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May 31, 2011

Kevin S. Crutchfield
Chief Executive Officer
Alpha Natural Resources, Inc.
One Alpha Place
Abingdon, VA 24212

Dear Mr. Crutchfield:

As you know, beginning in the last Congress, in our roles with the Committee on Education and the Workforce, we have been examining measures to improve mine safety following the Upper Big Branch disaster. Keeping miners safe requires not only compliance with minimum safety standards, but also a culture where senior managers place safety ahead of production in practice, not merely in words. Regrettably, that approach was not followed by Massey Energy, which cost many miners their lives.

In light of Alpha's purchase of Massey Energy, we have taken note of your April 15, 2011 letter to employees, which states that Alpha intends to retain Chris Adkins, Massey's Chief Operating Officer, Shane Harvey, Massey's General Counsel, and Baxter Phillips, Massey's Chief Executive Officer, who had been Massey President until he succeeded Don Blankenship in December of 2010.

Your letter indicates that due to his "leadership traits," Mr. Adkins will "spearhead," along with another Alpha executive, "Running Right," Alpha's safety program, "across all facets of the company, and help further develop it as a sustainable core competency of Alpha." According to the letter, you "cannot think of two better individuals to lead this effort on behalf of the combined operation." The letter designates Shane Harvey as Senior Vice President for Legal and Baxter Phillips as a senior advisor.

We recognize that responsibility for safety rests first and foremost with you and your senior managers, and we have no intention of inserting ourselves into your personnel decisions. However, we are troubled by indications that, as a Chief Executive, you could think that miners are fairly served by perpetuating Massey's safety culture for even one minute longer.

The recent Report to the Governor of West Virginia on the Upper Big Branch (UBB) Disaster by the Governor's Independent Investigation Panel (GIIP) found that "the responsibility for the explosion at the Upper Big Branch mine lies with the management of Massey Energy. The company broke faith with its workers by frequently and knowingly violating the law and blatantly disregarding known safety practices..." The report found that while Massey "was a towering presence in the Appalachian

coal fields,” it “operated its mines in a profoundly reckless manner.” Operating outside the margins of safety became the norm at Massey; the GIIP report described Massey’s safety culture as the “normalization of deviance.” The report found that Massey “exhibited a corporate mentality that placed the drive to produce above worker safety.” This Committee’s hearings on the UBB tragedy and the GIIP investigation both found that Massey intimidated workers to discourage them from stopping production for safety reasons. The GIIP report noted that Mr. Adkins was one of several individuals who invoked their Fifth Amendment rights against self-incrimination and declined to be interviewed for the panel’s UBB investigation.

The UBB explosion, which killed 29 miners in the worst coal mine disaster in 40 years, was not an anomaly for Massey executives. Chris Adkins was Chief Operating Officer when two miners were killed at the Aracoma Coal Company’s Alma #1 mine, because they could not escape during a mine fire. Aracoma pled guilty to criminal violations of mine safety laws. In 2010, Mr. Adkins was Chief Operating Officer when the Mine Safety and Health Administration (MSHA) sought a federal court order to close Massey’s Freedom Energy Mine because the agency found conditions “so persistent and dangerous” that the mine had a “high risk for a fatal accident on any given day.” The GIIP report stated: “Adkins’ history makes him a questionable choice to run a safety program.”

Despite this record, the executives you are hiring do not appear to have rectified Massey’s safety culture. On April 29, 2011, MSHA conducted an impact inspection at the Randolph Mine in Boone County, West Virginia, which is owned by Massey Energy and operated by Inman Energy. MSHA issued 20 withdrawal orders and 5 other citations for inadequate ventilation, loose coal dust that could cause explosions, and insufficient water pressure on sprays that could lead to ignitions. These are the same three safety requirements that were routinely breached in the period leading up to the UBB explosion.

Briefs filed in litigation pertaining to the Alpha-Massey merger include excerpts from Alpha’s due diligence examination, which state:

The entire Massey organization appears to be managed by an autocratic central command and control structure. This can be seen in all facets of the organization and results in senior operating management being involved in lower level mine issues and decisions.

The Massey culture is driven by a strong focus on production and its associated components with other facets of the operations such as employee safety and regulatory compliance receiving minimal consideration.

The underground site visits indicated a strong cultural emphasis on production first with compliance and outby maintenance on a non-priority basis.

The plants are generally poorly maintained and have been for a period of time.

(Emphasis added)

In view of ongoing oversight of mine safety and the prominent role Alpha will occupy as the largest producer of metallurgical (coking) coal in the United States, we would appreciate your response to the following questions:

- 1) Are the statements cited above accurate excerpts from Alpha's due diligence examination of Massey Energy? If not, could you please provide a copy of Alpha's due diligence review?
- 2) Massey's General Counsel, Shane Harvey, has contended that the accident at UBB was caused by a massive and unforeseeable outburst of methane or natural gas from a crack in the mine floor. However, the GIIP's report found that "the footprint left behind tells the story of an explosion that started with the ignition of a small amount of methane gas and then was fueled by coal dust that had been allowed to build up for miles through the mine." MSHA has reported the same findings based on its year-long investigation. Do you believe, based on your due diligence, coupled with the reports from the GIIP and MSHA's preliminary findings, that this explosion was an unforeseeable act of nature?
- 3) The GIIP report found that Massey's "S-1, P-2" safety model was honored in the breach. Instead, production came ahead of safety and when MSHA sought to hold Massey accountable, senior management adopted a belligerent attitude toward mine safety regulators. For example, the GIIP found senior management officials showed a "reckless disregard" for worker safety when, in January of 2010, they told a foreman "to ignore a citation the mine received for faulty ventilation." In a conference call with Alpha on January 31, 2011, Baxter Phillips said he would work with Alpha "to reduce regulatory impediments." The GIIP expressed concern that this "suggests the new company well may continue past campaigns against the agencies that regulate coal..." How can Alpha's safety program credibly cure the rampant defects in Massey's culture, as detailed in the investigation, if Alpha is retaining executives who authorized a confrontational approach with safety regulators?
- 4) To what extent did Massey's safety record figure in the decision to place Mr. Adkins, Massey's Chief Operating Officer, as the co-lead of Alpha's safety program, "Running Right?" To what extent did Massey's production record figure in this decision?
- 5) The GIIP report found that that Chris Blanchard and Jason Whitehead, President and Vice President of Performance Coal, the subsidiary that operated Massey's UBB mine, allowed the mine to operate without adequate ventilation or rock dusting and perpetuated a culture of intimidation. They have refused to answer questions from federal and state investigators, having asserted their Fifth Amendment right against self-incrimination. Is it the case, as alleged in a recently unsealed Petition to the West Virginia Supreme Court, that, as part of

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the merger deal, you were asked and ultimately agreed to offer employment to these specific mine operators?

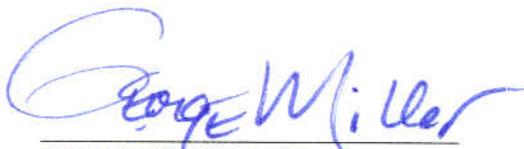
- 6) What standards, if any, will be in place to remove managers and executives at the combined company for inadequate safety performance? What standards will be in place to remove them for inadequate production performance?

As Members of Congress, we have led or participated in many investigations into safety issues over the years, including investigations into companies with seriously poor safety cultures like BP and its Alyeska Pipeline project. Given this experience, we know how difficult it is to change corporate safety cultures, especially when problems are so deeply-ingrained and systemic as they have been shown to be at Massey. The public has an obvious interest in ensuring that the UBB tragedy does not recur. As part of our ongoing oversight responsibilities as senior members on the committee and subcommittee of jurisdiction, we want to understand the ways in which the newly combined company would or would not be working to improve the corporate-wide safety culture.

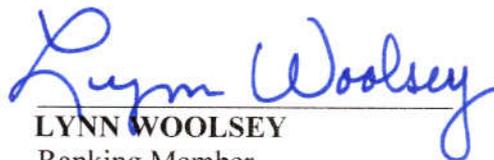
This matter also goes beyond Massey. Minimum standards should be in place for mine superintendents, managers and executives to ensure that they are adequately qualified, just as there are laws setting minimum standards for foremen and fire bosses. We would welcome your assistance in enacting laws that improve safety culture and the accountability of mine operators and their agents who fail to protect miners' safety. This includes laws that provide MSHA with the authority, working with the states, to ensure that mine superintendents and senior managers are subject to certification, recertification, and decertification if they fail, as well as laws that strengthen the outdated criminal penalties in the Mine Act. We are certain that you agree that no mine manager should ever be tempted to knowingly put production ahead of safety and recklessly endanger miners, and that deterrence is reinforced when the prospect of jail time exists rather than a sinecure in the executive suite.

We welcome the opportunity to explore these oversight and legislative issues with you in greater detail. In the meantime, we look forward to your reply to our questions.

Sincerely,



GEORGE MILLER
Senior Democratic Member



LYNN WOOLSEY
Ranking Member
Subcommittee on Workforce Protections