



Department of Justice

R. Booth Goodwin II, United States Attorney

Southern District of West Virginia

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CONTACT: Tracy Dorsey Chapman
800-659-8726*(304)345-2200
Tracy.Chapman@usdoj.gov

U.S. ATTORNEY CHARGES SIX WITH MINE SAFETY AND HEALTH ACT VIOLATIONS

Aracoma Coal Company Supervisors Charged with Failing to Conduct Mine Drills

CHARLESTON, W.Va. – United States Attorney R. Booth Goodwin II announced today the filings of six Informations charging supervisors of Aracoma Coal Company, a subsidiary of Massey Energy, and two surface mine truck drivers with violating mandatory mine safety standards.

Four were charged with failing to conduct required safeway drills for the miners they supervised during 2005 - 2006 at the Alma No. 1 mine near Logan, West Virginia. Those charged include: Donald R. Hagy, Jr., 47, of Gilbert, West Virginia; Terry L. Shadd, 37, of Chapmanville, West Virginia; Edward R. Ellis, Jr., 38, of Justice, West Virginia; and Michael A. Plumley, 38, of Delbarton, West Virginia.

The charges stem from a long-term investigation conducted by the Mine Safety and Health Administration (“MSHA”) and the Federal Bureau of Investigation into a January 2006 fire which broke out in an area of the mine where ventilation controls had been removed. Two miners died of suffocation. Aracoma Coal Company was previously charged with nine counts of willful violation of mandatory safety standards, one resulting in the death of two miners, and with making a false statement. As a result, the Company agreed to pay \$4.2 million in criminal fines and civil penalties. The filings of today’s charges concludes the investigation.

“Coal is vital to this State’s economy. These jobs support and put food on the tables of many hard working West Virginians,” commented U.S. Attorney Booth Goodwin. “Workers shouldn’t be forced to earn their living in illegal, unsafe conditions. We will continue to use every tool in our arsenal to hold accountable those who willfully violate safety standards in the work place.”

“Mine managers who shirk their responsibility for ensuring the safety of their miners will be held to account using all available sanctions under the Mine Act,” stated Mine Safety and Health Administration Assistant Secretary Joseph A. Main.

Surface Mine Truck Drives Charged with Falsifying Training Records

In an unrelated case, two Informations were filed charging John R. Wright, 65, of Whitman, West Virginia, and Jeffrey Potter, 44, of Crum, West Virginia with falsifying training records for truck drivers working at Synergy Surface Mine No. 1 in Boone County, West Virginia. During 2007, both

Wright and Potter certified that they had provided mandatory annual refresher training to individual truck drivers doing work at the mine, when in fact, they knew the training had not been provided to the individuals.

“MSHA will seek to impose the toughest sanctions available under the law against those who willfully flout Mine Act training requirements,” stated Assistant Secretary Main.

Assistant United States Attorney Hunter P. Smith Jr. is handling the prosecutions.

Note: An Information is merely a formal accusation. It is not proof of guilt, and the defendants are presumed innocent until and unless they are found guilty.

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