

Widow of Miner Killed In Upper Big Branch Explosion Files Lawsuit Against MSHA

Article By:

Justin M. Winter

On April 10, 2010, Massey Energy's Upper Big Branch underground coal mine suffered an explosion, resulting in the death of 29 miners. The investigation determined that inadequate ventilation caused a buildup of toxic gases, resulting in the explosion. Massey Energy eventually declared bankruptcy, and the UBB mine closed for good. Following the explosion, the families of the victims directed criticism at MSHA for not issuing a flagrant violation despite the mine's history of receiving hundreds of MSHA citations per year, and the existence of previous methane issues in the years leading up to the explosion. The UBB explosion impacted MSHA enforcement priorities and staffing in the year that followed, and the impact continues to affect the agency today. On April 5, 2018, nearly eight years to the day of the accident, the widow of one of the victims filed a lawsuit against MSHA for failing to prevent the explosion and not fulfilling its duty to effectively enforce the agency's regulations at the UBB mine. The Plaintiff further states that the agency failed to take necessary steps to hold the mine accountable for its violation history, and acted negligently in not competently carrying out enforcement actions and inspections.

The Plaintiff cites the West Virginia Governor's Independent Investigation Panel, initiated by former Governor Joe Manchin, which found that MSHA was aware of UBB's inadequate ventilation system and took no action. This panel also found that MSHA did not inspect the mine in an adequate fashion. The lawsuit further states that the panel concluded that MSHA failed to adequately perform its duties at UBB, and that this failure had a causal relationship to the explosion.

It remains to be seen how MSHA will respond to the lawsuit, given that the agency's current leadership has been operating under a more cooperative relationship with the mining community.

Jackson Lewis P.C. © 2025

National Law Review, Volume VIII, Number 99

Source URL: <https://natlawreview.com/article/widow-miner-killed-upper-big-branch-explosion-files-lawsuit-against-msha>