

Miners Charge Company Cheated on Safety Checks

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WASHINGTON — An executive of the Blue Diamond Coal Co. of Knoxville has labeled as "completely groundless" an accusation that company officials at its Scotia mine in Kentucky knew when state and Federal mine inspectors were coming and made quick, temporary repairs to avoid getting citations.

The accusation was made yesterday before a Senate subcommittee by two coal miners who said they once worked at the Scotia mine, which earlier this month was the site of two explosions killing 26 men.

They also charged that company officials allowed inadequate ventilation to exist in the mine, that they were lax in enforcing safety regulations and did not offer safety training seminars as required by Federal law.

Frank Thomas, executive vice president of the Blue Diamond Coal Co., denied the charge during hearings on the mine disaster at Oven Fork, Ky., being conducted by a subcommittee of the Senate Labor and Public Welfare Committee.

Thomas said the testimony given by the two miners, who work for Westmoreland Coal Co. in Pound, Va., "disturbs me greatly." He added that he believes the charges should be investigated by the Senate subcommittee. One of the miners, Everett Boggs, said his brother, Dennis, was killed in the first mine explosion March 9.

He said he had worked about a year and a half at Scotia until last September when he moved to Pound, about 15 miles from Oven Fork.

Boggs testified that safety regulations at Scotia were not enforced as strictly as they are at the Westmoreland mine and that Scotia company officials knew in advance when mine inspectors were coming to check safety standards and procedures.

Boggs and Glen Sturgill, 24, both of Pound, charged that methane monitoring devices designed to shut down equipment when methane reached near-explosive levels were deliberately tampered with to keep the equipment running.

They also told the subcommittee that when mine foremen learned a safety inspector was on his way, they ordered temporary steps to make the air quality appear better than it was.

This was done by moving "curtains" designed to channel fresh air to the site of the expected inspections, they said. The air-ventilation curtains, which diverted fresh air from another part of the mine, are supposed to be used all the time, they testified.

But Boggs said, "As soon as the inspector left, you would never see a curtain again."

Thomas said the stories told by Boggs and Sturgill, were not correct.

The supervision and inspection of the Scotia mine, he said, was thorough and there was never an attempt to fool state and Federal inspectors.

"Mine inspectors, either state or Federal, were almost continuously on the premises and any inference that the company knew the time of or anticipated inspections is groundless," Thomas said.

"Management just assumed that one or more inspectors would come to the mine almost every day."

Thomas also disputed the statement that the company was not providing adequate ventilation in the mine. He said the "rumors" that air was diverted from one part of the mine to another in anticipation of air checks by inspectors "are completely groundless."

During earlier testimony yesterday, the administrator of the Mining Enforce-

ment and Safety Administration, Robert E. Barrett, told the senators that it still is not known what caused either the first or the second mine explosion.

"Many possible causes exist," he said, "including roof falls, electric sparking from batteries or other power sources, or the actions of the men themselves."

"At this time, any specific conclusions would be entirely speculative."

Since the second explosion March 11 in which 11 members of a rescue team were killed, the Scotia mine has been sealed, and no one, including investigators, is being allowed to enter the mine.

Barrett said an in-depth investigation will be conducted when the mine is reopened, adding that the reasons for the explosions will not be known until the investigation is completed.

Barrett did say, however, that he believes there was an accumulation of methane gas in the area of the explosions and that the methane was ignited "by an energy source not yet established."

Anticipating a question about why the rescue team was permitted to enter the mine two days after the first explosion, Barrett said it was a "consensus decision" of all interested parties, including the Kentucky Department of Mines and Minerals, company officials, and the Scotia Employee's Association, that the mine was stable enough for the men to enter.

There was a great deal of discussion during the hearing of Scotia's safety record. Barrett said that between May 13, 1970, and March 8, 1976, MESA issued Scotia 855 citations for violations of the Federal Coal Mine Health and Safety Act and 110 closure orders, which he said has cost the company \$78,877 in civil penalties "to date."

However, there was conflicting testimony about whether Scotia has received an inordinate number of citations as compared to other mines in the country.

Herschel Potter, chief of MESA's Division of Safety, Coal Mine Health and Safety, said that of five mines in the Western Kentucky-Southwest Virginia area, the Scotia mine has the second worse record of noncompliance with Federal regulations.

During a discussion later in the day, however, Sen. Wendell Ford (D-Ky.) cited figures showing that Scotia has had fewer citations than the national average.

Thomas said he believes Scotia "has a good safety record — clearly as good if not better than the industrywide average."

Thomas said Blue Diamond has spent "substantial sums of money" in recent months to upgrade the Scotia mine, including what he called major improvements to the ventilation system.

"During its entire operation (since 1962) there has never before been an ignition of methane in the mine which would make the explosion of the last month remotely predictable," he said. "The Scotia explosions are difficult to understand or even to comprehend."

Youth Dies in Shooting

HARLAN, Ky. (Special) — Eddie Lynn Ayers, 20, Blackmont, Ky., was shot and killed last night near Coldiron, State Police said.

They said Marion Stephens, 50, Coldiron, was being held without bond today in the Harlan County Jail in connection with the shooting.

Ayers was shot in the chest with a 30-caliber carbine in what the officers termed a dispute over the movement of an abandoned car.