

United States Senate

WASHINGTON, DC 20510

March 30, 2024

Mr. Justin F. Thompson
Owner and CEO
Iron Senergy
200 Evergreene Drive
Waynesburg, PA 15370

Dear Mr. Thompson,

I am writing to express my concern about the failures in communication that led Iron Senergy's miners, local press, and stakeholders to believe that the company was planning to close and seal the Cumberland Mine in Greene County, Pennsylvania. Although Iron Senergy just acquired the coal mine's assets in 2020, Cumberland Mine has been a large employer in Greene County since the 1970s, currently employing more than 700 hard working and skilled miners, most of whom are represented by the United Mine Workers of America (UMWA).

To say that news of this planned closure was a surprise would be an understatement. Iron Senergy did nothing to clarify its intentions until the evening of March 28. By the time a statement was released, multiple news stories had run about the mine's closure, to which Iron Senergy neglected to provide comment, even though this mine is the company's primary asset.¹ Iron Senergy not only neglected to respond to the media, it refused to communicate with its own miners, their union representatives, or their government officials. This failure to communicate included refusing to respond to direct, in-person questions from miners about their job status. The only indication of Iron Senergy's plans that miners could find was a plan submitted to the Mine Safety and Health Administration (MSHA), dated March 27 from Iron Senergy Mine Engineer Jonathon Chmelik, which states in no uncertain terms "after the completion of 77 LW [Longwall] panel, production will cease, assets will be removed, and Cumberland Mine will be sealed following the steps in the attached plan."

A facility like Cumberland Mine is required to issue a public notice of mass layoffs or plant closure at least 60 days before doing so, according to the *Worker Adjustment and Retraining Notification (WARN) Act*, Public Law 100-379 (29 U.S.C. § 2101 et seq.). This would allow your miners time to begin to prepare themselves, their families, and the community of Greene County for a mine closure. The refusal by Iron Senergy to be transparent and communicate about the company's plans, does a disservice to all of the stakeholders invested in the life of the mine and, in the event of an actual closure, would have exposed the company to financial penalties under the WARN Act.

¹ <https://www.observer-reporter.com/news/local-news/2024/mar/28/iron-senergy-threatening-to-close-cumberland-mine-in-greene-county/>

It is clear that market fundamentals of this mine remain robust. After several very strong years, coal prices in Northern Appalachia are approximately where they were when Iron Senergy bought this mine² and, in the company's own words, "OUR COAL PRODUCTION IS STRONGER THAN EVER"³. Data bears this out. In the most recent full quarter reported, Q4 of 2023, MSHA reports that the Cumberland Mine had its highest production since 2019.⁴ Investments had been made in the mine to set it up for long-term success. In the company's own words, "Iron Senergy invested into the needed equipment and infrastructure, now extending the life of the mine an additional 30+ years."

So that the company's employees, their families, and the community in Greene County and surrounding areas can have peace of mind, I request that Iron Senergy respond to the following questions as soon as possible, and no later than May 1, 2024:

1. Can you confirm that, contrary to Iron Senergy's submission to MSHA, Cumberland Mine will not be closed and sealed "Upon completion of 77 Longwall Panel"?
2. When will Iron Senergy withdraw its submission to MSHA, which asks for approval to close Cumberland Mine? Why did Iron Senergy submit a plan to close Cumberland Mine to MSHA and on the same day release a statement saying that reports that the mine is closing "are false"?
3. What are Iron Senergy's procedures to communicate to each of their miners about vitally important job questions such as "Am I currently employed?" and "Is my workplace closing?" What are your procedures to communicate with your miners' elected UMWA representatives?
4. Are you aware that because of your failure to communicate with your employees, nearly a hundred attended a PA Department of Labor & Industry "Rapid Response" event designed to help them access unemployment benefits and find new employment? What is your plan to rebuild trust with employees who could not find reliable information about their jobs from their employer?
5. Miners were sent home March 19 because of unsafe mining conditions that Iron Senergy failed to fulfill its legal duty to report, and have not been able to return since. Does Iron Senergy have a plan to address the fact that, under your leadership, safety violations at Cumberland Mine have risen by 64 percent from 2019 to 2023⁵?
6. Can you confirm if the company has ever proposed a scheme to give employees bonuses tied to the number of safety violations reported at the mine, in an attempt to push employees not to report safety problems?

² <https://www.eia.gov/coal/markets/> Accessed March 28, 2024

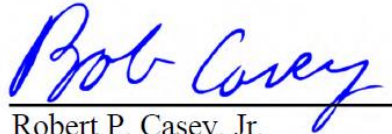
³ <https://ironsenergy.com/about/> Accessed March 28, 2024

⁴ <https://www.msha.gov/data-and-reports/statistics/mine-employment-and-coal-production>

⁵ <https://www.msha.gov/data-and-reports/statistics/mine-employment-and-coal-production> , going from 327 in 2019 to 537 in 2023.

Cumberland Mine is a cornerstone of the economy in Greene County and the surrounding area. Pennsylvania miners in this region have powered our country for generations. These miners deserve transparency about their economic future, and I hope Iron Senergy will join me in doing all we can to give them that certainty.

Sincerely,

A handwritten signature in blue ink that reads "Bob Casey". The signature is written in a cursive style and is positioned above a horizontal line.

Robert P. Casey, Jr.
United States Senator