Ex-Coal Company CEO Convicted of Conspiring to Violate US Safety Standards



In 2010, an explosion in a West Virginia coal mine owned by Massey Energy resulted in the deaths of 29 workers. The investigation of this tragedy found that it could've been prevented if the company had observed minimal safety standards at the mine, concluding that 'ultimately, the responsibility for the explosion at the Upper Big Branch mine lies with the management of Massey Energy.'

As a result, a federal grand jury in the US indicted former Massey CEO Donald Blankenship on criminal charges related to the incident and the company's safety compliance overall.

But as reported in the *New York Times*, Blankenship's trial ended on Dec. 3, 2015, in a mixed verdict. Judge Irene C. Berger, a coal miner's daughter, announced the unanimous jury's findings in a courtroom filled with relatives of the dead miners.

Although Blankenship was convicted of conspiring to violate federal safety standards'a misdemeanor'he was acquitted of the felony charges holding him responsible for the incident at the Upper Big Branch mine.

Labor Secretary Thomas E. Perez said the decision sent 'a clear message that no mine operator is above the law, that there must be accountability when people lose their lives

because of the neglect of their employer.’

Prosecutors argued that Blankenship’s leadership had laid the groundwork for a catastrophe, claiming that his example and tone had set Massey on a course that put profits ahead of lives.

Blankenship’s lawyer said the case should have never been brought.

But R. Booth Goodwin II, the United States attorney, said, ‘If we were going to have a shot at who, if anyone, was responsible for the circumstances that might have contributed to this event, then we would need to investigate this like we investigate criminal cases. How is it that this happens, and how is it that we have what seemed like a Third World mine disaster in the 21st century here in America”

Patrick C. McGinley, a West Virginia University law professor who was involved in the state’s investigation of the deaths at Upper Big Branch, said, ‘I think it is a compromise verdict, but you have to remember that the two charges that received acquittals were for conduct quite different than culpability for operating an unsafe coal mine and violating laws that are intended to prevent precisely what occurred.’

‘A century of mine disasters and failing to hold coal company executives responsible is over,’ he said.