

FORMER UPPER BIG BRANCH MINE SUPERINTENDENT PLEADS GUILTY TO FELONY CONSPIRACY

BECKLEY, W.Va. – Gary May, 43, of Bloomingrose, West Virginia, pleaded guilty today in federal court before United States District Judge Irene C. Berger to conspiracy to impede the Mine Safety and Health Administration's (MSHA) enforcement efforts at Massey Energy Company's Upper Big Branch mine (UBB) between February 2008 and April 5, 2010. Upper Big Branch was the site of a fatal explosion on April 5, 2010 that killed 29 miners. May was the mine's Superintendent at the time of the explosion.

In February, United States Attorney Booth Goodwin filed a one-count information against May, charging him with conspiracy to defraud the United States by impeding MSHA in carrying out its lawful functions, a felony violation of 18 U.S.C. § 371.

"People who run coal mines have a fundamental obligation to be honest with mine regulators," Goodwin said. "When mine operators resort to tricks and deceit to keep government officials in the dark, our mine safety system unravels and miners are put in harm's way. The least we can do for coal miners is protect the integrity of the laws designed to keep them safe."

"I'm pleased that Mr. May is cooperating with our investigation," Goodwin continued. "We hope he can give us a better picture of what was going on at this company."

May admitted that he and others conspired to impede MSHA in administering and enforcing mine health and safety laws at UBB. He acknowledged giving advance warning of MSHA inspections, often using code phrases to avoid detection. May also admitted to concealing health and safety violations when he knew inspections were imminent. The violations concealed included poor airflow in the mine; piles of loose, combustible coal; and scarcities of rock dust, which prevents mine explosions.

May further acknowledged that he ordered a mine examination book to be falsified. He also said he told miners to rewire the methane gas detector on a piece of mine equipment so the equipment could run illegally.

May faces up to five years' imprisonment and a \$250,000 fine when he is sentenced on August 9, 2012.

The Federal Bureau of Investigation and the United States Department of Labor's Office of Inspector General are handling the investigation. Counsel to the United States Attorney Steve Ruby is handling the prosecution.

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