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US Labor Department's MSHA places 2 mining operations on pattern of violations status *Unprecedented enforcement action is first in Mine Act history*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration today announced that it has issued a notice of a pattern of violations to two coal mining operations under Section 104(e) of the federal Mine Safety and Health Act of 1977. Bledsoe Coal Corp.'s Abner Branch Rider Mine in Leslie County, Ky., and The New West Virginia Mining Co.'s Apache Mine in McDowell County, W.Va., are the first mines in the history of the Mine Act to be subject to the full effect of this enforcement action, which targets mines with chronic and persistent health and safety violations.

MSHA Assistant Secretary Joseph A. Main will discuss this topic with press during a conference call today at 3 p.m. EDT.

Call-in number: 800-619-4069
Passcode: MSHA

Last November, the agency put 13 mines on notice that each had a potential pattern of violations. A 14th mine received similar notification in December, after an agency audit revealed that the mine operator had failed to report a dozen injuries. All 14 mines that received potential POV notices implemented corrective action programs to reduce their significant and substantial, known as S&S, issuance rates.

Subsequent to the potential POV notifications, two of the 14 mines were temporarily idled. One ceased production. One has not completed the evaluation process. Between Jan. 3 and March 21, 2011, MSHA conducted inspections of the 10 remaining mines. Of those, eight met the prescribed S&S goals, and the two operations now receiving the POV notices failed to meet their goals by a significant margin.

MSHA previously implemented major reforms to its POV process, including new screening criteria and a new review process that improves the agency's ability to identify problem mines. Although the Upper Big Branch Mine met the new criteria and also received a potential POV notification, further actions have been postponed until MSHA's investigation into the April 2010 explosion there has been completed.

"We take this law and our obligation to enforce it very seriously," said Joseph A. Main, assistant secretary of labor for mine safety and health. "While we believe most mine operators in this country do as well, it is clear that some do not. If we are to prevent death, injury and illness in the nation's mines, these enforcement actions are necessary to rein in chronic and persistent violators of safety and health laws."

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US DEPARTMENT OF LABOR NEWS RELEASE – PAGE 2

Under Section 104(e) of the Mine Act, MSHA issues a withdrawal order at a POV mine each time it issues an S&S violation. The order remains in place until the violation is abated. An operator can be removed from pattern of violations status after undergoing a complete inspection without receiving an S&S violation.

Last week, MSHA introduced an online monitoring tool that, for the first time, allows mine operators and miners to track a mine's compliance history and compare it to the potential POV criteria. Additional mines are under review by MSHA for potential POV and POV actions.

Editor's Note: A chart with S&S rates for the 10 mines that were inspected appears below.

To view the two Pattern of Violations letters issued, please use the links provided below.

[The New West Virginia Mining Company - Apache Mine](#)
[Bledsoe Coal Corporation - Abner Branch Rider](#)

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<i>Mine Name</i>	<i>S&S Rate 12- months before PPOV</i>	<i>S&S Rate Goal</i>	<i>S&S Rate Achieved</i>	<i>Percent S&S Rate Change from Before PPOV</i>
Ruby Energy	9.53	4.88	4.61	-52%
Eagle #1	14.44	7.22	4.23	-71%
Apache Mine	21.02	10.51	22.22	6%
KY No. 2	16.14	8.07	5.02	-69%
Abner Branch Rider	10.98	5.49	11.54	5%
Tri-State One	20.79	10.40	4.93	-76%
Willow Lake Portal	7.02	4.88	4.29	-39%
Bull Mountains Mine No. 1	3.01	4.88	0.54	-82%
National Cement	25.45	12.72	3.70	-85%
Hollister Mine	26.34	13.17	3.36	-87%
Overall Average	15.47	8.22	6.44	-58%