

# News Release



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## **MSHA puts 10 operators on notice for potential pattern of violations** *Move marks 5<sup>th</sup> round of enforcement initiative by mine safety agency*

**ARLINGTON, Va.** - The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) today announced that 10 mine operators from around the country have received letters putting them on notice that each has a potential pattern of violations of mandatory health or safety standards under Section 104(e) of the federal Mine Safety and Health Act of 1977 (Mine Act).

"The nine coal mines and one metal/nonmetal mine represent the fifth round of mine operators to receive these letters using the current criteria for identifying mines with a potential pattern of violations," said Dr. Gregory R. Wagner, MSHA's deputy assistant secretary for policy. "We hope this notification will encourage these 10 mine operators to integrate necessary improvements into their safety and health programs."

A mine operator that has a potential pattern of recurrent significant and substantial (S&S) violations at a mine receives written notification from MSHA. An S&S violation is one that could reasonably be expected to lead to a serious injury or illness. The operator has an opportunity to review and comment on the documents upon which the potential pattern of violations is based and to develop a corrective action plan to reduce S&S violations in order to reverse the potential pattern.

MSHA will closely monitor each affected mine's compliance record while performing a complete inspection at each mine during the ensuing 90 days. If an operator significantly reduces its violation frequency rate, it can avoid being issued a Notice of a Pattern of Violations pursuant to Section 104(e) of the Mine Act. If the improvement falls short of the criteria, MSHA will issue the notice. For each S&S violation subsequently found after a Notice of a Pattern of Violations is issued, MSHA will issue an order withdrawing miners from the affected area until the cited condition has been corrected.

An operator can be removed from a pattern of violations when 1) an inspection of the entire mine is completed and no S&S violations are found or 2) no withdrawal order is issued by MSHA in accordance with Section 104(e)(1) of the Mine Act within 90 days of the issuance of the pattern notice.

MSHA used data from the 24 months ending Aug. 31, 2009, to identify the mines with a potential pattern of violations.

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Here is a list of mines that received notifications:

**Mine Operator Mine Name Type Location**

Black Beauty Coal Co. Air Quality # 1 Mine Coal Ind.  
McCoy Elkhorn Coal Corp. Mine #15 Coal Ky.  
Pleasant View Mining Co., Inc. Richland No. 9 Coal Ky.  
Doe Run Co. Buick Mine/Mill Lead-Zinc Mo.  
Knox Creek Coal Corp. Tiller No. 1 Coal Va.  
Mountain Reclamation  
& Construction Anna Branch Coal W.Va.  
Spartan Mining Co., Inc. Ruby Energy Coal W.Va.  
\*Pine Ridge Coal Co., LLC Big Mountain No.16 Coal W.Va.  
Laurel Coal Corp. Winifrede 12 Mine Coal W.Va.  
Mammoth Coal Co. Slabcamp Coal W.Va.

\*Patriot Coal Corporation, Pine Ridge Coal Company LLC, Big Mountain No. 16 Mine, did not meet one of the published criteria for identifying a potential pattern and should not have been listed in the memorandum. The company contested four unwarrantable failure orders that were subsequently modified to 104(a) citations as part of a settlement agreement. MSHA's Office of Assessments did not record these modifications in the system and the company, during its review of the data MSHA provided, identified the error. These violations have now been updated in the system to reflect the modifications.