

Ex-Coal Company CEO Sentenced to 1 Year in Jail for Mine Safety Conviction



How much jail is necessary to send the message to corporate executives that ensuring the safety of workers is ultimately their responsibility? Is a year in jail enough? That's the sentence recently imposed on a former executive of a US coal company that lost 29 workers in a mine explosion.

An investigation of that 2010 explosion in a West Virginia coal mine owned by Massey Energy found that the tragedy could've been prevented if the company had observed minimal safety standards at the mine.

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

In Dec. 2015, Blankenship was convicted of conspiring to violate federal safety standards but acquitted of the felony charges holding him responsible for the incident at the Upper Big Branch mine.

On April 6, 2015, a federal judge sentenced Blankenship to one year in jail, the maximum allowed by law. As reported in the New York Times, Judge Irene C. Berger herself the daughter of a coal miner also ordered him to serve a year of supervised release and pay a \$250,000 fine, which was well above what federal sentencing guidelines suggested.

'He knew that following the safety laws costs money,' said Steven R. Ruby, an assistant United States attorney. 'What could be more serious than a crime that risks human life?'

Ruby argued that a penalty of less than one year in jail 'would signal that committing mine safety crimes might be a good gamble for a C.E.O.'

Blankenship himself was defiant at sentencing, saying 'It's important to me that everyone knows that I am not guilty of a crime.'

But Judge Berger had some harsh words for him when she imposed her sentence. Here are some excerpts from her remarks:

'I have found, and I find it to be fact, that you abused the trust of the Massey

Energy shareholders, your fellow officers and directors and, most importantly, the trust of the employees who looked to you for leadership and for a safe workplace. Mining has carried the State of West Virginia for generations, as you well know. Each day and each shift that miners don their hats and boots and proudly go underground generally without any trepidation to make a living for themselves and for their families, they necessarily rely on owners and operators and administrators of these mines to provide a safe workplace. Safety simply has to be paramount.'

'By putting profitability of the company ahead of the safety of your employees, you, Mr. Blankenship, created a culture of noncompliance at Upper Big Branch, where your subordinates accepted and, in fact, encouraged unsafe working conditions in order to reach profitability and production targets.'

'As chief executive officer, you were ultimately responsible for ensuring that these miners went to work each day in mines, which followed M.S.H.A.'s safety and health standards.'