



Death tally review ordered

Mine agency's director cites questions about guides for reports

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By Steve Twedt, Pittsburgh Post-Gazette

The head of the U.S. Mine Safety and Health Administration has ordered a review of how the agency determines which deaths are counted in its yearly total of work-related fatalities.

Richard E. Stickler, who became assistant secretary of labor for mine safety and health in October, directed his staff to review the criteria after the Pittsburgh Post-Gazette reported that dozens of deaths at U.S. mines have not been counted because internal reviews determined they were not related to the mining operation.

"This review will ensure that the guidelines MSHA uses for making such determinations are clear so our agency's initiatives to improve mine safety are appropriately focused," Mr. Stickler said in a statement released yesterday.

Since 2002, 89 deaths at coal mines and 175 deaths at non-coal producing metal/non-metal mines have been classified as "non-chargeable fatalities." While a handful were not counted because the death involved a suicide or someone who had trespassed on mine property, the vast majority -- 182 of the 264 deaths -- were deaths by "natural causes" such as a heart attack.

As of Nov. 30, another six coal mine deaths and 14 deaths at metal-nonmetal mines were pending final determination.

The designation of a work-related, or "chargeable," death can carry financial and insurance implications for the miner's family, and will prompt investigations by state and federal authorities.

It also has political and public relations implications for MSHA, which routinely tracks whether fatalities have increased or decreased from previous years.

In 2001, the agency set a goal to reduce mining fatalities by 15 percent each year for four years, and to cut non-fatal, lost-day injuries by 50 percent.

Beginning in 2002, chargeable coal mining fatalities held steady or decreased in the years prior to the Sago mine disaster in January. But the

number of non-chargeable deaths increased each year, the Post-Gazette found.

One of those "natural" deaths was Forrest Riley Sr., 54, of Steubenville, Ohio, who died of a heart attack on Oct. 9, 2004, after he was pinned in the cab of his battery tractor by a pipe at Consolidation Coal Co.'s Shoemaker mine near Dallas, W.Va.

When MSHA officials decided to remove Mr. Riley from its list of mine fatalities at the end of the year, Dennis O'Dell, administrator for the United Mine Workers of America's Department of Occupational Health and Safety, formally protested to MSHA.

Mr. O'Dell, who interviewed miners at Shoemaker after the accident, noted that the medical examiner's report said Mr. Riley's injuries "cannot be entirely excluded" as contributing to his death.

In an April 7, 2006, letter to acting Assistant Secretary David G. Dye, Mr. O'Dell noted similar previous deaths MSHA had counted as work-related:

■ On March 6, 1998, Kenneth Berkey, 48, working for Ross Island Sand and Gravel Co. in Portland, Ore., drowned after falling into a dredge on the Willamette River. The medical examiner's report said the drowning may have been caused when Mr. Berkey, a diabetic, suffered a possible stroke. The autopsy showed he had heart disease, too, but the death was still counted.

■ On May 29, 1999, section foreman William Mays severely injured his hand while trying to free a stuck drill steel at Consolidation Coal Co.'s Buchanan Mine No. 1 in Mavisdale, Va. He was not able to return to work, and he died five months later, following surgery, at age 54. Although the cause of death was cardiac arrest, MSHA counted Mr. Mays' death as work-related.

■ On July 17, 1998, James Randolph Jr., 73, suffered serious injuries after he fell from a front-end loader while replacing the windshield. He died of a heart attack 10 days later, and the death was counted.

"Based on the information the union received, I must demand that MSHA revisit the circumstances surrounding Mr. Riley's death, and charge it as a mining fatal," Mr. O'Dell wrote.

Mr. Dye replied that the deaths were not comparable because the injuries "clearly preceded, and resulted in, medical complications" leading to the deaths. In Mr. Berkey's case, Mr. Dye wrote that "there apparently was no indication that a death from natural causes precipitated the accident."

Mr. Dye said Mr. Riley's autopsy showed his injuries were minor, and the medical examiner's "essential conclusion" was that Mr. Riley had died of a heart attack while operating the machinery.

MSHA's Web site still lists Mr. Riley's death as resulting from natural causes.

Phil Smith, a spokesman for UMW, said yesterday that "the fact that they're going to take a look at it [the chargeability criteria] is good but, as with everything with MSHA these days, we're going to have to wait to see what their review finds."

"There are a lot of things they need to look at in terms of chargeability, and in terms of who's responsible."

Celeste Monforton, who worked as a special assistant at MSHA until 2001 and has assisted with the West Virginia mine death investigations this year, believes too much attention on the yearly death toll can tempt the agency to avoid counting deaths.

Yesterday, Ms. Monforton said she was encouraged by Mr. Stickler's decision to review the criteria.

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