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MSHA issues fourth POV notice under revised rule *Fork Creek No. 1 Mine failed to report 239 days of lost-time injuries*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today that Coal River Mining LLC’s Fork Creek No. 1 Mine in Lincoln County, W.Va., has been put on notice of a pattern of violations of mandatory health or safety standards under Section 104(e) of the Federal Mine Safety and Health Act of 1977. An MSHA audit revealed that the mine operator failed to report miner injuries equivalent to 239 days of lost time during the review period.

MSHA cited 158 significant and substantial violations at Fork Creek No. 1 from Sept. 1, 2012, through Aug. 31, 2013, including 14 for roof and rib hazards, 21 for ventilation hazards and 21 for explosion hazards. The mine’s S&S issuance rate was 8.83 per 100 inspection hours during the review period, compared to a rate of 3.62 for all underground coal mines during the same period. During the review period, the mine ranked fifth in the nation (tying with one other operation) in elevated citations and withdrawal orders with 24 issuances.

On Oct. 24, 2013, MSHA issued the first three POV notices under its revised rule that went into effect in March. Fork Creek No. 1 Mine, along with several other operations, was undergoing an audit of its injury records at the same time.

Under the Mine Act, MSHA is required to identify mines exhibiting a pattern of significant and substantial violations and authorized to issue POV notices to mine operators that, through this pattern, demonstrate a disregard for the health and safety of miners. A POV notice, one of the agency’s toughest enforcement actions, is reserved for the mines that pose the greatest risk to the safety of miners. An S&S violation is one that is reasonably likely to result in a reasonably serious injury or illness. The Mine Act requires mines that receive an S&S violation during any inspection within 90 days of a POV notice be issued a withdrawal order for that violation and for all subsequent S&S violations—removing miners from affected areas and abating the violation until an inspection of the entire mine finds no S&S violations.

“While it took an MSHA audit to discover the extent of unreported injuries at the mine, Coal River was also aware of the compliance issues it was experiencing and did not take sufficient action to make necessary safety improvements,” said Joseph A. Main, assistant secretary of labor for mine safety and health.

This completes MSHA’s current round of POV notifications.

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