

**MSHA and Sago Mine Facts based on questions asked of
Mine Safety and Health News editor Ellen Smith.
This will change daily as questions are asked and answered.
New questions are located at the bottom of this page.**

Sago Mine: MSHA Mine I.D. # 4608791

Mine disaster occurred on Jan. 2, 2006 – 12 miners killed, one seriously injured with possible brain damage due to carbon monoxide poisoning. Deaths will most likely be attributable to CO poisoning, due to the fact that the miners survived the initial blast.

How are accident rates calculated by MSHA?

Mine accidents are calculated by 200,000 manhours worked. The national average for non-fatal mine accidents for 2005 was 6.54 accidents per 200,000 manhours.

What was Sago's accident rate and how does it compare to other mines?

Sago's accident rate was 17.04 for 2005, with 16 miners and contractors injured on the job.

Sago's accident rate was 15.90 in 2004 when the national average was 5.66.

Compare this accident rate to another small mine in West Virginia, Kingston Mining No. 1 Mine, which had an accident rate of 1.21 in 2005.

Other West Virginia mines with lower than average accident rates in 2005 include: Blacksville No. 2 with a rate of 4.41;

Robinson Run Mine No. 95 with an accident rate of 3.93;

Mingo Logan Mountaineer Alma A Mine with a rate of 3.08;

Loveridge Mine No. 22 with an accident rate of 5.62;

Federal No. 2 Mine with an accident rate of 5.67; and

Harris No. 1 Mine with an accident rate of 3.93.

While this list does not encompass all of West Virginia mines, it gives you an idea of Sago's record.

What about other Anker companies? (International Coal Group purchased the Anker Mines)

According to MSHA's data base, the Sentinel Mine, also owned by Anker had an accident rate in 2005 of 28.37 – worse than Sago's record. It also had 113 citations and 5 withdraw orders for unsafe conditions.

The data base also shows that the Stony River Mine had an accident rate in 2005 of 27.97. It is difficult to discern if these two mines located in West Virginia are in fact open at this point. MSHA's website show them as "active," but the production numbers are down.

What is the record of International Coal group?

We looked at other underground coal mines owned by International Coal Group, and their safety records are mixed. (This list may not include all of ICG's underground coal mines).

The Viper Mine in Illinois has a slightly above average rate for accidents – 7.77 compared to the national rate of 6.54.

In Kentucky, ICG's Flint Ridge Mine shows a rate of 13.24 for 2005. The Elk Hollow Mine had an accident rate of 10.33. The Clean Energy Mine had an accident rate of 1.96 (way below the national average). ICG's Classic Mine had a rate of 5.61 for 2005. None of these mines had the serious citations that the Sago Mine had in 2005.

What is the breakdown of Sago's violations? How bad were they? Some industry people claim that Sago's record wasn't that bad.

The numbers above showed you a comparison of Sago's accident record to other mines.

A breakdown of MSHA's citation record for Sago shows the following for 2005:

- < 205 citations and orders.
- < 2 – 103 (k) orders (issued by MSHA when accidents occur).
- < 181 – 104(a) citations (a citation is issued with a reasonable abatement time).
- < 96 of these citations were “significant and substantial” (Likely to cause injury or death).
- < 1 - 104(b) citations (issued for a previous citation/safety violation that had not yet been corrected).
- < 1 - 104(d)(1) unwarrantable failure citation (issued when there is an unwarrantable failure to comply with a mandatory safety or health standard).
- < 2 – 104(d)(1) orders (issued to withdraw miners from a section of the mine where dangerous conditions exist).
- < 13 – 104(d)(2) orders (issued for violations similar to those that resulted in the issuance of the withdrawal order under 104(d)(1). These are extremely serious and can lead to a “special investigation” resulting in charges against mine supervisors, foremen, and the mine operator, including criminal proceedings).

Sago did not get very heavy fines for these violations. Is this a trend of the Bush Administration?

Mine penalties are based on six criteria as dictated by Section 110(i) of the 1977 Mine Act, including the size of the mine and its financial condition, past history of violations, how quickly problems have been abated. News reports claim that Anker Coal, the parent company, had gone into bankruptcy proceedings, so penalties would have been adjusted accordingly. To give an example, say you have to similar fatalities, with one occurring at a large, financially well-off company, and the other at a small company about to enter into bankruptcy. The company that is doing well financially may get a \$50,000 fine for the violations that MSHA found, and the smaller company not doing so well may get a \$10,000 fine payable over a year. MSHA cannot

“fine” a company out of business.

The Bush Administration has filled MSHA with industry people. The last Assistant Secretary, Dave Lauriski, headed Energy West Mining Co. Don't you think this plays a role in MSHA's weak enforcement compared to the Clinton Administration?

When Dave Lauriski headed Energy West Mining Co., he had one of the best safety records for at least 10 years straight of any underground mining company in the U.S. (Also, CONSOL Coal had a very good record and the two companies would often vie for first place in safety). As politics go, President Bush can appoint who he wishes to head these agencies. That said, if one was to hire an “industry insider” to head MSHA, based on Mr. Lauriski's past record of safety, he seemed to be a good choice to head this safety agency.

Lauriski did begin to create “partnerships” or “alliances” with many industry groups, who also have registered lobbyists, like the National Mining Assn. or the National Stone Sand and Gravel Assn., However, alliances have also been formed with two unions, and many safety groups.

As far as the Clinton years, Davitt McAteer, who headed MSHA at that time, stressed that MSHA was an enforcement agency and that would be the first job of the agency inspectors.

How did the communication breakdown occur in which the world believed that these miners were alive?

First, when the mine rescue team reached the miners, a rescue team member called into the Command and Control Center, telling them that they had “located 12.”

Command and Control then asked, “Are they alive?”

The rescue team member answered, “I think so – 10-4.”

We believe this is what people overheard and communicated to the miners' families.

However, this was also the first time during a mine disaster where MSHA's professional press relations staff did not play a role. The two MSHA employees with the most experience in mine disasters – Amy Louviere and Rodney Brown – have been moved out of the press office. The person who was sent to the mine site by the Dept. of Labor was Dirk Fillpot, who, to the best of our knowledge, has never been to a mine disaster and dealt with the press in a time of crisis. The person at MSHA headquarters in Arlington, Va., was Suzy Bohnert, who also has never been to a mine disaster. We at *Mine Safety and Health News* believe that had Amy or Rodney controlled the media relations, this miscommunication would have never occurred, or if it did, the record would have been immediately corrected.

Why has MSHA been the one to deal with the media in the past and not the operator?

The operator must help with rescue. The operator knows the mine and knows the trouble spots

and must be part of the rescue team effort. MSHA professional staff are also part of the rescue effort, but as we know, this agency also has a professional press staff who are experienced in dealing with the media as well as the families in times of crisis. Since the Wilberg Mine disaster in 1984, MSHA has played an active role in informing the families of the rescue efforts, and educating the media as to what is occurring and why. This is the first time in which MSHA did not have its seasoned press staff at a mine disaster.

Why did it take so long for the mine rescue teams to get into the mine? It was over 11 hours before they entered into the mine.

First, MSHA was not contacted about the accident until 8:30 a.m. – 2 hours after the explosion occurred. This might be in violation of MSHA’s “immediate notification rule” under 30 CFR 50.10, which requires “immediate notification.”

Second, mine rescue teams cannot enter a mine until it is safe for them to do so. In the Jim Walter Resources mine accident in 2001, 12 of the 13 deaths were rescuers. After that accident, MSHA issued an emergency rule that mine rescuers were not to enter the mine until it was deemed safe enough for rescue (versus safe enough for mining). This was not the first time that mine rescuers had been killed.

Third, there is the issue of the location of mine rescue teams. Although the regulations call for two mine rescue teams per underground mine, mine operators can get permission to use another mine’s rescue teams. If a mine operator uses another mine’s team, that team must be located within 2 hours of ground travel time of the mine. This does not take into consideration getting the team members or equipment together.

In addition, there is the fact that while mine rescue teams can be located up to 2 hours away, miners only have 1 hour of air with their self-contained self-rescue devices.

The Sago miners had oxygen devices. Why don’t they last longer or have oxygen available?

MSHA’s standards state that mine operators must provide “self- rescue devices” adequate to protect the miner for 1 hour or longer. A person from Homeland Security was on television and informed the nation that the miners had devices that would last 7 hours. However, this was not the case. We have been told that the devices the Sago miners had were good for 1 hour. According to an MSHA specialist, the SCSRs might last 2-3 hours “if they nurse it.” Some operators will store additional self rescue devices throughout the mine in case of a mine emergency, but this is not required by the government. Again, there is the fact that while mine rescue teams can be located up to 2 hours away, miners only have 1 hour of air with their self-contained self-rescue devices.

Aren’t mines supposed to have emergency escapeways?

Yes. Every underground mine must have a primary and secondary escapeway. However, these “escapeways” frequently get damaged in mine disasters.

How is it that these miners did not have cell phones or something to call the people on the surface? Why don't miners have emergency location devices?

A miner cannot carry a cell phone in the mine. However, many mines use 30 year old "land-line" telephone technology, which gets damaged in a mine disaster. While there might be new technology available, its use is not mandated by the government.

The Labor Dept. has said that it will investigate this accident. How confident are you of this investigation?

MSHA must investigate every mine fatality and issue a report with its findings. I have great confidence in MSHA's accident investigation team. That said, MSHA also needs to look at its role up to this disaster. In the agency's last internal review involving Cody Mining, MSHA would only state that it found "deficiencies" in agency actions and the problems were corrected. MSHA would not go on record or give a written report to the public stating exactly what those deficiencies were, or what changes were made at the agency to correct those deficiencies. I would have more confidence in the agency if this information would be made available to the public.

What will MSHA focus on in the investigation and how long will it take?

The investigation will take "as long as it takes." MSHA will look at the origin of the explosion, the ventilation controls in the mine, whether the mine was properly "rock dusted," every piece of equipment, and interview miners as well as the mine management.

What do you think caused the explosion? Initially "experts" were claiming lightning.

I can't even speculate. When on Fox News, I was told that lightning caused the explosion and I was asked to explain how that could happen. I could not figure it out, although now I know that there have been instances of mine explosions when lightning has hit gas casings on the surface above the mine. It's important to remember that just because a fatal accident occurs at a mine does not establish that the mine operator violated a safety standard. While we can look at Sago's past record, it's important to understand that conditions in a mine are dynamic and can quickly change. An accident may occur despite the fact that an operator is taking all reasonable precautions to prevent accidents and is complying with all of MSHA's safety and health standards.

What will MSHA look at in this investigation?

MSHA will look at (this list is not inclusive and is based on past explosions):

- < management structure of the mine including company officers and the control they may have;
- < injury incidence rate at the mine;
- < inspection history of mine and past violations;
- < training of all the miners;
- < the mine plan;
- < geological characteristics of mine;
- < What the barometric pressure was at the time of the explosion (since there was a storm moving in).
- < electrical system of mine;
- < ventilation of the mine;
- < mine plan (size of coal pillars and if they were being properly mined);
- < roof plan and whether the roof was being properly supported;
- < whether any miners had smoking articles (cigarettes, lighters, matches);
- < methane liberation of the mine;
- < methane detectors and if they were working properly;
- < < events leading to the explosion – what the miners were doing before the explosion, including their locations in the mine before the explosion;
- < what time the explosion happened, what time MSHA was notified;
- < interactions between miners – when the mine examination was performed and when were the miners told they could start their shift.
- < potential ignition sources (mine phone, light fixtures, batteries on any pieces of equipment, electrical conductors, water pumps, cap lamps, gas detectors, tools,
- < where the explosion originated. For instance, they will look at ventilation stoppings (cement/omega blocks) and which way those blocks were blown out in the explosion.
- < dust surveys (for explosive float coal dust at the time of the explosion) and rocking dusting – whether the mine was properly “rock-dusted.”