



News Release

Connect with DOL at
<http://social.dol.gov!>



U.S. Department of Labor For Immediate Release
Office of Public Affairs
Washington, D.C.
Release Number: 11-437-NAT

March 28, 2011
Contact: Amy Louviere
Phone: 202-693-9423
E-mail: louviere.amy@dol.gov

MSHA announces results of February impact inspections

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that federal inspectors issued 166 citations and orders during special impact inspections conducted at seven coal mines and one dimension stone quarry last month. The seven coal mines were issued 127 citations and four orders; the quarry operation was issued 27 citations and eight orders.

Special impact inspections, which began in force last April following the explosion at the Upper Big Branch Mine, involve mines that merit increased agency attention and enforcement due to their poor compliance history or particular compliance concerns, including high numbers of violations or closure orders; indications of operator tactics, such as advance notification of inspections that prevent inspectors from observing violations; frequent hazard complaints or hotline calls; plan compliance issues; inadequate workplace examinations; a high number of accidents, injuries or illnesses; fatalities; and adverse conditions such as increased methane liberation, faulty roof conditions and inadequate ventilation.

“MSHA has been conducting these targeted inspections for nearly a year and, while some operators have been responsive and showed a willingness to change, others continue to commit the same serious violations,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “We are using all the enforcement tools at our disposal, but Congress has the capability to enhance those tools.”

On Feb. 18, 2011, an inspection party arrived during the evening shift at D & C Mining Corp. in Harlan County, Ky. The inspectors captured and monitored the phones to prevent advance notification of their arrival and, as a result of the inspection, issued 17 citations and one order. Two-thirds of those issuances were designated as significant and substantial violations. This visit marked the fourth impact inspection conducted at this mine since April 2010.

A 104(b) order, which closed an entire section of the mine, was issued because the mine operator failed to provide a refuge alternative for miners on the active working section to use in the event of a mine fire, explosion or other emergency. D & C Mining also was cited for an inoperable emergency communications system in the primary escapeway, as well as for a number of violations that presented a fire or explosion risk, including failure to comply with the dust controls portion of its ventilation plan, electrical violations such as inadequate electrical exams and failure to follow its approved plan to prevent smoking articles from entering the mine.

In some cases, follow-ups to impact inspections have shown significant compliance improvements. For example, in September 2010, MSHA conducted an impact inspection at the Fulkroad Quarry, a limestone quarry in Juniata County, Pa. MSHA issued 35 citations and one imminent danger order. During the next regular inspection in January 2011, MSHA issued just four citations, an 89 percent decrease.

-- more --

US DEPARTMENT OF LABOR NEWS RELEASE – PAGE 2

In October 2010, during an impact inspection at WW Manchester Construction Co.'s WW Manchester mine in Hartford, Conn., MSHA issued 17 citations. MSHA found no violations during a subsequent spot inspection one month later.

Other mines have not been as responsive in fixing problems. At Left Fork Mining Co. Inc.'s Straight Creek No. 1, a coal mine in Bell County, Ky., MSHA found serious violations during both regular inspections and two impact inspections conducted in April and September 2010. On Nov. 19, Straight Creek received a notice that it had a potential pattern of violations. A notice provides warning that the mine will be placed on a pattern of violations, requiring MSHA to issue closure orders for all significant and substantial safety violations, if necessary improvements are not made within the required timeframe.

From Nov. 19 until Dec. 7, 2010, during another impact inspection, Straight Creek was issued 94 citations and orders, including 10 104(d) withdrawal orders and four 104(b) withdrawal orders for failing to abate prior violations. The 104(b) orders prohibited any work except that necessary to abate the prior violations. Straight Creek ceased production on Dec. 8, 2010. Since that time, Straight Creek has been issued more than 50 additional citations and orders, including 23 more 104(b) orders for failing to fix previously cited violations. Straight Creek's potential pattern of violations evaluation period has been suspended until production resumes.

This mine previously had been cited for notifying mining personnel that MSHA inspectors were on-site and subsequently received an injunction in federal court.

Since April 2010, MSHA has conducted 228 impact inspections. These inspections have resulted in 4,268 citations, 396 orders and 13 safeguards.

Editor's note: A spreadsheet containing the complete results of all impact inspections since February 2011 accompanies this news release.

###

MSHA Monthly Impact Inspection List
(February 2011)

February 2011

Coal

Mine Information						Type of Issuance				S&S Information				Issuances - Type of Action								Justifications													
District	State	Mine ID	Controller Name	Operator Name	Mine Name	Cit	Orders	Safe -guards (Coal only)	Total	S&S	Non-S&S	Total	S&S Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(1) Order	104(d)(2)	314(b)	103(k)	104(g)(1)	103(j)	107(a)	Total	1. Operator Tactics	2. Hazard Complaints /Hotline Calls	3. Plan Compliance Issues	4. Inadequate Exams	5. Accidents, Injuries, Illnesses	6. Fatal Accidents	7. Enforcement History	8. Adverse Conditions			
DISTRICT 04	WV	4608384	Massey Energy Company	Elk Run Coal Company Inc	Seng Creek Powellton	14	3	0	17	11	6	17	64.71%	14	0	0	0	3	0	0	0	0	0	17											
DISTRICT 04	WV	4601544	Massey Energy Company	Spartan Mining Company	Road Fork #51 Mine	11	0	0	11	7	4	11	63.64%	11	0	0	0	0	0	0	0	0	0	11											
DISTRICT 05	VA	4407052	Massey Energy Company	Dorchester Enterprises, Inc.	Mine No. 4	10	0	0	10	6	4	10	60.00%	10	0	0	0	0	0	0	0	0	0	10			1						1	1	
DISTRICT 06	KY	1519097	Massey Energy Company	Process Energy	N0. 1	43	0	0	43	18	25	43	41.86%	43	0	0	0	0	0	0	0	0	0	43	1		1								
DISTRICT 06	KY	1508079	Alliance Resource Partners LP	Excel Mining LLC	Mine No 3	28	0	0	28	13	15	28	46.43%	28	0	0	0	0	0	0	0	0	0	28			1						1	1	
DISTRICT 07	KY	1518182	Horace Garrison Hill	D & C Mining Corporation	D & C Mining Corporation	17	1	0	18	12	5	17	70.59%	17	1	0	0	0	0	0	0	0	0	18						1			1	1	
DISTRICT 11	AL	0100851	Cliffs Natural Resources Inc	Oak Grove Resources LLC	Oak Grove Mine	4	0	0	4	3	1	4	75.00%	4	0	0	0	0	0	0	0	0	0	4		1		1	1					1	1
7						National Totals				70 60 130 53.85%				127 1 0 0 3 0 0 0 0 0 0 131								1 1 3 1 1 1 6 2													

February 2011

Metal/Nonmetal

Mine Information						Type of Issuance				S&S Information				Issuances - Type of Action								Justifications											
District	State	Mine ID	Controller Name	Operator Name	Mine Name	Cit	Orders	Safe -guards (Coal only)	Total	S&S	Non-S&S	Total	S&S Rate	104(a)	104(b)	104(d)(1) Citation	104(d)(1) Order	104(d)(2)	314(b)	103(k)	104(g)(1)	103(j)	107(a)	Total	1. Operator Tactics	2. Hazard Complaints /Hotline Calls	3. Plan Compliance Issues	4. Inadequate Exams	5. Accidents, Injuries, Illnesses	6. Fatal Accidents	7. Enforcement History	8. Adverse Conditions	
NE	PA	3608652	Jerry L Johnson	Johnson Quarries Inc	Rocky Forrest	27	8	0	35	20	15	35	57.14%	27	1	0	0	7	0	0	0	0	0	35	1	1	0	1	0	0	0	1	0
1						National Totals				27 8 0 35				20 15 35 57.14%				27 1 0 0 7 0 0 0 0 0 0 35								1 1 0 1 0 0 1 0							

Total	8					National Totals				154 12 0 166				90 75 165 54.55%				154 2 0 0 10 0 0 0 0 0 0 166								2 2 3 2 1 1 7 2							
--------------	----------	--	--	--	--	------------------------	--	--	--	---------------------	--	--	--	-------------------------	--	--	--	-------------------------------------	--	--	--	--	--	--	--	------------------------	--	--	--	--	--	--	--