

From: Ross, Bill
Sent: Monday, February 01, 2010 2:35 PM
To: Ojeda, Stephanie
Subject: Emailing: Hazard elimination1 (3).doc

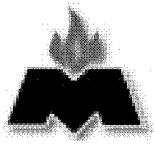
Attachments: Hazard elimination1 (3).doc

Stephanie, if we cant help these people we are fighting a loosing battle. Compliance goes hand in hand with A safe mine. And a safe mine is a productive mine!BR

The message is ready to be sent with the following file or link attachments:

Hazard elimination1 (3).doc

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Massey Coal Services, Inc.



MEMO Confidential

TO: Stephanie Ojeda

FROM: Bill Ross

SUBJECT: Hazard Elimination Program

DATE: January 29, 2010

When are we going to do better ?

We are six-months into the “Hazard Elimination Program” and our performance results show no-signs of acceptance ! We continue to set-up our mines to FAIL! Our Supervisory Members want to do the Right Thing in performing there duties, however there remains the same age old problems of the need for people and time to get the job done correctly. The Foreman are afraid of loosing there jobs if they don’t start on time! The hurry-up mode reveals inadequate Preshift/on-shift examinations, and the citations and orders follow!

As explained at the August 1st. 2009 meeting, all pressure was taken-off the Supervisors and Mine Managers because the COO made declarations to that affect! Do the right thing. However, in doing so, the mine level foreman fear loosing there jobs or being reprimanded! we do not follow our approved plans or correct deficiencies when noted in our Preshift/On-shift Exams., and we are right back where we started ! Why should our members and supervisors FEAR for wanting to do the right thing? We are telling them one thing and knowing very well we expect another! How pitiful a “state of being”!

The regulatory agencies continue to treat us like a non-conformant Company. As I review the State and MSHA violations, I’m more concerned

than ever about our status. Listen to them when they speak, read there citations, see how they are marked. The negligence and gravity reflect there bias towards us! There citing more regulations than ever and the cost per citation has increased, yet we continue in our standard mode of operation! Something is not working for us?

With only 20 inspection days into the New Year our track record starts anew. Already 771 citations and orders have been issued that carry high dollar penalty amounts. The cost is more than this time last year. Can a company allow this practice to continue? We need to listen to our Foreman's concerns, they are telling us the reasons we receive these Violations and we continue to ignore there cries. They need people to maintain the mines, and they need to be Foreman carrying out their duties! They tell me they are doing all they can with what they got! It appears nothing has changed or is going to change until WE change! These same circumstances existed before I came here, they existed in August 09, and they still exist today.

We are reactionary, not proactive. We cannot allow ourselves to be unprepared for inspections. We must know and follow our approved mining plans. Our examiners must be diligent observers to recognize hazards and Violations of 30 CFR, then have corrective action taken. We are responding after the fact, rather than preventing the occurrence! We must learn to do things right or we will continue to PAY the penalties. I fear the worse is yet to come! We are loosing our quality workers (members) to other coal entities round about us, it has been reported back to me that the moral is lower than ever because "The Hazard Elimination Program" was like any other, just words.... And the Company wasn't serious as to doing the right thing!

Stephanie, I have trained and trained these foreman, they will not do any differently than they are now unless we encourage them that we mean "Do the right thing"! Give them some help, and be serious about following the Regulations! Most of our foreman does not even have a Law Book? They don't know what the law requires, there association is far removed from seeing it in writing. I have given out over 100 pocket size law books this year, maybe this will help?

Bill Ross