

Former US Coal Company CEO Indicted for 2010 Mining Disaster



In April 2010, an explosion in a West Virginia coal mine owned by Massey Energy killed 29 workers. An investigation of the tragic incident found that it could've been prevented if Massey had observed minimal safety standards at the Upper Big Branch mine.

The investigation's report concluded, 'Ultimately, the responsibility for the explosion at the Upper Big Branch mine lies with the management of Massey Energy.'

A federal grand jury apparently agreed, recently indicting former Massey CEO Donald Blankenship on four criminal charges related to the incident. Blankenship is specifically charged with, among other things:

- Conspiring to willfully violate mandatory federal mine safety and health standards; and
- Conspiring to defraud the US by hindering or impeding the lawful and legitimate functions of the Department of Labor and the Mine Safety and Health Administration in the administration and enforcement of mine safety and health laws at the Upper Big Branch mine.

This indictment is notable because in the US—as in Canada—cases against members of senior management for safety-related offences are rare—and criminal charges against CEO, directors, presidents, etc. are even rarer.

The indictment says Blankenship, who'd been a fixture in West Virginia and a frequent donator to various politicians, knew that this mine was committing hundreds of safety violations every year and that he had the ability to prevent most of these violations. Yet he 'fostered and participated in an understanding' that perpetuated the mine's practice of routine safety violations, 'in order to produce more coal, avoid the costs of following safety laws, and make more money,' says the indictment.

For example, the indictment accuses Blankenship of:

- Ignoring laws about ventilating coal dust and methane gas at the mine
- Slashing the staffing and tasks needed to improve safety
- Responding to surprise visits by safety inspectors by tipping off miners underground using code words.

As reported in the *New York Times*, Alpha Natural Resources, which bought Massey in 2011, paid \$209 million in criminal penalties to settle civil and criminal penalties with the Department of Justice. Two subordinates of Blankenship, including a former superintendent of the Upper Big Branch mine, have already pleaded guilty in criminal cases.