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# Mining Accident News No.0914

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Wednesday 29 April 2009

## USA: Feds come to fired miner's defense

*Extract from Kentucky.com, Lexington, KY, USA*

Federal officials have filed a request for a coal miner to get back his job after he was fired, allegedly for reporting a potential safety violation at a Harlan County underground mine.

A federal administrative judge could order that Billy Brannon, 29, be reinstated while he pursues a claim that the company, Panther Mining LLC, discriminated against him.

"It is rare for miners in the non-union mines of Eastern Kentucky to speak out about safety matters, and it has taken a great deal of courage for Mr. Brannon to insist on a safe workplace at Panther Mining," Brannon's attorneys, Tony Oppegard and Wes Addington, said in a statement.

A Panther Mining spokesman said the company did nothing wrong in firing Brannon.

Brannon, of Mary Alice, worked at Panther Mining's No. 1 mine in Cloverlick Hollow, near Cumberland.

He was fired March 27, the day after he initiated a report to federal and state regulators about exposed electrical wires at the mine, according to Oppegard, a former federal and state mine-safety official.

An investigator for the U.S. Mine Safety and Health Administration, Stanley Sturgill, concluded that Panther fired Brannon for making the safety complaint on March 26.

The termination violated federal law that says miners can't be discriminated against for making such complaints, Sturgill said in an affidavit.

On Monday, the U.S. Department of Labor, which includes MSHA, asked that Panther Mining be ordered to temporarily reinstate Brannon, who was a general laborer at the mine.

The request was made to the Federal Mine Safety and Health Review Commission. An administrative law judge will decide whether to issue the order.

There is a low bar for that determination: whether Brannon's complaint is frivolous.

Oppegard said that standard protects miners. Congress wanted miners involved in keeping their workplaces safe and knew some would face discrimination for trying, Oppegard said.

The Mine Safety and Health Act is the only federal employment law under which a judge can order a company to reinstate a worker while a discrimination claim is pending, Oppegard said.

If Brannon is reinstated, the order would last until the commission rules on his claim, which could take two years, Oppegard said.

"In our view, Panther Mining's discharge of Mr. Brannon is a classic example of discrimination by a coal operator that won't tolerate miners complaining about safety matters," said Oppegard and Addington, who is with the Appalachian Citizens Law Center in Whitesburg.

Oppegard said Brannon's case is significant because miners need to know their rights — which include being able to make safety complaints and to not work in conditions they think are unsafe. And many don't know about the temporary-reinstatement provision.

Ross Kegan, vice president of operations for Panther's parent company, Black Mountain Resources, said Brannon's firing had nothing to do with his attempt to report a safety issue.

Rather, Brannon was fired for many instances of poor work performance, Kegan said.

Black Mountain recognizes and supports miners' rights to report safety issues to the company and regulators, and the company quickly responds to such reports, Kegan said.

Kegan also said Brannon had filed three previous discrimination complaints, and MSHA said they were unfounded.

"He's batting 0-for-3," Kegan said. The company also expects to be vindicated on the claim that it fired Brannon for reporting a safety issue, Kegan said

Oppegard, however, said MSHA had made a determination on only one of Brannon's previous discrimination claims.

The fact that the agency decided not to pursue it doesn't mean it wasn't valid, said Oppegard, who added that he has won claims for miners even after MSHA didn't pursue them.

And Oppegard questioned why the coal company hadn't fired Brannon sooner if he was a bad employee.

Before Panther Mining fired him, Brannon had complained that a foreman at another Black Mountain Resources mine had assaulted him by smashing his cap light with a hammer.

At the Panther mine, the company forced him to walk to machinery that he was maintaining rather than drive a buggy — which meant he didn't have required access to emergency breathing equipment — because he had reported a safety issue, Brannon said.

Brannon also said that after he met with a federal inspector in February, the mine superintendent, Mark Shelton, cursed at him and switched him from first shift to the less-desirable second shift.

The company disputed Brannon's claims.

## Five Killed in Coal Mine Flooding in Central China

*Extract from CRIENGLISH.com, Beijing, China*

Five miners were killed in a colliery flooding in central China's Hunan Province, a local official said Wednesday.

A shaft of Pijing Coal Mine in Anhua County flooded at about 11 a.m. Monday when 10 miners were working underground, said Zou Xiongbing, deputy magistrate of the county.

Four workers escaped, but six were trapped.

Rescuers had been removing water using eight pumps.

Xiang Fuquan was rescued Tuesday night after being trapped for 36 hours. His was conscious and in a stable condition under medical observation.

Three bodies were recovered early Wednesday and the last two were found at about 6pm.

An initial investigation showed that workers dug through a discarded shaft by accident, where the water flooded in, said Zou.

## Death toll rises to 20 in SW China landslide

*Extract from Xinhua, China*

KUNMING, - The death toll from a landslide in southwest China's Yunnan Province rose to 20 Wednesday as the last five bodies were recovered, local government sources said.

Two people earlier believed missing have been found as they were not at the scene when the landslide occurred at 12:40 p.m. Sunday at Xiaoba Village, Weixin County of Zhaotong, after almost four days of torrential rain.

The landslide destroyed two buildings of the Huajiaba Coal Mine at the site. Two injured people were in stable condition in hospital.

The four-day search concluded in the late afternoon, Tang Guoqian, head of the county publicity department, told reporters.

Each family of the victims would get 250,000 yuan (36,500 U.S. dollars) in compensation, Tang added. The victims were coal mine managers and miners from Zhaotong, which administers Weixin, and from Sichuan Province and Chongqing Municipality.

Local government officials said the landslide was the result of unsafe quarry production.

Another landslide occurred an hour earlier in Linfeng Township, Weixin County, killing four passers-by.

### Quote of the week

**We cannot control the evil tongues of others; but a good life enables us to disregard them.**

**Marcus Porcius Cato (Cato the Elder)**  
(Roman statesman, died 149BC)

Saturday 2 May 2009

## USA: Trial set in wrongful death suit

**A wrongful death suit filed by the widow of a man who died in an Eveleth mining accident is set to go to trial next month**

*Extract from Duluth News Tribune.com, Minnesota, USA*

A wrongful death suit filed by the widow of a man who died in an Eveleth mining accident is set to go to trial next month.

Nancy Driscoll, the wife of Deane Driscoll, alleges that a drill he was using that tipped over and led to his death was faulty, dangerous and wasn't properly tested.

Driscoll sued the manufacturer of the drill, Atlas Copco, as well as its distributor, Standard Hardware, in February 2008, claiming damages in excess of \$50,000 from her husband's death.

"The defendants impliedly or expressly warranted that its drill and/or bolts would be fit and safe for Deane Driscoll and the general public; that said drill and/or bolts were in fact not fit and safe, but on the contrary, said drill and/or bolts were dangerous," the lawsuit alleges.

Driscoll's attorney, Edward Matonich of Hibbing, declined comment on the lawsuit.

In court filings, the attorney for Standard Hardware, Thomas Thibodeau, denied the allegations.

## This week in mining accident history

Date Mine / Country (Aust unless stated)
<p><b>3 May 1887</b></p> <p><b>Nanaimo Coal Mine, British Columbia, Canada</b> <b>Underground coal mine</b></p> <p>Source: <i>The Victoria Times Colonist, BC, Canada</i></p>
Incident
<p>The worst mining disaster in B.C. history killed 150 men when a coal mine shaft exploded near Nanaimo 112 years ago today.</p> <p>At 5:55 p.m. on May 3, 1887, a thunderous blast rocked the Vancouver Coal Company's No. 1 shaft in Wellington. This was soon followed by a second even more powerful explosion that sent men reeling and equipment flying.</p> <p>Thick black smoke poured out of the entrance as miners and officers scrambled to try to save as many workers inside as possible. The fire and afterdamp -- the noxious mix of carbon dioxide, carbon monoxide, nitrogen and hydrogen sulphide that typically followed coal mine explosions -- prevented crews from reaching most of the trapped men below.</p> <p>Fire engines were immediately mobilized, pumping water from the nearby harbour to the burning mine where rescue workers toiled in inclement weather and with the looming possibility of another explosion.</p> <p>Crews managed to save seven men; the bodies of 12 others who had died were also brought to the surface. Fire and smoke made conditions so bad that one of the members of the rescue crew perished in the effort.</p> <p>"The mines extend out from the shore more than a mile beneath the waters of the harbour, and as one</p>

looks over the placid waves, he cannot imagine that beneath them lie imprisoned many dead fathers and sons of 80 families of this little city," wrote a British Colonist special correspondent at the scene.



Upon news of the accident, residents from across Nanaimo rushed to the mine to help in the effort and receive news about family members working there.

"Around the shaft, the scenes are harrowing in the extreme. As each cage comes up, anxious hearts look for the glad tidings that never come, and linger on in the fond hope, alas soon to be dispelled that there is no prospect for the dear ones who died at their post of duty."

The men were pioneers, contributing to the birth and growth of Nanaimo and the development of Vancouver Island. The possibility that so many of them could be dead tore the heart out of the local community.

"A black pall hangs over Nanaimo. Business houses are all closed, collieries are shut up and the entire population is gathered at the scene of the disaster. Weeping wives, terror-stricken children and sorrowing fathers hover in the vicinity and mourn their terrible affliction. ... Even the skies seem to share in the general grief, for they have been sombre and leaden-coloured all day, occasional showers of rain casting dreariness over the already ghastly scene."

When the fire was finally extinguished, relief parties were able to reach the miners, and the extent of the calamity was realized.

Dozens of them were found lying dead on their backs and knees. While some miners were horribly burned and disfigured, most of them "looked like they went gently to sleep."

Two brothers were found kneeling down with their arms wrapped around each other. Another young

man lay dead next to a shovel that had written on it: "Thirteen hours after explosion, in deepest misery."

Numerous Chinese labourers trapped inside the mine had also written their last thoughts on timbers.

One by one, bodies were brought up to the surface and covered in white sheets. The names and ages of the men were recorded before they were taken to the nearby schoolhouse to be stripped, washed and laid out for relatives to claim.

The accident left 47 women widows; several of them lost almost every male member of their family -- a husband, father and brother. One woman was so grief stricken upon news of her husband's death, she collapsed in shock and later died.

"God help the heartbroken widows, the fatherless children and the strangers within our gates," wrote the Colonist.

In the week that followed, Nanaimo became a "carnival of death ... truly a city of the dead." In one day, funeral processions passed through almost every street in the city at half-hour intervals.

An investigation into the cause of the explosion revealed that explosives had been improperly placed. And while it was unproven, many white people from Nanaimo blamed this on Chinese workers.

The mine eventually re-opened and continued to operate producing millions of tonnes of coal until 1938.

Sunday 3 May 2009

## **Four still trapped in S. China mine accident**

*Extract from Xinhua, China*

NANNING, - Four mine workers were still trapped underground after 11 were rescued in a fume poisoning accident at a lead, zinc and antimony mine in south China's Guangxi Zhuang Autonomous Region, local government said.

The fume poisoning occurred when workers deployed explosives to advance their digging process at around 3 p.m. at a metal mine in Jinchengjiang District, Hechi City of Guangxi. 15 miners were working underground then.

Yang Yonglai, deputy director of the Hechi municipal publicity department, said rescuers have saved 11 workers, including one in critical condition.

Details about the mine and identities of the trapped workers were not immediately known.

Monday 4 May 2009

## Five trapped after gold mine flood in north China

*Extract from Xinhau, China*

SHENYANG, - Five workers are trapped after a gold mine flooded in north China's Liaoning Province, an official with the provincial work safety administration said Monday.

The Pingfang Gold Mine, in Beipiao City, was flooded at 12:20 a.m. on Monday, said the official.

Rescuers were pumping out water and more pumps were being deployed.

An initial investigation by Liaoning Gold Administration showed the flooding occurred when workers accidentally dug through a discarded shaft by accident.

The administrations are still investigating the accident, the official said.

Tuesday 5 May 2009

## Cave-in traps nine miners in Ukraine

*Extract from presstv.ir, Iran*

Rescue operations continue as nine Ukrainian miners remain trapped underground following a cave-in at a coal mine in the eastern Donetsk Region.

More than 100 miners were working in the Dzerzhynsk mine, in Ukraine's industrial east, including 14 directly in the area of the collapse.

Fourteen miners were inside Dzerzhinsk mine at the time of the accident Monday, but five managed to exit safely, reaching the surface by

themselves, the Interfax-Ukraine news agency reported.

More than 18 hours after the collapse, local mining officials were optimistic on that rescue operations would be successful.



The site of a coal mine explosion in Donetsk, June 9, 2008.

Outdated Ukrainian mines, many built in the 19th century, are accident-prone and lack standard modernization beyond the Soviet era.

Three gas blasts in two weeks killed 106 miners in 2007. Last year, similar explosions claimed more than a dozen lives.

Coal is vital for electricity production in Ukraine and is also used in large quantities by its vast steel industry. About 18.5 million tonnes of coal were mined in the first three months of this year.

## Mining dictionary

A guide to common mining terminology

### R

- retort**
1. An apparatus for separating gold from mercury after amalgamation. An iron bowl is fitted with a lid with a pipe leading from it to a bowl of condensing water. The amalgam of gold and mercury is placed in the retort and heated to drive off the mercury as vapour. The mercury is condensed and saved for re-use, while the gold is left in the retort.
  2. Ovens used to extract petroleum oils from kerosene shale.

- Ed.