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Judgment entered against mine operator for more than \$900,000 in penalties *First flagrant violations ever cited by MSHA affirmed by administrative law judge*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that an administrative law judge with the Federal Mine Safety and Health Review Commission has entered a judgment of penalties totaling \$905,825 against R & D Mine Coal Co. Inc. regarding citations issued to the operator more than four years ago. The fines were assessed in April 2007 for violations contributing to an Oct. 23, 2006, explosives detonation that killed one miner at the underground anthracite coal mine in Tremont, Pa. The penalties levied against R&D marked the first time violations were cited under MSHA’s flagrant violation provision of the Mine Improvement and New Emergency Response Act of 2006.

In documents signed on Aug. 1 by Administrative Law Judge Avram Weisberger, the mine operator agreed to withdraw its contests of each violation and to the entry of a judgment for the full penalty amounts.

“We are extremely pleased about the outcome of this case. It is yet another reminder that mine operators must be held accountable for their failure to keep miners safe,” said Joseph A. Main, assistant secretary of labor for mine safety and health.

According to MSHA’s investigation report, a methane explosion occurred in an inadequately ventilated area when an unconfined shot was detonated at the face. The accident, which resulted in the death of Dale Reightler, occurred because the mine operator failed to comply with approved ventilation and roof control plans, engaged in poor blasting practices, assigned unqualified personnel to blasting work and conducted improper preshift examinations. Six of 10 violations that investigators cited as contributing to the accident were assessed as flagrant violations. The mine operator contested all of the violations.

R&D Mine Coal Co. ceased mining following the 2006 explosion and was sealed the following year.

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.

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