

HELP COMMITTEE RELEASES REPORT ON CRANDALL CANYON

U.S. Senator Edward M. Kennedy, chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee, released an investigative report titled, "Report on the August 6, 2007 Disaster at Crandall Canyon Mine." The report discusses the findings of Chairman Kennedy's investigation into the events leading up to the mine collapse.

Chairman Kennedy said, "The Committee's investigation has revealed that the owner of Crandall Canyon mine, Murray Energy, disregarded dangerous conditions at the mine, failed to tell federal regulators about these dangers, conducted unauthorized mining and—as a result—exposed its miners to serious risks. MSHA also unconscionably failed to protect miners by hastily rubber-stamping the plan. This is a clear case of callous disregard for the law and for safety standards, and hardworking miners lost their lives."

The key findings of the report included:

- Murray Energy and its technical consultant, Agapito Associates, failed to make sufficiently conservative engineering assumptions and ignored the history of the mine's instability. Had they been cautious and conservative, the company may have scaled down the plan, or perhaps done away with it entirely. Instead, they rapidly pushed it ahead.
- MSHA missed significant flaws in Agapito's analysis, dismissed critical findings by MSHA's own engineer, and did not submit the plans—which proposed one of the most hazardous mining operations ever attempted—for review by MSHA's expert technical staff. Had they been exacting and cautious in their review, MSHA may have significantly modified or refused to approve the plans. Instead, MSHA approved the plans with minor changes.
- Murray Energy ignored substantial evidence of instability during mining operations, continuing to extract coal despite mounting evidence of danger in the North Barrier. The company could have taken the time to notify MSHA of these conditions, stop mining, and reassess the risks. Instead, they continued mining until stopped by a powerful, nearly tragic, bounce.
- MSHA also ignored red flags during mining that should have prompted an exacting and cautious review of mining operations—the most obvious being the March bounce that closed the North barrier. Had they thoroughly investigated the March bounce, closely monitored conditions thereafter, and rigorously reviewed the company's revised plan for the South barrier, MSHA may have required greater safety precautions or prohibited mining in the South entirely. Instead, MSHA allowed the company to continue.
- Murray Energy encountered—and ignored—instability in the South Barrier where the accident occurred. Again, they did not take the time to report to MSHA and reassess, but continued mining, retreating under deeper cover.
- Murray Energy may have been conducting unauthorized mining right before the mine collapse. The evidence uncovered by the investigation reflects that Murray Energy was illegally mining the remnant barrier pillar just before the August accident.
- MSHA entered into an illegal agreement with Murray Energy. The evidence strongly suggests that MSHA entered into an informal agreement with a Murray Energy official agreeing that MSHA would relax the reporting requirements for seismic events occurring at Murray Energy mines.

"This deserves a full criminal investigation by the Department of Justice," Kennedy said. The full text of the report and exhibits are available at www.kennedy.senate.gov.

Safety Fears Shut Down Tower Mine

UtahAmerican Energy Inc. has shut down its Tower mine near Price, Utah, for safety reasons. *The Salt Lake Tribune* reported at the end of March, UtahAmerican is a Murray Energy Corp. subsidiary that also co-owned the Crandall Canyon coal mine. The compa-

ny said it closed Tower mine because of "recently encountered, unexpected, and unusual stress conditions."

P. Bruce Hill, UtahAmerican's president and chief executive, said the safety of the mine's employees was at stake, given unforeseen geological and mining conditions. Most employees will be transferred to UtahAmerican's nearby West Ridge mine, which is being expanded. "Safety is our only initial concern, and we do not believe that the Tower mine can be operated at this time," Hill said. "Unforeseen changes in requirements by the Mine Safety and Health Administration also have contributed to the forced closure of the mine."

During March, MSHA fined Murray Energy \$420,000 for two flagrant violations of safety regulations, contending the Ohio-based company repeatedly allowed buildups of potentially explosive coal dust in Tower. MSHA's Web site indicates there were 11

reported roof falls and wall collapses at the Tower mine during the past year that resulted in five injuries. Last month, MSHA stopped work temporarily until the company repaired damage from a rock fall. The agency also cited the company for failing to submit a roof-control amendment as required by law "when conditions indicate that the plan is not suitable for controlling the roof, face, ribs, or coal or rock bursts."

MSHA's Amy Louviere wrote in an e-mail that "We cannot speculate as to what unforeseen changes UtahAmerican references in its press release."

Tower is among the nation's deepest coal mines. Its longwall was operating 2,500 to 3,000 ft beneath the Book Cliffs. The Crandall Canyon mine collapses occurred in work areas 2,000 ft below the surface of the Wasatch Plateau. "Following the Crandall Canyon accident, MSHA has been more closely monitoring ground conditions at the [Tower]

mine and underground mines with more than 750 ft cover," Louviere said.

UtahAmerican closed the mine August 27 for several weeks while it performed additional engineering, ground control studies and modification of longwall mining equipment to "further ensure the safety of the employees." Once studies were completed and several technical changes made, MSHA approved reopening the mine in January. However, mine managers recently observed "unexpected and unusual stress conditions on the longwall section."

MSHA Fines Utah Coal Operator \$420,300

The Mine Safety and Health Administration (MSHA) has assessed \$420,300 in fines against Andalex Resources Inc. for violations relating to potential fire and explosion hazards at the Aberdeen mine in Price, Utah. Two citations issued October 26, 2006, and June 20, 2007, were assessed as "flagrant violations" under the Mine Improvement and New Emergency Response (MINER) Act based on the operator's repeated violation of the same safety standard. Robert E. Murray controls Andalex Resources, which operates the mine.

According to MSHA inspection records, the mine operator allowed excessive accumulations of hydraulic oil, and fine coal particles covered the hoses, electric conduit and tram motors on electric equipment. In addition, the mine operator allowed excessive accumulations of potentially explosive float coal dust and other combustible material to accumulate on a dangerously maintained conveyor belt. Such accumulations provide substantial fuel to propagate a mine fire.

These violations were cited during two routine regular safety and health inspections. 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. The two citations that were determined to be flagrant violations were assessed at \$220,000 and \$200,300.

