COMPREHENSIVE REPORT OF THE
STATUS OF COAL MINE SAFETY IN UTAH
CALENDAR YEAR 2009

REPORT TO
GOVERNOR GARY R. HERBERT
AND
THE UTAH STATE LEGISLATURE

Submitted by:

UTAH LABOR COMMISSION
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UTAH OFFICE OF COAL MINE SAFETY
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MINE SAFETY TECHNICAL ADVISORY COUNCIL
October 1, 2010

The Honorable Gary R. Herbert  
Governor of the State of Utah

The Honorable Michael Waddoups  
President, Utah State Senate

The Honorable David Clark  
Speaker, Utah House of Representatives

Dear Governor Herbert, President Waddoups and Speaker Clark:

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, its Office of Coal Mine Safety, and the Mine Safety Technical Advisory Council to submit to the Governor and Legislature by October 1 of each year “a comprehensive report of the status of coal mine safety within the state for the immediately preceding calendar year.” This is the second such report since the Legislature enacted the Coal Mine Safety Act in 2008.

As noted in our first report, coal mining holds an important place in Utah history, culture and economy. It provides a good living to coal miners and their families, but it can also place the health and safety of coal miners at risk. That risk became a reality during August 2007 at the Crandall Canyon mine disaster in Emery County, Utah. It was underscored again on April 5, 2010, when 29 miners lost their lives in West Virginia’s Upper Big Branch coal mine.

The Crandall Canyon disaster led to appointment of a blue-ribbon Utah Mine Safety Commission to review the role of the State of Utah in the areas of mine safety, accident prevention and accident response. As you examine this report you will note that many recommendations of the Coal Mine Safety Commission have been implemented. Others require additional Legislative consideration and support. The Labor Commission welcomes your questions and attention on these important issues.

Sincerely,

Sherrie Hayashi  
Utah Labor Commissioner
INTRODUCTION

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, with its Office of Coal Mine Safety and Mine Safety Technical Advisory Council, to submit to the Governor and Legislature by October 1 of each year a comprehensive report regarding coal mine safety in Utah for the preceding calendar year. The statute requires that report include: 1) actions to implement the Coal Mine Safety Act; 2) descriptions of major coal mine accidents or emergencies; 3) summaries of reports of alleged unsafe conditions, and the Office of Coal Mine Safety’s response; and 4) recommendations for additional action to promote coal mine safety and other items deemed appropriate. Each of these items is discussed below.

I. IMPLEMENTATION OF THE COAL MINE SAFETY ACT.

The 2008 Utah Legislature enacted the Utah Coal Mine Safety Act, Title 40, Chapter 2, Utah Code Annotated, effective May 5, 2008. The Legislature also appropriated $250,000 to the Labor Commission for fiscal year 2009 to implement the Act.

By the end of 2008, the Commission appointed Garth Nielsen as Director of the Office of Coal Mine Safety and had established its office in Price, Utah. Also in 2008, the Office implemented an ombudsman program, a safety hotline, and a Web site allowing individuals to obtain coal mine safety complaint forms on-line. During 2009, the Commission and Office of Coal Mine Safety undertook the following additional actions:

- The Director worked to strengthen existing partnerships and create new ones with the College of Eastern Utah and the Western Energy Training Center.
• The Director focused on establishing a cooperative relationship between the Utah Office of Coal Mine Safety and the federal Mine Safety and Health Administration.

• The Office held its annual state coal mine safety symposium in September 2009.

• The Director met with University of Utah faculty involved in mine engineering and seismograph stations to advance efforts in tracking and reporting mine bumps and ground-control issues.

• The Mine Safety Technical Advisory Council began work on a coal mine emergency response plan for the State of Utah to improve state assistance to coal miners, their families, mine operators, and local agencies in the event of a future mine emergency.

• The Council established a plan to address recommendations of the Coal Mine Safety Commission.

• The Office partnered with the Governor’s Office of Economic Development to facilitate development of technology for wireless underground communications to assist in rescuing miners in future coal mine accidents.

Note: As of March 2010, Mr. Nielsen resigned his position as Director of the Office of Coal Mine Safety. Because the Labor Commission is operating at a structural deficit, it has been unable to fill the position. The Division of Boiler, Elevator and Coal Mine Safety has absorbed the duties of the Office of Coal Mine Safety until such time as the Commission receives funding sufficient to allow for replacement of the position, or receives some other directive from the Governor or Legislature.
### II. SUMMARY OF MAJOR COAL MINE ACCIDENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Incident</th>
<th>Action</th>
<th>Conclusion</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 7, 2009</td>
<td>Consol Mine</td>
<td>Two roof falls.</td>
<td>Investigation by MSHA and the Utah Office of Coal Mine Safety.</td>
<td>Roof bolts anchored into clay were a major factor in the roof fall.</td>
<td>Mine operator required to systematically insure roof stability. Production stopped pending re-supporting the roof. MSHA issued two “significant and substantial” citations against the operator.</td>
</tr>
<tr>
<td>March 16, 2009</td>
<td>Deer Creek Mine</td>
<td>Ignition or explosion of coal dust.</td>
<td>Investigation by MSHA and Utah Office of Coal Mine Safety.</td>
<td>Insufficient water to the cutter drum of a continuous mining machine; also, the operator turned off the water to see where he was cutting. The cutting head came into contact with rock in the roof, causing a spark that ignited coal dust in the air.</td>
<td>MSHA cited the operator for insufficient water pressure to the cutter drum. MSHA stopped production pending MSHA approval of recovery plans. This was the second reportable incident of ignition or explosion at this mine in a six month period.</td>
</tr>
<tr>
<td>May 16, 2009</td>
<td>Deer Creek Mine</td>
<td>Roof fall discovered during a pre-shift examination.</td>
<td>Investigation by MSHA and Utah Office of Coal Mine Safety.</td>
<td>Re-evaluation of roof required in area of the roof fall.</td>
<td>MSHA ordered that activity stop in this area of the mine pending determination of safety to begin rehabilitation. MSHA directed operator to prepare rehabilitation plan.</td>
</tr>
<tr>
<td>June 6, 2009</td>
<td>Dugout Mine</td>
<td>Coal and /or rock outburst.</td>
<td>Investigation by the Office of Coal Mine Safety</td>
<td>The coal or rock burst disrupted mining on the affected longwall section for more than one hour. It occurred where the shear was operating at shield 10 and in the belt line alongside the tailpiece and out for about 50 feet.</td>
<td>Recommendation of evaluation of: 1) bounce protection to incorporate guarding that provides best possible protection; 2) administrative controls to position miners while the shear is running and along the stageloader; 3) face alignment to insure there is no point loading; and 4) proper pillar size.</td>
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<tr>
<td>July 15, 2009</td>
<td>Dugout Mine</td>
<td>Roof fall.</td>
<td>Investigation by MSHA and Utah Office of Coal Mine Safety.</td>
<td>After evaluation, the best course of action was to run the longwall past the area of the roof fall.</td>
<td>The mine operator modified their mining plan, rerouted the escape route, installed additional supports, and then resumed the mining operation.</td>
</tr>
<tr>
<td>July 27, 2009</td>
<td>Consol Mine</td>
<td>Roof fall discovered during pre-shift inspection.</td>
<td>Although operator notified MSHA, it failed to promptly notify the Office of Coal Mine Safety.</td>
<td>Upon learning of the incident, the Office Director investigated the site.</td>
<td></td>
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</table>
### Conclusion:
Additional roof support and frequent monitoring required.

**Result:** Intersection to be narrowed with floor-to-roof supports; additional roof supports as well.

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>August 2, 2009</td>
<td>Dugout Mine</td>
<td>A coal and /or rock outburst.</td>
<td>Investigation by Utah Office of Coal Mine Safety.</td>
<td>The bounce involved a 100-foot section on the longwall face and involved enough energy to cause substantial damage. However, protections provided to the miners prevented injuries.</td>
<td>Controls and safety installations should be evaluated for even greater protection of miners.</td>
</tr>
<tr>
<td>August 19, 2009</td>
<td>Consol Mine</td>
<td>Roof fall discovered during pre-shift inspection.</td>
<td>Investigation by Utah Office of Coal Mine Safety.</td>
<td>The roof fall was in an inactive area where roof bolts were placed in soft rock strata that tended to fracture when wet. The area is to be sealed off as a result of continuing mining operations and will not be rehabilitated.</td>
<td>Recommendations for roof-bolter training and continuing program for evaluating roof conditions.</td>
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### III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS.

<table>
<thead>
<tr>
<th>Date</th>
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<tr>
<td>January 4, 2009</td>
<td>Horizon Mine</td>
<td>Caller stated that the mine is using poor mining practices.</td>
<td>Investigation by MSHA and Utah Office of Coal Mine Safety.</td>
<td>Determination that mining practices should be examined closely to insure the safety of the miners. In this case, roof bolting was inadequate, ventilation was inadequate, and the mining equipment was impermissibly “dirty.”</td>
<td>MSHA issued citations and ordered corrective action.</td>
</tr>
<tr>
<td>May 7, 2009</td>
<td>Horizon Mine</td>
<td>Caller stated that the mine was operating a conveyor belt with a bad bearing that is glowing red and at times would fill the entry with smoke.</td>
<td>Investigation by MSHA and Utah Office of Coal Mine Safety.</td>
<td>The #3 belt tailpiece bearing was faulty and running at extreme temperatures.</td>
<td>The belt was taken out of service and citations issued by MSHA.</td>
</tr>
<tr>
<td>November 11, 2009</td>
<td>West Ridge Mine</td>
<td>Caller informed by an employee at the mine that long wall shields would not set tight against the roof.</td>
<td>Investigation by Utah Office of Coal Mine Safety.</td>
<td>Many shields had no way of confirming how much pressure the leg had and if it was holding pressure against the roof.</td>
<td>Utah Office of Coal Mine Safety reported its findings to MSHA and mine management. MSHA is following up with the mine.</td>
</tr>
<tr>
<td>November 23, 2009</td>
<td>Consol</td>
<td>Caller stated mine floor was uneven and that the mine was not being properly maintained.</td>
<td>Investigation by Utah Office of Coal Mine Safety.</td>
<td>The uneven floor was causing tripping hazards and could become a problem for the equipment when it comes back on retreat. The miner unit looked clean, maintained and well rock dusted.</td>
<td>Utah office of Coal Mine Safety reported its findings to mine management and they have corrected the uneven floor. This was not reported to MSHA.</td>
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IV. **OBSERVATIONS**

The Labor Commission, Office of Coal Mine Safety, and Mine Safety Technical Committee offer the following observations regarding effective efforts to improve coal mine safety:

- Cooperation between the Office and MSHA advances coal mine safety. MSHA has informed the Office that “another set of experienced eyes” supports MSHA’s effort in coal mine safety.
- Regular mine visits by the Utah Office of Coal Mine Safety makes MSHA more responsible in its investigations and citations.
- Coal miner training and certification are key components of safety. The Office of Coal Mine Safety’s involvement in Utah’s coal miner certification program will continue to enhance a culture of safety among coal miners.
- Partnerships grounded in trust and mutual respect among the Office of Coal Mine Safety and MSHA, coal mine operators, and coal miners are essential to the Office's ability to perform its objectives.

V. **RECOMMENDATIONS**

In light of the foregoing, we recommend the following actions to improve coal mine safety.

A. Continued evaluation of the Office of Coal Mine Safety and the specific duties assigned to that Office.

B. That the Commission, with its Office of Coal Mine Safety and Technical Advisory Committee continue with its review of the various recommendations.
of the Governor’s Commission on Coal Mine Safety. The recommendations can be grouped into four categories:

1. Emergency response and family support;
2. Testing and certification of miners;
3. Coal miner training through the Western Energy Training Center and College of Eastern Utah; and

C. That stable funding be provided for the Office of Coal Mine Safety.

**CONCLUSION**

In summary, the Utah Coal Mine Safety Act and the Office of Coal Mine Safety are successfully advancing the objective of improving the safety of coal miners in Utah. Creation of the Office of Coal Mine Safety has benefitted the coal mining industry in Utah by providing a “second set of eyes,” a vast amount of practical knowledge, and a high degree of professionalism. Utah coal mines and coal miners are safer today. But this is just a beginning to long-term task of evaluating additional proposals for coal mine safety, and then implementing those ideas that will advance the cause of coal mine safety.