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VIA FACSIMILE – 276-628-2656

Kevin Crutchfield
Chief Executive Officer
Alpha Natural Resources
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Dear Mr. Crutchfield:

Thank you for your letter of June 20, 2011, regarding our concerns about Alpha's decision to retain a number of senior Massey employees who declined to be interviewed by MSHA or the state of West Virginia as part of their investigation of the Upper Big Branch (UBB) explosion.

At the outset, we recognize and understand your request for patience as you seek to change the culture of the mining operations that Alpha recently acquired. Further, we also appreciate the invitation to visit an Alpha mine and attend a training session, and we hope to take you up on the offer in the foreseeable future. Lastly, we appreciate your stated intention to "fully cooperate with pending government investigations."

Since we received your letter, MSHA issued its preliminary report on the causes of the Upper Big Branch explosion. The most likely cause of the accident was a limited amount of methane or natural gas ignited by the long wall shearer cutting sandstone near the tailgate of the longwall, which then transitioned from a localized explosion into a massive coal dust explosion.

MSHA found numerous operator failures contributed to the explosion:

- Inadequate application of rock dust, particularly in the tailgate areas (MSHA found no evidence that Massey ever applied rock dust to the longwall tailgate after development).
- Inadequate control of float coal dust.
- Missing and non-functioning water sprays and insufficient water pressure on the longwall shear.
- There was an emphasis on productivity to the detriment of safety.

MSHA presented extensive evidence that has refuted the position frequently articulated by Shane Harvey, Massey's General Counsel and now a senior member of Alpha's legal team, that there was an unforeseeable natural gas inundation from a crack in the mine floor, which ignited.

Methane ignitions are not necessarily lethal and can be controlled. MSHA reports that there were 37 methane ignitions in coal mines over the past year, yet none of these ignitions led to a loss of life. This coal dust explosion could have and should have been prevented by Massey. MSHA's conclusions are

echoed in the findings of the report from the West Virginia Governor's Independent Investigation Panel that found coking deposits and physical damage consistent with a coal dust explosion, not a methane fire.

MSHA also found evidence of illegal advance notice of mine inspections. According to their report:

- Security guards radioed the mine office when mine inspectors arrived.
- Dispatchers relayed the information underground and tracked the movements of mine inspectors.
- Production sections involved in the UBB explosion had at least an hour advance notice of inspections, which provided time to correct non compliant conditions or shut down production.
- Mine inspectors rarely arrived on sections unannounced. Air flows were increased at areas to be inspected.

As a result, advance notice severely limited the effectiveness of MSHA inspections efforts at UBB.

MSHA's investigation also found many miners were intimidated by Massey management.

- UBB upper management threatened to fire first-line management for not meeting production goals.
- Safety hazards, such as insufficient air, were unacceptable excuses for not running coal.
- A section foreman was fired for delaying production for about an hour to fix ventilation problems.

MSHA's investigation uncovered that Massey kept (at least) "two sets of books" on safety hazards. Most troubling, Massey failed to record these hazards, as required by law, in its examination books. Hazards that were not recorded in the examination books, but were put in production or maintenance reports, included:

- Area had excessive methane accumulations (1.5% methane) that should have been evacuated and power disconnected, but Massey simply waited for methane levels to clear.
- Shearer did not have working water sprays.
- Low air and adverse roof conditions.

While it is permissible for a company to maintain as many sets of books as it wishes, it is both unlawful and inherently dangerous to fail to record such information in the mine examination book. What is especially troubling is MSHA's finding that Massey management pressured mine examiners not to record mine hazards in the examination book.

This indicates a deeply rooted "normalization of deviance," and it is imperative to find out whether this pattern and practice infected other Massey mines that Alpha acquired. While the question of failing to record hazards in examination books has been referred to the U.S. Attorney, we are interested in finding out what Alpha is doing with regards to "its own review of the events at the mine with all of the information available to it" that you discussed in your June 20 letter:

- 1) Has Alpha investigated whether any former Massey managers who discouraged mine examiners from recording safety hazards in the mine examination books at UBB are presently on Alpha's payroll? How many of these individuals, if any, are on your payroll, and what steps has Alpha taken, if any, to ensure these individuals no longer continue this practice of discouraging proper recording of hazards?

- 2) To what extent has Alpha investigated whether the practice of failing to record safety hazards in mine examination books was in effect at any of the other Massey owned mines? If so, what specific steps has Alpha taken to assess the extent of this practice, rectify the books, and identify all of those who were involved in failing to record safety hazards?
- 3) Did Alpha discover that Massey kept at least “two sets of books” and failed to record hazards in mine examination books when it conducted its pre-closing due diligence? Or was this only discovered as a result of MSHA’s preliminary report?
- 4) Since MSHA made this disclosure, has Alpha conducted recent internal audits to assure all hazards are properly recorded in mine examination books at all of its mining operations?
- 5) We applaud Alpha’s commitment “to fully cooperate” with the government’s investigation. Are the 17 Massey employees, including executives and senior managers from the UBB mine now on Alpha’s payroll who have asserted their Fifth Amendment right not to answer questions in response to a subpoena from West Virginia, assisting Alpha in its own review of events at the UBB mine? Have any declined to cooperate? Has the fact that these former Massey employees are declining to cooperate with the government’s investigation impaired Alpha’s commitment to “fully cooperate”?
- 6) Has Alpha identified whether any other Massey mines had a practice of providing advance notice of MSHA or state inspections? If so, please provide a list of such mines where this practice was carried out.
- 7) Has Alpha trained its managers, miners and security guards that providing advance notice of an MSHA inspection is unlawful? Are notices posted in guard shacks indicating that advance notice is unlawful?
- 8) Beyond the initial miner training, has Alpha provided annual refresher training on miners’ rights and responsibilities to every miner?
- 9) Under the Mine Act, providing advance notice of an inspection is a misdemeanor. Would Alpha support legislation to establish a felony violation for those who knowingly provide advance notice of an MSHA inspection with the intent to interfere or otherwise frustrate the effectiveness of an MSHA inspection?
- 10) Under the Mine Act, MSHA lacks subpoena authority except when conducting a public hearing in connection with an accident. Would Alpha support legislation that provides MSHA with administrative subpoena authority so that MSHA could, for example, secure information to detect whether mine operators are failing to record hazards in mine examination books? In your view, would it be better for MSHA to discover this problem before an accident?
- 11) Would Alpha support legislation to increase sanctions against mine operators who repeatedly intimidate miners in violation of the anti retaliation provisions in section 105c of the Mine Act?
- 12) Court documents reveal that Massey was so fearful of workers’ acting collectively to improve their conditions that its management even perceived MSHA’s enforcement as a tactic to force Massey to re-unionize, rather than correct safety conditions. However, we understand that the day after the Alpha-Massey merger, a poster labeled, “Our Position on Union Representation,” was posted at the UBB mine which said, in part: “We believe you need to keep all of your take-home pay and not share it with any union for costly union fees, union dues, union assessments or

fines ... We urge you to never sign a 'union authorization' card..." Given that some miners lawfully designated the United Mine Workers of America to be a "miner's representative" for purposes of the UBB accident investigation, what message is Alpha trying to send? Should we assume that anti-union animus is also a component of Alpha's Running Right business philosophy at its unrepresented mines? This is puzzling since recent academic research shows that unionized mines now have lower fatality rates than non-union mines.

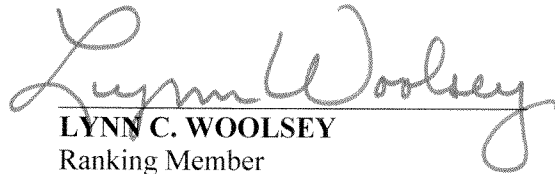
In view of the continuing revelations about UBB, we are particularly interested in your response to these questions so we can better understand how you are identifying and correcting the deep flaws in Massey's organizational culture that permitted a pattern of egregious, if not criminal, misconduct to flourish.

In conclusion, we want to invite you to meet with us in Washington, DC, to better understand developments in the Massey merger, and to chart a productive path forward to implement legislative recommendations to improve the Mine Act that have been identified by the West Virginia Governor's Independent Investigation Panel and MSHA.

Sincerely,



GEORGE MILLER
Senior Democratic Member



LYNN C. WOOLSEY
Ranking Member
Subcommittee on Workforce Protections