-term effects for those workers exposed to the gases.

"It probably won't be a concern to the mine spokesman who's probably sitting in an air-conditioned office away from the area where this is happening," he said.

"That's a pretty brave statement considering that we've had in excess of 30 people taken off to hospital."

Mr Smyth worked at Collinsville in the late 1980s and says the gases are caused from underground fires in the coal seam.

"Now we're controlling, what's occurred in the last six months, which has accelerated to a stage where we're getting people gassed and the fires are not under control, and obviously that comes down to the way the place is being mined and being managed," he said.

He says workers will go back on night shift when the industry safety and health representative gives the mine the all clear.

Tuesday 3 April 2012

### **NZ: DOL 'forfeited right' to regulate health, safety - EPMU**

*Extract from [www.3news.co.nz](http://www.3news.co.nz)*

The fourth and final phase of the Pike River Royal Commission continues today, focusing on possible policy changes and updates to health and safety regulations.

Lawyers for the Council of Trade Unions (CTU) and the Engineering, Printing and Manufacturing Union (EPMU) addressed the Commission this morning, and both suggested the creation of a new, independent regulatory authority.



CALL FOR CHANGE: Council of Trade Unions lawyer Ross Wilson. Kirk Hargreaves

The EPMU says the Department of Labour (DOL) has “effectively forfeited their right” to regulate health and safety.

Both groups also supported the recommendation to adopt Queensland’s health and safety standards.

The CTU also said the Commission should recommend to Government that a charge of “corporate manslaughter” be introduced into law, with the aim of improving employer responsibility.

Ross Wilson, counsel for the CTU, said the charge “is not about victimising or unduly penalising, it’s about bringing home to employers at corporate level that there is a major responsibility which they have”.

Mr Wilson said the lack of pre-operational approval processes shows a “bizarre ordering of priorities” and pre-operational checks should include assessment of the applicant’s ability to successfully implement safety processes.

The CTU also supports the High Hazard Unit’s increased focus on high-risk industries, but “questions the narrow scope of the focus of that unit” and would add rail transport to a proposed extended list of high-risk industries.

“Hopefully this whole bitter experience demonstrates to the Commission that we have got it wrong in New Zealand... there needs to be a specialist focus on [high-hazard industries],” Mr Wilson said.

The union said there is an “urgent need” for a process to be established for standard-setting around acceptable risk levels, and this process “must include the representatives of the workers who are exposed to the risks”.

Employee participation in health and safety is vital, the CTU said, and unions have difficulty implementing the elected health and safety representative system due to “the lack of

promotion and enforcement... by the DOL, [and] the hostility of some employers”. Lack of training and support for elected representatives was also an issue.

It also suggested the establishment of a new independent authority agency, which would assume the inspectorate functions currently looked after by the DOL. This request was echoed by Nigel Hampton, speaking for the EMPU, who said the DOL had lost the faith of employees and allowed regulations to slide to a level which lagged behind international best practice.



EVIDENCE: Engineering, Printing and Manufacturing Union lawyer Nigel Hampton says Pike “failed abysmally to protect its workers underground”. Kirk Hargreaves

“It is apparent that the DOL as the regulator allowed [unsafe conditions at Pike River] to happen,” he said.

“It’s from that position that the union says on behalf of any underground workers in the future... why should they have any faith in the DOL in the present setup as being the regulator?”

“We strongly recommend that given the inadequacies of the DOL all health and safety functions of the department should be removed and placed with a new entity.”

Mr Hampton also said the adoption of Queensland's health and safety regimes would be incomplete without the use of check inspectors, and had check inspectors been adopted after a 2008 review, "we would have been looking, I suggest, at a very different scenario at Pike River".

He said the DOL has ignored expert advice to implement check inspectors, and the EPMU presented evidence of the efficacy of check inspectors overseas.

"The union preference is for a standalone body... a standalone regular, with prescriptive regulations, which must include within the provision of check inspectors".

The second-to-last day of the inquiry continues this afternoon.

## **NZ: Pike River 'failed abysmally' to protect workers**

*Extract from nzherald.co.nz*

The lawyer for the miners' union today made a plea for a return to underground check inspectors, turning away from the commissioners presiding over the Pike River Mine Royal Commission of Inquiry to directly address weeping family members.

Engineering, Printing and Manufacturing Union lawyer Nigel Hampton, QC, told the second to last day of the inquiry today that in 2008, the union had called for the return of check inspectors.

Turning his back to the bench, he then directly addressed family members, who began quietly crying. Had check inspectors been brought back "we would have been looking at a very different scenario in Pike River", he said.

"The union regrets that you have been the persons who suffered as a consequence."

The union told the commission the Department of Labour was so "inept" that a stand alone regulator was needed.

Mr Hampton said Pike River Coal Ltd "failed abysmally" to protect its workers underground, and the Department of Labour had allowed it to happen.

"It is from that position that the union says, on behalf of any underground workers in the future ... how can they, why should they, have any faith in the Department of Labour in the present set up?"

The new acting chief mines inspector Gavin Taylor, from Australia, had shut down the Spring Creek Mine in his first three months on the job, and that suggested it was the people and the culture, more than the regulations, that were at fault.

Council of Trade Unions (CTU) president Ross Wilson said the Health and Safety in Employment Act should be changed to introduce a criminal offence of corporate manslaughter.

"It's about bringing home to employers at a corporate level that there is a major responsibility which they have, and this might result in some leadership being generated at a board level."

Mr Wilson told the commission the Department of Labour had forfeited its right to be the mining regulator.

The CTU wanted a new specialist Crown agency created for workplace regulation, and did not want the regulator swallowed up in the new 'super-ministry' the Government was creating.

It also wanted a return to the check inspector system, which Mr Wilson said had worked well in Australia and the United Kingdom - and also in New Zealand prior to the 1992 changes.

Mr Wilson said research in the United States showed that the larger the regulator's budget, the lower the rate of mining fatalities. Minor changes to existing health and safety levies could fund such a new regulator.

### **Families 'determined as ever' to get 29 home**

The Inquiry also heard today that the Pike River Mine families recently asked themselves whether it was "time to let go" but were as determined as ever to get their men back.

Families' lawyer Nicholas Davidson, QC, said that since the police decided to hand the mine over to the company receivers 14 months ago, no one had carried responsibility for recovering the remains of the 29 victims.

The families had heard and confronted the refrain that it was "time to let go". But they had also seen footage of a body lying deep underground, which steeled their resolve to get their loved ones home.

Their patience had been well and truly tried, Mr Davidson said.

The families' lawyers also told the commission that things were wrong from the inception of the mine.

There was poor geological knowledge, and delays meant the mine was running out of time before coal had even been reached.

The ventilation shaft collapsed, unsuitable machinery was purchased, and there was an inadequate pre-drainage methane regime.

The underground fan was commissioned before a risk assessment, and a second escapeway, tube bundling gas system and fresh air base were not prioritised. No external agency had questioned the mine design, which was constantly changing, and the inspectors seemed to be "powerless bystanders".

The board expected senior managers to create a safe mine, but failed to check this happened, families lawyer Jessica Mills said.

Mine managers kept turning over, and former Pike River chief executive Peter Whittall deferred to manager Doug White.

"By late 2010, the only option would have been to stop Pike River extracting coal, but no one had the resolve to do so."

The mine's former health and safety manager Neville Rockhouse, who lost his son Ben in the tragedy, submitted today that mines should not even be allowed to operate until key safety plans had been approved by independent regulators.

He was not at the Greymouth hearing today, but his lawyer James Rapley said Mr Rockhouse had told the truth, and in real and graphic terms spoken of the pressures he and others were under because of the need to mine coal.

Many well intentioned people recognised there were problems at the mine, including the second escapeway.

"Almost on every occasion it was decided the situation was far from satisfactory but the mine would continue operating. It seems at no point was it ever suggested that work would stop."

Mr Rockhouse said he believed a mine should not be allowed to operate until key plans have been developed, filed and approved by the Department of Labour.

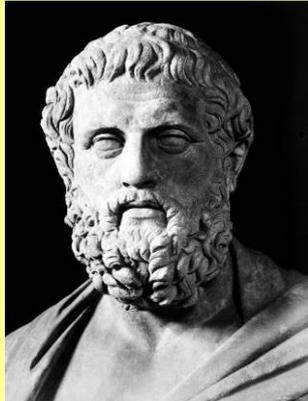
At the beginning, almost everyone had the right safety attitude, but as time went by attitudes changed due to production issues, he said.

Mr Rapley said Mr Whittall and the other Pike River Coal directors accepted no blame or responsibility for the disaster.

Mr Rockhouse had been "bullied and intimidated" by Mr Whittall, and that was a contributing factor to the tragedy, he said.

The hearing was told Mr Rockhouse also supported a return to check inspectors.

### Quote of the week



"A short saying oft contains much wisdom."

Sophocles  
Greek tragic dramatist, 496BC-406BC

## Canada: Fatal accident at Lake Shore Gold mine in Timmins

*Extract from Timmins Times, Canada*

### Police say death occurred on the 730 foot level. Post-mortem to take place in Sudbury.

The miner killed in an accident at the Lake Shore Gold Timmins West mine in Timmins has been identified by friends and family members as Trevor King, a native of Larder Lake, Ontario, who was in his mid-twenties.

Timmins Police Service issued a news release early Tuesday stating that on Monday April 2nd, "at approximately 1:25P.M. The Timmins Police Service attended at Lake Shore Mine in relation to a mining fatality. An employee working at the 730 ft level of the mine was fatally injured. The Timmins Police Service along with the Coroner and Ministry of Labour were called upon to investigate the incident.

"A post-mortem examination is scheduled to take place in Sudbury on 3rd April 2012. The Timmins Police Service will continue to

coordinate with the Ministry of Labour and Coroner to assist in the investigation." said the police statement.

Some details of the accident were released in a company statement late Monday afternoon.

"We regretfully announce that an unfortunate incident occurred today at our Timmins West Mine resulting in a fatal injury to one of our employees. The individual was part of a crew working in a development heading underground at the mine. Full details of the incident are not known at this time", said the company news release.

The immediate family has been notified however the name of the individual is being withheld pending completion of the notification process.

Tony Makuch, President & CEO, stated, "This is a tragic event and loss. We offer our sincere condolences to the family, friends and fellow workers of the employee. We are concentrating our efforts on supporting the family and our employees at the mine site and on investigating the incident to understand exactly what occurred. Our focus has always been and will remain on the health and safety of our people."

The scene has been secured, and the accident is under investigation by the Ministry of Labour, the Timmins Police and Lake Shore Gold Management and Health and Safety Committee. A Timmins Police forensic identification vehicle was also at the scene during the afternoon and into the evening.

This is the first fatal mining accident in Timmins this year. The last mining fatality in Timmins was in March 2011 at the Goldcorp Hoyle Pond mine.

The Lake Shore Timmins West is the newest full production gold mine in Timmins that officially went into commercial production in 2011. This is believed to be the first fatal accident at the Timmins West Mine.

## Qld: Mine mystified by gas exposure

*Extract from ABC News Online, Aus*

Mining giant Thiess has suspended night-time operations at its Collinsville following the latest in a string of its workers being taken to hospital suffering from gas exposure. The union has taken the company to task for claiming there will be no long-term effects saying the workers could have inhaled the carcinogenic gas benzene.

Wednesday 4 April 2012

## USA: Former UBB miner hopes to be a voice for his fallen 'brothers'

*Extract from West Virginia Public Broadcasting*

Clay Mullins is a former UBB miner. He lost his brother Rex Mullins in the blast. New state law is also meant to empower families of mine victims.



Clay Mullins, Rex Mullins brother. Photo: Jessica Y. Lilly

"They robbed our family of something they can never replace."

Clay Mullins says the holidays are hollow without his brother Rex. He left a son, daughter, two granddaughters and another grandchild that he never met.

"It makes me feel sad, sad for Rex, and sad for the grandchildren because, Zoey, that's her name, she'll never get to see her papaw," he said.

"He'll never be able to hold her talk to her give council to the grand-kids."

Mullins testified at a congressional hearing in Beckley after the blast. As a former UBB miner, he considers all of the men his brothers. He speaks whenever he can because he wants to be the voice for the fallen miners.

"I feel better when I'm able to speak out and stand up for those men," he said. "That's what makes me feel good because those men they can't they can't speak for their selves."

"I feel I feel responsible to speak out for all those men because they didn't deserve to die like this. They didn't deserve to die at all. They should have been working today."

Under the federal Mine Act of 1977, two or more miners can elect what's called a 'miners representative.' It's meant to give miners a voice in non-union mines. The rep has the right to go along with the inspectors to point out problems and see what citations are written along with other things.

Mullins did not know that he had this right when he was a miner.

"At Massey now the miner's never did go with the inspectors," Mullins said. "It was always a foreman or the superintendent or the mine foreman and they would intimidate the inspectors."

"They would get mad and cuss them and throw fits on them and stuff. You know they really intimidated the inspectors."

Mullins says upper management would not always have safety in mind when they were with the inspectors.

"When a boss goes he is answering to his bosses," he said. "They're saying well don't say nothing to the men about this. We'll take care of it later or they would just ignore it like Massey did I mean they knew their rock dusting wasn't right and they ignored it."

Living UBB miners elected the UMWA and the law-firm Moreland and Moreland to be their representatives. However, they were not allowed to hear all the interviews.

The new state legislation allows families of those involved in a serious accident to elect a rep of miners. House Speaker Rick Thompson, sponsored the bill.

"You're already hurting you've got the loss of a loved one," Thompson said, "a lack of knowledge or a lack of knowledge or a lack of involvement, my understanding is that they would separate people in trailer and then have conduct hearings and cross the 200-300 feet away and they didn't know what was going on there."

"You're adding more injury to people that you shouldn't be adding injury to when something like that occurs."

Thompson knows something about losing a loved one in the mines. His father died in a mining accident before he was born.

Tomorrow, on the two year anniversary of the Upper Big Branch mine disaster, we'll learn more about the rights miners have under current federal law and the new state mine safety law.

## **USA: Black lung payouts expanded under little known Obamacare section**

*Extract from Mining.com*

While speculation about the Supreme Court's upcoming ruling on the Affordable Care Act has been getting all the attention, there is a little known provision in the law that reinstates an old protection, an expansion of benefits for victims of black lung.

Under Section 1556 in the law that was signed over two years ago, sufferers of pneumoconiosis and their families receive expanded benefits.

The right to receive benefits was curtailed in 1981. Late Senator Robert Bryd from West Virginia championed the re-introduction of the new protections.

"The Black Lung Benefits Act has been amended so that a widow is automatically entitled to benefits if the miner had been awarded benefits at the time of his death," according to a summary of the law written by Roger Belcher, District Director at the U.S. Department of Labor.

The presumption of black lung disease is expanded under the the Affordable Care act. A worker with 15 years at a coal mine site and a disabling lung impairment but a negative chest x-ray is still entitled to the presumption that the disability is due to pneumoconiosis.

"In a survivor's claim, the presumption is that the miner's death was due to pneumoconiosis."

Black lung disease or coalworker's pneumoconiosis has similarities to lung disease suffered by smokers, inhaled coal dust accumulates in the lungs that can't be removed resulting in inflammation, fibrosis and more severe health problems.

While black lung was thought to be waning due to better worker protection, incidents have been

increasing. In the last decade, the National Institute for Occupational Safety and Health estimates that the number of cases of black lung disease has doubled since 1995 and over 10,000 miners have died from the disease in the last decade.

According to the U.S Department of Labor, black lung claim adjudications had an approval rate between 10 to 20 percent. Total claims and disbursements paid in 2011 was \$227 million.

Online:

United States Department of Labor, Division of Coal Mine Workers' Compensation (DCMWC): <http://www.dol.gov/owcp/dcmwc/>.

## **NZ: Pike River hearing over - Whittall the 'fall guy', says lawyer**

*Extract from nzherald.co.nz*

The Pike River Royal Commission of Inquiry reached a sombre end today, when the lawyer for Peter Whittall named others who had failed to front.

Stacey Shortall said the Pike River Mine "dream" had been years in the making, and it had been chief executive "Gordon Ward's baby" for years before Mr Whittall joined the company.

But Mr Ward, who now lives in Australia, and other former directors - Tony Radford, Arun Jagatramka and Dipak Agarwalla - had been silent since the disaster.

Ms Shortall said her clients - former directors John Dow, Ray Meyer, Stuart Natrass and managers Peter Whittall, Steve Ellis and Rod Ridl - had fronted, and extended their genuine and heartfelt sympathy.

She said only six of the 15 people in senior management roles had made submissions to the commission, and only two of 32 experts

engaged by the company had appeared. She read out the names of the other 30.

Her clients, and Doug White - by appearing while others sat quietly in the shadows - had shouldered the criticism, and done that with dignity, she said.

They had not "cowered in other countries".

"My clients have not shirked from their responsibility, they have not hidden."

There was no certainty as to what caused the mine to explode, or even where the blast had occurred, she said.

Sixteen months after the tragic explosion, and after extensive police and Department of Labour investigations, plus 10 weeks of hearings, "we are all left speculating". There was no conclusive evidence that something the men did, or did not do, had caused the disaster. One man underground that fateful day may have been responsible.

She noted that the mine had been planned before her clients became directors or managers, with the aid of a raft of experts upon whom they relied.

Ms Shortall spent some time detailing some of those experts.

Fan manufacturer Flakt Woods proposed putting the main fan underground, and the Department of Labour did not, in the three years that it was planned, take exception to it.

Consultants URS did not query the second vertical escapeway, and tunnel contractors McDonnell Dowell had never raised concerns about its men working in a mine with a shaft as a means of escape.

The Department of Labour - under fire itself and on the defensive - had gone on the offensive and charged Mr Whittall, she said.

Mr Whittall was the "fall guy", who had moved to the Wellington office nine months before the disaster.

However, commission chairman Justice Graham Panckhurst cautioned her: "We are conducting an inquiry ... we are not here to try your clients."

In a two-hour, wide-ranging closing speech, Ms Shortall also:

- \* Claimed that Solid Energy chief executive Don Elder, who was critical of the coal resource, made the comment to drive the price down before buying the mine. Solid Energy says that suggestion was "offensive".

- \* Admitted there were shortcomings in Pike River Coal's systems and information "fell through the cracks".

- \* Said it was still unclear to her whether police would prosecute, but she had advised her clients at times to be silent.

Mr Whittall was actually in London at the time Japanese hydro mining expert Oki Nishioka alleged he told him of his safety concerns.

- \* Said the Department of Labour had not found any evidence that managers knew gas sensors were being tampered with underground.

Meanwhile, commissioner Stewart Bell said mine manager Steve Ellis failed his manager's exam three times in Australia, but got his ticket in New Zealand in a matter of weeks, while Mr Ward, the "conduit to the board", was not a mining person.

In his closing remarks, Justice Panckhurst said today was a milestone, "perhaps more so for participants and families".

The commissioners were in the midst of the policy work and next week they would determine the policy direction.

The commission remained open for business, and was open to new developments.

He said there was still a great deal more work to be done in reaching final positions, and formulating recommendations.

Bernie Monk, spokesman for the families of the Pike River dead, criticised Ms Shortall for using her closing argument to deflect blame away from her clients.

"She treated it mainly as a court case - trying to pass the buck. It's as if they don't want to own up to everything."

Outside the court, the families posed for a group photograph at the close of the Royal Commission.

Mr Monk said he had confidence commissioners would create a comprehensive and fair report.

The families would battle for its findings to be implemented across New Zealand, he said.

"History has been made but the battle will still go on. We're making sure that when the commission submits its findings they are actually followed through on by Government departments."

"It's business as usual for us. We meet every Wednesday. We're meeting tonight."

The most moving moment of inquiry came when families were called to give testimony about the loss of their loved ones, Mr Monk said.



Bodies of victims have not been recovered from the mine, which remains closed

He was still angry at the lack of support given to families when Pike River Coal went into receivership soon after the November 2010 blast.

"It will be in my heart the rest of my life that people walked away from us."

"There'll never be any closure until somebody I trust looks me in the eyes and tells me 'Bernie, we've done all we can to get your son back'."

Thursday 5 April 2012

## **USA: MSHA publishes final rule on examinations in underground coal mines**

*Extract from The Sacramento Bee, Ca, USA*

ARLINGTON, Va., -- The U.S. Department of Labor's Mine Safety and Health Administration announced on April 3<sup>rd</sup> that the final rule "Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards" will be published in the April 6 issue of the Federal Register. The rule will enhance miners' health and safety by requiring mine operators to identify and correct hazardous conditions and violations of nine health and safety standards that pose the greatest risk to miners, including the kinds of conditions that led to the explosion at the Upper Big Branch Mine.

"Many of the same types of violations of mandatory health and safety standards are repeatedly found by MSHA inspectors in underground coal mines every year," said Joseph A. Main, assistant secretary of labor for mine safety and health. "It is critically important for mine operators to take ownership of health and safety. By expanding the existing requirement that operators identify and correct hazardous conditions to include violations of these nine standards, a number of fatalities and injuries may be prevented."

The nine standards address ventilation, methane, roof control, combustible materials, rock dust, equipment guarding and other safeguards. They are consistent with the standards emphasized in MSHA's "Rules to Live By" initiative and the types of violations cited in MSHA's accident investigation report on the Upper Big Branch Mine explosion as contributing to the cause of that deadly accident.

The rule requires that, during pre-shift, supplemental, on-shift and weekly examinations, underground coal mine operators must, in addition to examining for hazardous conditions as in the existing regulations, record the actions taken to correct the conditions and violations. Operators also must review with mine examiners, on a quarterly basis, citations and orders issued in areas where pre-shift, supplemental, on-shift and weekly examinations are required. The rule was proposed in December 2010, and five public hearings were held in June and July 2011. Mine operators are currently required by law to conduct these examinations; the final rule will ensure that such examinations are maximally effective in preventing injuries and fatalities by requiring operators to examine and fix violations of those standards that represent the greatest risk to underground coal miners.

"As we've said so many times before, MSHA cannot be at every mine every day," Main added. "This rule places mine operators in a proactive – rather than reactive – role by requiring them to conduct examinations to identify a potentially hazardous condition before it results in a danger to miners."

In 2010, MSHA cited approximately 173,000 violations, of which approximately 80,000 were attributable to underground coal mines, even though these mines represent just 4 percent of all mines.

MSHA launched Rules to Live By, an outreach and enforcement program designed to

strengthen efforts to prevent mining fatalities, in February 2010. The first phase was focused on spotlighting the safety and health standards most frequently cited during fatal accident investigations. Rules to Live By II, which began in November 2010, reviewed accidents that resulted in five or more fatalities, as well as incidents caused by fires or explosions that had the potential to result in more fatalities. Rules to Live By III, initiated this past January, focuses on 14 safety standards associated with violations contributing to at least five mining accidents and at least five deaths during a recent 10-year period.

U.S. Department of Labor news materials are accessible at <http://www.dol.gov>.

## USA: Family of Miner Sues Former Massey Officials

*Extract from The State Journal, WVa, USA*

MORGANTOWN — The family of one of the 29 men killed in the explosion of the Upper Big Branch mine two years ago is suing former Massey Energy chief Don Blankenship and eight other individuals they hold responsible.

Blankenship has since retired and vanished from public view.

Pittsburgh attorney Bruce Stanley filed the complaint for the family of fallen miner Dean Jones on Wednesday in Raleigh County Circuit Court just before the two-year statute of limitations expired. It alleges deliberate infliction of emotional distress and demands punitive and compensatory damages.

The case does not target the company or its new owner, Alpha Natural Resources. It goes after individuals, including former chief operating officer Chris Adkins and former vice president for safety Elizabeth Chamberlin, among others.

## Alpha: Upper Big Branch will be permanently sealed

*Extract from www.wboy.com, USA*

Just a day before the two-year anniversary of the Upper Big Branch mine explosion, Alpha Natural Resources announced Wednesday evening that the mine will be permanently closed.

The mine was the site of one of the worst mining accidents in recent U.S. history. The lives of 29 men were lost at the Raleigh County mine.

Alpha acquired the property with other Massey Energy assets when it bought the company last year. The portals that allow entry to the mine are to be permanently sealed with concrete barriers to prevent access.

A release from Alpha Natural Resources said the boreholes will also be plugged and mine fan shafts capped. The work to seal the mine is expected to begin this summer. "Though two years have passed everyone still has vivid memories of the tragedy and the suffering the miners' families endured," said Alpha Natural Resources CEO Kevin Crutchfield. "For all of us in the mining industry it is a solemn reminder of why we must always put safety first in everything we do at work and at home. Our hearts go out to the families of those lost at UBB on this anniversary of the accident."

Since acquiring Massey, Alpha has touted its "Running Right" safety program and shared its hopes that the program would reverse what investigations have revealed to be a culture of production over safety at Massey mines.

"When Massey joined Alpha last year, we brought all 7,000 Massey employees through our proprietary Running Right safety process, which led to significant improvement in safety performance," Crutchfield said. "We are currently making safety-related investments in

leading-edge technologies that will make coal mines safer throughout the industry."

Part of a settlement with federal investigators related to Upper Big Branch required Alpha to follow additional safety requirements beyond federal mine law. '

## Ohio family sues contractor over W.Va. mine deaths

*Extract from Bloomberg Businessweek*

The father of a 25-year-old coal miner killed in West Virginia's Upper Big Branch disaster is suing an Ohio-based company that was under contract to do safety examinations for Massey Energy.

Scott Napper of Langsville, Ohio, sued independent contractor David Stanley Consultants of St. Clairsville, Ohio, in Raleigh County Circuit Court on Thursday, exactly two years after the worst U.S. mining disaster in decades.

The blast killed 29 men, including his son, Josh.

Josh's uncle, 51-year-old Tim Davis Sr., and cousin, 20-year-old Cory Davis, also died in the explosion that began as a methane gas ignition then turned into a massive, chain-reaction blast fueled by combustible coal dust that had been allowed to accumulate. Ventilation and equipment problems contributed to the blast, which traveled 7 miles of underground corridors.

The federal Mine Safety and Health Administration cited David Stanley for two contributory violations in the disaster in December.

The wrongful death lawsuit says Josh Napper was working for David Stanley, and it's as much to blame as Massey for failing to correct the conditions that led to the explosion.

Officials with David Stanley didn't immediately respond to requests for comment.

Months before his death, Josh Napper gave his fiancée an envelope with a handwritten letter to his then 19-month-old daughter, Jenna, suggesting that he was worried about conditions at the mine.

"If anything happens to me," it said, "I will be looking down from heaven."

Shortly after the blast, Pam Napper told The Associated Press that her son had been sent home early the Friday before the explosion because of concerns about ventilation.

In all, MSHA's final report on the disaster detailed 369 safety violations at Upper Big Branch, including 12 it said contributed to the explosion.

MSHA labeled nine of the violations that led to the accident as flagrant, the most serious designation, and said they included illegally tipping off miners that inspectors were on the site and failing to conduct proper safety inspections.

The lawsuit says that while some unsafe conditions were created by Massey, others were created by David Stanley's failure to do the job it was hired to do.

Failure to do weekly exams between Jan. 1, 2010, and April 5, 2010, "created a very obvious hazardous condition" that was "more than ordinary negligence," it contends.

The complaint says the company also failed to do adequate pre-shift and on-shift exams; failed to comply with approved training plans; failed to follow the approved ventilation and roof control plans; and failed to adequately apply pulverized limestone that neutralizes coal dust.

The lawsuit demands unspecified compensation for loss of income, mental anguish and more.

Friday 6 April 2012

## **Court upholds penalties in New Mexico mining accident**

*Extract from Canadian Business*

SANTA FE, N.M. — A federal appeals court has upheld penalties against a mining company for regulatory violations in a 2009 New Mexico accident that severely injured a worker.

A three-judge panel of the Denver-based 10th U.S. Circuit Court of Appeals on Wednesday affirmed \$66,000 in civil penalties imposed against Mainline Rock and Ballast, Inc. by the Mine Safety and Health Administration.

A miner at the company's quarry near Encino in Torrance County was injured after getting caught in a conveyor.

The federal agency penalized the company for not having a protective guard around certain moving parts of the conveyor and for failing to quickly report the accident.

The miner suffered permanent damage to his kidneys, and spent two and a half months in the hospital recovering from internal injuries and broken bones.

## **This week in mining accident history**

**8 April 1911**

**Banner Mine**

**Littleton, Alabama, USA**

**Underground coal mine**

**128 killed by explosion**

This disaster was the greatest one in the history of coal mining in Alabama insofar as the loss of life was concerned. At least 128 men lost their lives, of whom about 90 percent were negro convicts.

The mine is owned and operated by the Pratt Consolidated Coal Co.

The labor was composed of short-term county convicts sent to the state Penitentiary and from which they were leased to the coal company by the officials of the State Penitentiary. A barracks surrounded by a stockade, was provided at the mouth of tile mine for the convicts.

The other men in the mine were white convicts, and free negroes who were employed as shot firers and foreman. The machine runners and helpers and the foremen and assistants had not yet entered the mine for work when the explosion occurred, with the exception of O. W. Spradling, an assistant foreman, and Lee Jones, the shot firer, (both free white men), who were in the mine and were killed. They were found on the left haulway.

Banner mine is near the station named Littleton, Jefferson County, about twenty miles northwest of Birmingham, on the Southern Railway, and the Cane Creek division of the Louisville & Nashville Railroad.

The explosion occurred at about 6:20 a.m. Saturday, April 8, 1911 as indicated on the Fan Record. It was customary to allow the convicts to cease work sooner on Saturday than on other days, and accordingly they entered the mine at an earlier hour than usual on this day, or about 6:00 a.m.

Mr. John Cantly, the mine foreman, and Mr. J. T. Massengale, his assistant, were standing near the mouth of the slope when the explosion occurred.

Mr. Massengale reports that he heard a sound resembling a distant shot and at once observed smoke coming out of the mouth of the slope accompanied by a shower of loose gravel. This smoke and gravel appeared about one minute after the sound was heard. On looking toward the No. 2 shaft, he saw a cloud of smoke rising from it also.

Mr. Massengale went down the slope at once, passing several negroes enroute, who were shouting and crying out as they ran up the slope to the entrance of the mine.

He proceeded with a naked light to the scale house near the bottom of No. 1 shaft, where he procured safety lamps. He took these lamps to the outside, cleaned and filled them and then returned with several men, went down the slope and proceeded through the 4th Left above through No. 24 room into the 3rd Left. His party heard three shots after the explosion as they were going inby after obtaining the safety lamps.

He brought 16 or 18 men alive, out of the 3rd Left, whom he found at work as if nothing had happened. These men reported that they felt a disturbance in the air, but did not attach much importance to it. Moreover they were convicts and were under strict discipline and would only leave when ordered.

Read report at:

[http://www.usmra.com/saxsewell/04-08-1911\\_banner.pdf](http://www.usmra.com/saxsewell/04-08-1911_banner.pdf)

Monday 9 April 2012

## More mining deaths in Timmins than any other mining city in Ontario in past five years

*Extract from Timmins Times, Canada*

### Death of Trevor King was the sixth local miner killed since 2007.

More mining deaths have occurred in Timmins in the past five years than anywhere else in Ontario. That information provided by the Ontario Ministry of Labour indicates that 11 workers have died in Ontario mines since 2007. Six of those deaths were in Timmins.

The most recent was the death of miner Trevor King, 26, who died Monday after being hit by a loose rock while loading explosives at the Lake Shore Gold (LSG) Timmins Mine. That was among the information released Tuesday by company officials who held an informal news conference at their Highway 101 West offices in Timmins.

"Trevor King was fatally injured while loading a development round on the 730-metre level of

our Timmins Mine," said Dan Gagnon, Lakeshore's senior vice president of operations.

A "round" is the series of drill holes left in the rock face in the mine tunnel after a miner has set up and drilled a pattern of holes in preparation for blasting. Gagnon said the round was drilled using a jumbo drill machine and King was in the process of loading stick powder into the holes when the incident occurred. Trevor was struck by a piece of rock," Gagnon said.

An Ontario Ministry of Labour report was filed on the incident.

"The Ministry of Labour was notified of an incident in relation to a worker at Lake Shore Gold Timmins West Mine. The worker was struck by a piece of loose, and rendered unconscious and taken to Timmins and District Hospital. The worker has died," said labour ministry spokesman William Lin.

"Loose" is the accepted term for a piece of rock that can fall from the roof of the tunnel, or from the walls, or the rock face, usually after the process of drilling or blasting.

"Our ministry has dispatched inspectors to the scene to investigate, as well as a ground control engineer. The scene remains secure, and our investigation continues," said Lin.

Gagnon said the incident is being investigated by LSG's joint health and safety committee along with the Ministry of Labour

"Our focus over the last two days has been to support Trevor's family and our employees," said Gagnon.

King, who was in his mid-twenties and is a native of Larder Lake, was the father of two young children. Despite his youth, Gagnon said King was regarded as an experienced drift miner, adding that men like Trevor King are not put into development headings unless they know what they're doing.

Gagnon said that counselling is being provided to employees who worked with King.

"My heart and prayers go out to Trevor and his family," said Gagnon. King's funeral service is set for 2:00 p.m. Friday at the Miron Wilson funeral home in Timmins.

Gagnon said production was shut down at the mine Monday to give all employees a break and some time to adjust to the loss of a co-worker.

"Production will resume when our employees are comfortable and ready to resume safe production," he said. Gagnon said he expects work will resume before the end of this week.

The incident occurred early Monday afternoon, around 1:25 p.m. according to a news release from Timmins Police. It was just a few hours later that the company released news of the death.

Tony Makuch, Lake Shore President & CEO, stated, "This is a tragic event and loss. We offer our sincere condolences to the family, friends and fellow workers of the employee. We are concentrating our efforts on supporting the family and our employees at the mine site and on investigating the incident to understand exactly what occurred. Our focus has always been and will remain on the health and safety of our people."

Timmins Police Service was first called to the scene along with the Ministry of Labour. The first duty of the police is to ensure that no obvious foul play was involved in the death. Police then work with the labour ministry to gather evidence and reconstruct the accident scene for the purpose of a Coroner's Inquest. Such an inquest is mandatory whenever a death occurs in a mine in Ontario.

The Ontario Ministry of Labour statistics revealed this week show that 11 mining deaths have occurred in Ontario in the past five years. Six of those deaths have occurred in Timmins alone.

Trevor King's death is the first fatal mining accident in Timmins this year. There were two mining deaths in Timmins last year. One occurred at the Xstrata Kidd mining complex and

the other occurred at the Goldcorp Hoyle Pond Mine. There were also three mining deaths in Timmins in 2007; one at the Xstrata Kidd Mine, one at the Liberty Redstone Mine and one at the Goldcorp Hoyle Pond mine.

Ontario Mines minister Linda Jeffrey commented to CBC Radio this week that the province is sensitive to the concerns over mining deaths.

### **MINING DANGERS ARE KNOWN TO GOVERNMENT**

"I don't have to tell anyone in Northern Ontario about the dangers of working in the mining sector and I am well aware of the hazardous nature of the job and certainly it is concerning to me," she said.

Jeffrey said the Ministry of Labour has conducted several safety blitzes in the past four years. She said safety inspectors have been diligent and have issued "stop work orders" in situations where safety issues were present.

"We understand it's a very dangerous environment but we expect that the workplace will be as safe as possible and so we've been doing as much as can to address that," said Jeffrey.

Jeffrey said since January of 2011, labour ministry officials have made 13 visits to the new Lake Shore Timmins Mine and there were no outstanding issues, and in fact she said the company has received safety awards despite its brief operating history.

In the meantime, the investigation on the 730-metre level at the Timmins West mine continues this week.

### **Plea for help to rescue trapped miners in Peru**

*Extract from Adelaide Now, Aus*

**PERU'S mining minister has appealed to mining companies for heavy equipment and experts to free nine miners trapped for four days in an informal copper mine.**

Several dozen rescue workers have been using pickaxes and shovels to try to remove the eight meters of collapsed earth and rock blocking the entrance of the mine, whose horizontal shaft is dug into a mountainside 280km southeast of Lima.

Firefighters have fashioned wooden beams to support the debris removal but their relatively crude efforts prompted mining minister Jorge Merino to appeal for help from mining companies.

Thursday's collapse occurred after a blast set by the miners themselves in a mine last exploited commercially in the 1980s.



Rescue workers take part in the rescue of nine miners trapped in a Peruvian copper mine for the past four days. Picture: AFP

Through a hose, rescuers have been able to communicate with the trapped miners and provide them with liquid sustenance and the local police chief, Jose Saavedra, said several tons of earth and rock have already been removed from the tunnel's mouth.

Officials worry, however, that some could suffer from exposure, though none are said to be hurt.

"They're being subjected to a lot of cold. The temperature is low because of the humidity," Prime Minister Oscar Valdes said.

He said he estimated the miners would be freed in two to three days and that he had spoken to the men.

Miners from two nearby mines arrived today to help dig out the trapped men, authorities said.

The appearance of Mr Valdes and Mr Merino at the Cabeza de Negro mine, which is 1347 metres above sea level highlighted what some

consider the Government's lack of preparation for such an accident.

Peru "doesn't have a specialised team for mining rescues," said Jose de Echave, a former deputy environment minister.

Mining is the main engine of Peru's economy, accounting for more than 60 per cent of its exports. It is the world's No. 2 copper exporter after neighbouring Chile and ranks sixth in gold exports.

According to official figures, 52 miners died in Peru last year in work-related accidents, a third of them in mine shaft collapses.

## Mining dictionary

### A guide to coal mining terminology

#### B

#### Bench

One of two or more divisions of a coal seam separated by slate or formed by the process of cutting the coal.



Open cut coal mine bench system

-Ed