



The Memorial to the Upper Big Branch Disaster victims.

Devastated families recall horror of Disaster that killed 28 US coal miners in 2010

By Jonathan Tasini

Even among the big men in the mining community of Raleigh County, West Virginia, Gary Wayne Quarles stood out, standing 6 feet tall and weighing more than 136 kilos. He was only 33-years old but he already had 14 years working underground. He was the tall side shearer operator on the longwall at the Upper Big Branch mine, one of the toughest jobs given to only the most skilled and experienced miners.

But, Quarles had a bad feeling about the Upper Big Branch mine (UBB). Confiding to his friend Michael Ferrell on Easter Sunday, April 4th 2010, Quarles said, "Man, they got us up there mining, and we ain't got no air. You can't see nothing. Every day, I just thank God when I get out of that coal mine that I ain't got to be here no more. I just don't want to go back. When I get up in the mornings, I don't want to put my shoes on. I don't want to make myself go to work. I'm just scared to death to go to

work because I'm just scared to death something bad is going to happen."

Joshua Napper had a similar bad feeling, according to his mother, Pam. Leaving her home after church that Sunday in the nearby state of Ohio, Napper headed to work back in West Virginia, leaving behind letters for his girlfriend and small daughter. In the letters, he wrote, "If anything happens to me, I'll be looking down from heaven at you all," adding that he loved them and asked that "my baby girl" be looked after.

A day later, April 5th 2010, huge multiple explosions ripped through the mine. Quarles, Napper and 27 other miners died in the highest death toll of miners in the US in 40-years. More than four years after the disaster, something rare happened – rare for the US where CEOs never stand to account for the death of workers. On November 13th 2014, Don Blankenship, the former CEO of Massey, was indicted on US federal charges alleging that he orchestrated

repeated violations of federal mine safety rules that led to the explosion.

The indictment says that: "Blankenship knew that UBB was committing hundreds of safety-law violations every year and that he had the ability to prevent most of the violations that UBB was committing. Yet he fostered and participated in an understanding that perpetuated UBB's practice of routine safety violations, in order to produce more coal, avoid the costs of following safety laws, and make more money." After the indictment, in the face of the mountain of violations recited in the indictment, Blankenship's attorney was unrepentant, issuing a startling statement that his client was "a tireless advocate for mine safety."

835 safety violations in 2-years

The fear Napper and Quarles had expressed the day before they died was understandable: in a two-year

period leading up the disaster, the mine was cited 835 times for violations of mandatory federal mine safety and health standards because the corporate management ran the operation with only profits, not people, in mind. In 2009 alone, one year before the explosion, the mine was cited 515 times by the US Mine Safety & Health Administration (MSHA) for safety violations – a rate twice the US national average. Air-related problems alone accounted for 48 citations. But, MSHA only hit the company with a total of \$382,000 in fines in 2009, hardly a deterrent to prevent future violations.

Because of the weakness of the US legal system – where the industrial safety standards are far lower than most other countries in the modern world and workers' lives are routinely lost and chronic workplace-related illness is widespread – Blankenship is not being charged with murder or manslaughter. The charges are for violating safety regulations, and one charge for making false statements to the investing public and the US Securities and Exchange Commission (which regulates financial markets) about Massey's safety practices before the explosion. Still, if convicted on all charges in the trial, which is set to begin on April 20th, Blankenship could spend three decades in prison.

A longwall operation is a highly efficient, profit center for a coal company, with a capital investment of hundreds of millions of dollars. It is capable of producing 2,300 tons of coal an hour, generated by the US\$3.4 million drilling rig – made up of two shearers composed of bits and water spray nozzles that are supposed to reduce coal dust – that rips back and forth across a thousand-foot section of seam. The pressure to keep the expensive operation humming is intense, and, as a result, at the UBB mine, safety was compromised: spray nozzles were clogged and turned off the day of the disaster, the roof was unstable, water up to four feet deep accumulated and coal dust regularly built up to dangerous levels.

Crucially, rock dusting was inadequate at UBB. Tests done in the US more than 100-years ago, as early as 1908, showed that the explosive dangers of coal dust could be muted, if



Families of the Disaster victims protesting.

not eliminated, by the aggressive use of rock dust, which is pulverized limestone rock. However, rock dusting at UBB was a low priority because it costs money: there was only one two-man crew assigned part-time to dust the entire length of the massive mine.

The indictment document, and an earlier independent investigation ordered by the Governor of West Virginia, paints a harsh, brutal picture of a company that, even by the standards of the hard-nosed coal company culture, ran an operation that had no interest in enforcing basic safety. The exhaustive independent investigation concluded in its 124-page report: "Ultimately, the responsibility for the explosion at the Upper Big Branch mine lies with the management of Massey Energy. The company broke faith with its workers by frequently and knowingly violating the law and blatantly disregarding known safety practices while creating a public perception that its operations exceeded industry safety operations...The April 5, 2010 explosion was not something that happened out of the blue, an event that could not have been anticipated or prevented. It was, to the contrary, a completely predictable result for a company that ignored basic safety standards ..."

Least Unionized mines

Ignoring basic safety standards was also predictable because Massey

mines are the least unionized in the US coal industry, largely because of Blankenship's intense hatred of the United Mine Workers of America (UMWA). In 1984, Blankenship, who was running another Massey mining operation, brought in, for the first time in 60 years, scabs and armed guards during a 15-month UMWA strike, which would eventually end with the breaking of the Union. Without a union to watch out for workers, in a 10-year period, from 2000-2010, Massey mines racked up 62,923 violations, including 25,612 considered "significant and substantial; in that decade, it had the highest fatality rate of any US coal company, with 54 workers being killed, compared to just six at Peabody Energy, the largest coal company in the US.

Blankenship was not a low-key CEO. He flew around in a helicopter, owns several mansion-sized gated homes, and berated his employees if production wasn't up to his standards. In the state, he bankrolled political campaigns to elect politicians who were sympathetic to the coal industry. He also wrote cheques to the political campaigns of state judges, who stand for election in West Virginia; in one election in 2004, Blankenship wrote cheques totaling \$2.4 million (two-thirds of the entire money raised) to elect a sympathetic judge who was running for a seat on the State's Supreme Court – a judge who would later be the deciding vote in

favor of overturning a US\$50 million civil fraud judgment against Massey.

No one wanted to speak up too loudly in this non-union mine because being fired meant ending up working at a gas station, a fast-food outlet, a low-wage Wal-Mart or a call center, all jobs that paid minimum wage or a bit more (at the time, the state minimum wage was only US\$7.25 per hour, which for a full-time job meant living at a poverty-level existence). Those wages were roughly half of an Upper Big Branch mine paycheck, which could be close to \$70,000 a year, a huge salary in the economically depressed areas of West Virginia.

Culture of death

The indictment alleges that Blankenship actively undermined safety by putting in place a system to evade safety inspections: "...a scheme existed at UBB to routinely warn underground workers when federal mine safety inspectors were on their way to inspect...Underground supervisors then would direct miners to quickly cover up violations of mandatory federal mine standards that the mine routinely committed, including missing ventilation control structures and devices, accumulations of float coal dust and loose coal, missing roof support, and failure to properly rock dust the mine," the indictment says.

The series of explosions – blasts that took place within milliseconds of each other – were triggered by sparks as the 90-ton shearer cut into the sandstone top of the longwall and ignited a bubble of methane gas. Apparently, the longwall operator sensed danger, and manually depressed the stop button. But, it was too late.

As the compressed air forced the coal dust to become airborne, the explosion "generated its own fuel with air/dust mixture behaving like a line of gunpowder carrying the blast forward

in multiple directions..." traveling seven miles in various directions, spreading into crosscuts as it sucked up new coal dust as fuel, and "obliterating everything in its path."

All the miners died from either carbon monoxide intoxication or injuries, or a combination. One victim – Nicholas McCroskey – was hurled with such force to the roof of the mine that he would only be found after searchers, who had passed under him multiple times, smelled his decomposing, shattered remains.

Today, a memorial commemorates the 29 miners, who were fathers, sons, grandfathers and brothers to people in a small community. Sheila Combs, the president of the memorial's non-profit foundation, says: "My father was a coal miner and mining is our history here, our heritage. My motivation was shared with our whole group in that we wanted to create a place that would not only honor the miners killed in the Upper Big Branch disaster, but honor all miners."

Some of the families accepted a US\$3 million settlement offer from Massey (the company was bought by Alpha Natural Resources). Others grieved quietly. Kim Lane, whose husband Rick was a foreman at the mine, created a memorial garden on her property to pay tribute to all the dead miners. As she told *The Wall Street Journal*, "Money is not the issue. Healing my broken heart, the love that I have for my husband, is the only thing that matters to me right now."

The judge in the case, Irene C. Berger, has imposed a gag order on all parties, including the family members of the dead miners; media organisations have vehemently objected to the gag order and are challenging it in a lawsuit.

A few relatives, though, are openly defying the judge. Tommy Davis lost his son Cory, a nephew and a cousin in the disaster. He refuses to be silent and

wants to see justice done. "My world come crumbling down and it hasn't stopped since, and it's what I don't understand," he told a local television station. "How could she take my rights, and my thoughts and my feelings and put 'em in a jar on the back side. What if she was there that day and her son was inside and her brother and her nephew and so many close, dear friends. What if they was inside? It's every day, it doesn't end. Everybody says it's going to get better. It doesn't get better. That boy of mine, Cory Thomas, never slept on his crib, he slept on daddy's belly. Everywhere I went, he went. He was my best friend, as a child. Not only my son, but my best friend."

The victims who perished

Jason Atkins (25 years old);
Christopher Bell (33);
Gregory Steven Brock (47);
Kenneth Allan Chapman (53);
Robert Clark (41);
Charles Timothy Davis (51);
Cory Davis (20);
Michael Lee Elswick (56);
William I. Griffith (54);
Steven Harrah (40);
Edward Dean Jones (50);
Richard K. Lane (45);
William Roosevelt Lynch (59);
Nicholas Darrell McCroskey (26);
Joe Marcum (57);
Ronald Lee Maynor (31);
James E. Mooney (50);
Adam Keith Morgan (21);
Rex L. Mullins (50);
Joshua S. Napper (25);
Howard D. Payne (53);
Dillard Earl Persinger (32);
Joel R. Price (55);
Deward Scott (58);
Gary Quarles (33);
Grover Dale Skeens (57);
Benny Willingham (61); and
Ricky Workman (50).

