

# Harlan, Kentucky mine worker killed, three injured in separate accidents

By Naomi Spencer  
24 November 2010

A contract mine worker in Harlan County, Kentucky was killed early Tuesday morning after he lost control of a coal truck on site at the Rex Coal Strip Mine #1. Rhett Mosley, 32, of Perry County was driving into the pit when the heavy truck rolled out of control on the steep grade of the pit mine.

According to the preliminary report from the federal Mine Safety and Health Administration, Mosley either attempted to jump out or was thrown from the vehicle, and the truck struck an embankment and overturned onto him. No other details have been released and the mine has been closed while the Kentucky Office of Mine Safety investigates. In investigations of similar accidents over the past decade, MSHA has found that poorly maintained brakes and over-capacity loads have been frequent contributing factors.

The relatively small mine has not seen a fatality since the Rex Coal Company began operations in 2006. However, since 2008 coal tonnage has quadrupled at the mine and citations have increased. Although the pit mine employs only 19 workers, the site has produced more than 61,000 tons of coal this year.

In the last two years, although MSHA lists only nine inspections, the Rex Strip Mine #1 has been cited 50 times, including 14 serious and substantial violations. Most of the citations were accompanied by fines that remain unpaid—in fact, none of the fines for serious violations have been paid.

The death of Mosley brings to 47 the number of coal mining deaths this year in the US, 40 of them in Kentucky and West Virginia. In all, coal and other mineral mining accidents have claimed the lives of 66 mine workers across the country.

Accidents have been on the rise as operators strive for higher production rates. China has recently projected it will require a 3.8 billion ton increase in

coal annually, triggering speculative activity on metallurgical coke and bituminous coal—found in abundance in the Appalachian coalfields—as well as frenzied efforts at mergers and acquisitions by the large operators.

On October 27, James Jeffrey Falk, a 39-year-old underground miner in western Kentucky, was killed when he was struck by a shuttle car loaded up with coal. Falk was a continuous mining machine operator at the River View Coal Mine in Union County, owned by coal giant Alliance Resources.

The Rex mine fatality comes less than a week after an accident in another Harlan County mine injured three miners. According to the Kentucky Office of Mine Safety, a personnel carrier and a supply hauler collided during operations in the Abner Branch Rider mine, operated by Bledsoe Coal and owned by the James River Coal Company.

The vehicles may have been running on the same rail at the time of the accident, but neither safety officials nor the company has given further details. The three miners were hospitalized, with two requiring an airlift to Holston Valley Medical Center in Kingsport, Tennessee. The mine reopened shortly after the accident.

The Abner Branch mine has seen a series of accidents. On January 22, 29-year-old continuous mining machine operator Travis Brock was crushed by a “rib roll,” the collapse of a mine wall. A subsequent MSHA investigation found that safety violations directly contributed to Brock’s death. However, the mine has continued to operate at breakneck pace while racking up violations.

Since the beginning of the year, the Abner mine has been cited 175 times, including many for serious and substantial violations. The company has not paid a

single fine, which in 2010 amounted to about \$268,000.

MSHA lists numerous roof falls and rib rolls that could easily have resulted in more fatalities. The database offers a glimpse at the unsafe conditions and frenzied pace of extraction in the mine.

On October 8, for example, a roof fall measuring 30 feet wide, 25 feet long, and 10 feet thick was recorded. Just two days before, another roof fall of similar size was logged. At least five others occurred before those in 2010, including one incident on June 15 in which a piece of rock fell on an employee as he was being transported to the surface, striking him in the face.

MSHA has designated the Abner Branch mine as “meeting MSHA potential pattern of violations criteria” based on the number of citations between September 1, 2009 and August 31 of this year.

MSHA released a list November 19 of 13 coal mines to which it had issued 286 serious and substantial citations and closure orders during October. Among them, the Left Fork Mining Company’s Straight Creek #1 mine in Bell County, Kentucky was the worst, with 92 closure orders in the past year. A closure order is only issued in cases where potential disaster is imminent.

During one inspection of the Straight Creek mine on October 29, MSHA inspectors had to seize the mine telephones so that management could not forewarn underground foremen of their visits. They found multiple violations on coal dust accumulation and venting that posed immediate danger.

Other mines in the state found to have egregious violations were Vision Coal Inc.’s Mine #2 in Letcher County; White Star Mining’s White Star #1 in Pike County; James River Coal Co.’s Mine #68 in Perry County; and Dodge Hill Mining Co. LLC’s Dodge Hill Mine #1 in Union County.

MSHA has also filed for a court-ordered shutdown of Massey Energy’s Freedom Mine #1 in Pike County over ventilation problems, inadequate roof supports, coal dust build-up, and other dangers. In the past two years, the mine has been cited nearly 2,000 times.

An inspector for the region filed an affidavit November 3 after discovering a high concentration of unvented methane gas in an active section of the mine in what he described as the “most volatile range.” Former MSHA official Tony Opegard told the *Pittsburgh Post Gazette*, “You have a mine that is by

all indications just as bad, or worse, than Upper Big Branch.”

Massey has also been cited for creating an “imminent danger” after two explosions earlier this month at the Twilight surface mine in Boone County, West Virginia.

MSHA has been striving to appear more aggressive toward flagrant violators since the April 5 explosion at Massey’s Upper Big Branch Mine in West Virginia, which took the lives of 29 miners. However, in its 33-year history, the agency has never once classified a mine as having a pattern of violations.

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