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US Labor Department's MSHA issues notices of potential pattern of violations to mines in Tennessee and West Virginia *Second notices issued after backsliding on compliance*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration has issued notices of a potential pattern of violations to two mines that received similar notices last November. Solid Fuel Inc.'s No. 1 Mine in Claiborne County, Tenn., formerly known as Wilcoal's Tri-State Mining, and Rhino Eastern LLC's Eagle 1 Mine in Raleigh County, W.Va., both implemented corrective action programs and successfully achieved their target improvements during the last PPOV evaluation. However, they have failed to maintain those health and safety improvements and again have met the PPOV criteria, a first in the history of the enforcement of the Federal Mine Safety and Health Act of 1977.

In accordance with MSHA's POV procedures summary, the agency has continued to monitor the mines for long-term compliance. Based on the most recent enforcement data, MSHA determined that these mines are no longer making a good faith effort to eliminate violations.

In the five months following the evaluation period, both operations' significant and substantial violation rates increased considerably. The rate of Solid Fuel Inc.'s No. 1 Mine increased from 4.84 to 21.94 S&S citations and orders per 100 inspection hours. The rate of Rhino Eastern LLC's Eagle 1 Mine increased from 4.18 to 24.77 S&S citations and orders per 100 inspection hours. A rib fall fatality occurred at the latter mine in June, even though rib falls were specifically addressed in Rhino Eastern's corrective action program.

MSHA regulations authorize the agency to consider mines for a PPOV at least once a year. Mines that receive PPOV notices have the opportunity to implement corrective action programs, and they must reduce their S&S rates to targets set by agency POV procedures. MSHA encourages mine operators to implement corrective action programs with long-term goals for reducing violations beyond the goals established by MSHA under the POV procedures. However, when mine operators do not sustain these goals, MSHA determines whether they are making a good faith effort to eliminate violations.

“The need to monitor long-term compliance of potential POV mines was an issue raised by the Department of Labor's Office of Inspector General, and one with which we fully agree,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “MSHA will not allow mines to abandon corrective action programs after meeting short-term PPOV goals. We will insist these mines continue to provide miners the protections they deserve, and we will use all of the tools available to us under the Mine Act to ensure that they do.”

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