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MASSEY SAFETY A LONGTIME ISSUE

Byline: KEN WARD JR.

Over the last five years, at least 11 coal miners have died on the job in mines operated by subsidiaries of Massey Energy Co., federal records show. In each case, federal mine safety regulators have cited Massey with violations inspectors said played a role in the accident. Massey subsidiary Aracoma Coal's Alma No. 1 mine was the site of a coal belt fire Thursday night that trapped two miners.

For years, the United Mine Workers and other mine safety advocates have harshly criticized the safety practices of the nonunion, Richmond, Va.-based company. In July 2001, the UMW published a report that alleged Massey had "the nation's worst fatality record" among coal companies. At the time, five workers had died at Massey mines in a 10-month period beginning April 200, the UMW said.

Four months later, a report commissioned by then-Gov. Bob Wise concluded that Massey's safety record was confused by the company's extensive use of contract companies at its mines. "Massey Energy has for several years publicly proclaimed that their accident record is among the lowest in the nation," said the November 2001 report, written Davitt McAteer, who ran the federal Mine Safety and Health Administration during the Clinton administration. When contractor accident data is omitted, that statement may be true, McAteer wrote. "However, if contractor accident data were included, it would be among the highest."

A month after McAteer's report was published, Massey entered into an agreement with MSHA for the government to provide additional safety training for the company's mine supervisors. "Compliance assistance is a crucial part of our strategy to reduce mine injuries and fatalities," said then-MSHA chief Dave Lauriski said. "We're pleased that Massey recognizes the importance of well-trained supervisors to maintaining a safe and healthful mining operation, and we are pleased to form this cooperative arrangement."

In the four years since that agreement with MSHA, seven miners have died at mines operated by Massey subsidiaries, according to MSHA records. The most recent Massey fatality was in March 2005 at Rockhouse Energy's Mine No. 1 in Pike County, Ky. Christopher McGuire, a 21-year-old utility man and scoop operator, was killed when the Long-Airdox tractor he was driving ran over a 14-foot length of metal channel. The channel flipped up, went into the tractor driver's compartment and hit McGuire, according to an MSHA report. MSHA inspectors concluded that the accident occurred "because the mine management failed to ensure that the roadway was free of extraneous material." Also, MSHA inspectors said that the tractor was "not maintained in safe operating condition because the doors for the operator's compartment had been removed."

In West Virginia, two workers were killed in a Sept. 7, 2003, accident between a huge rock truck and a shuttle van at Massey subsidiary Progress Coal's Twilight MTR Surface Mine in Boone County. William P. Birchfield, 37, of Madison, and Rodney W. Sheets, 47, of Danville, died in the accident. A third worker who was driving the van, Matthew L. Adkins, was also injured in the accident. A shuttle van that the men were in was run over by a huge rock truck, which is basically a very large dump truck measuring 42 feet long and 22 feet wide. The truck had tires that were about 11 feet tall, and the

vehicles front bumper was nearly 6 feet off the ground. A Ford Ranger pickup truck would come about halfway up its tires. Because of their vehicles' huge size, rock truck drivers have limited vision of what is driving or parking nearby.

MSHA inspectors found that a strobe light meant to warn of the van's presence in front of the rock truck was not working properly. Agency inspectors also said that Massey employees reported that pre-shift maintenance checks on such vans "were being conducted infrequently and inconsistently." MSHA investigators also discovered that two similar rock truck accidents had occurred at Progress Energy within a year.

In its most recent annual report to stockholders, Massey said that the company's goal "is to achieve excellent safety and health performance." "Massey measures its success in this area primarily through the use of accident frequency rates," the company said. "Massey believes that a superior safety and health regime is inherently tied to achieving productivity and financial goals."