

News Release



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MSHA issues \$874,500 in fines to R&D Coal Co. *Mine is first to be fined under flagrant violation provision of MINER Act*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) has issued \$874,500 in fines to R&D Coal Co. for safety violations contributing to the Oct. 23, 2006 accident causing the death of one of its employees. Dale Reightler, 43, was killed in a methane blast initiated during an explosives detonation at the underground anthracite coal mine in Schuylkill County, Pa. The penalties levied against R&D mark the first violations assessed under MSHA’s new flagrant violation procedures.

“Mine operators that show reckless disregard for the well-being of their workers must be held accountable for their actions,” said Richard E. Stickler, assistant secretary of labor for mine safety and health. “MSHA will not hesitate to assess stiff penalties against coal companies that fail to comply with safety and health regulations.”

During the accident investigation at R&D, investigators identified and cited 10 violations that directly contributed to the cause of the accident. Five of these violations received special assessments under the flagrant violation provision of the Mine Improvement and New Emergency Response (MINER) Act of 2006. A sixth, non-contributory flagrant violation was issued under a regular inspection after the accident investigation.

A flagrant violation is defined as “a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.” Under the MINER Act, a civil penalty of up to \$220,000 may be assessed for each flagrant violation.

The following contributory violations, with one noted exception, were assessed as flagrant violations:

- Failure to stem the boreholes prior to blasting as required: \$145,300
- Failure to follow the provisions of the MSHA-approved roof control plan: \$145,300
- Failure to assure that volume and velocity of air current was sufficient to eliminate harmful gases: \$116,350
- Failure to maintain entry development with temporary ventilation controls to no more than 600 feet: \$145,300
- Failure to conduct a proper pre-shift examination of the mine prior to the start of the work shift: \$116,350
- Failure to maintain an accurate and up-to-date map of the mine (non-contributory): \$127,000

TOTAL FLAGRANT PENALTIES: \$795,600

The remaining contributory violations were assessed as follows:

- Failure to follow the provisions of the MSHA-approved ventilation plan: \$31,200
- Failure to comply with blasting procedures that require persons to vacate the blasting area: \$8,400
- Failure to comply with firing procedures that require shots to be fired by a qualified person: \$17,500
- Failure to provide a proper warning prior to firing a shot: \$8,400
- Failure to ensure that loading of explosives in boreholes is completed by qualified persons: \$8,400
- Failure to immediately (within 15 minutes of the occurrence) notify MSHA of the fatality: \$5,000

TOTAL CONTRIBUTORY PENALTIES: \$78,900

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