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## News Release

For Immediate Release:  
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### **Massey Energy Response to Senator Robert Byrd's Statement on Marsh Fork Elementary School**

JULIAN, WV, October 8 – Massey Energy (NYSE:MEE) In response to comments made by Senator Robert Byrd on the Marsh Fork Elementary School, Massey Energy issued the following statement.

We were surprised by Senator Byrd's comments. Had Senator Byrd contacted us to formally discuss Marsh Fork Elementary, we would have told him that Massey has not been approached by the Raleigh County School Board about possible assistance to fund a new school. Only the press has made such inquiries. We would also have pointed out the following information, which may have not been available to Senator Byrd's office via reports in the media:

- Massey understands that a school has been located at this site since 1947.
- The preparation plant and related facilities at Goals Coal were constructed in the mid-1970s by Armco Steel and Massey Energy acquired the facility in 1994 from Peabody Coal. The facilities have been greatly improved in all respects since being purchased by Massey.
- Specifically, Massey has made the following environmental improvements:
  - The thermal dryer the prior owner used has been shut down, eliminating emissions.
  - Trucks hauling raw coal on Rt. 3 in front of Marsh Fork Elementary have been eliminated and beltlines have been installed to bring the raw coal to the plant.
  - Refuse is no longer trucked to the impoundment area and it too is now belted to the refuse area, eliminating trucking on a dirt road behind the school.
  - The new coal silo that was built is an additional environmental improvement in that the coal is enclosed in the silo and not on the open ground reducing dust from handling and wind.
- A similar silo already existed at the site and independent tests by the United States Environmental Protection Agency demonstrated that trains were loaded from the silo without any increase in dust emissions.
- The chemicals used in the processing plant are approved for use in coal processing and are commonly used in the industry; environmental consultants, the EPA and MSHA have conducted numerous inspections.
- Goals impoundment is regularly inspected by both federal and state regulatory agencies and no concerns have been identified.

- The Goals facility has been inspected numerous times by environmental consultants and federal and state regulatory personnel whose findings have confirmed the safety of the facility.
- We agree with Governor Manchin, who previously said: "I am encouraging the local school board to put the decision on a new school at Marsh Fork before a vote of the people of Raleigh County so they can determine the final outcome themselves."
- A former Marsh Fork Elementary Principal previously commented to WV Public Broadcasting, "A silo is better than dumping all the coal on the ground. If you dump the coal on the ground you're going to have major dust and environmental problems but with the silo you're going to be able to contain a lot of that." The principal further noted that during her time as principal, the close proximity of the mining activity was not a problem. "Basically, the school was not any dirtier than any other school I've taught in," she said.
- Massey believes that many of the individuals who have described themselves as spokespeople for the community do not in fact represent the teachers, parents and children at Marsh Fork Elementary. Instead, Massey believes these individuals seek publicity for a radical anti-mining agenda. These individuals have not been hesitant to spread false fears to further their agenda.
- Massey is the largest employer in the area and pays millions of dollars in taxes each year that are available for school construction projects. In fact, just the mines in the Marsh Fork area pay nearly \$5,000,000 per month (the estimated new school cost) in severance, property and other state taxes.
- Massey has an ongoing commitment to the communities where it operates and Massey contributes substantial money to area schools including Marsh Fork Elementary.

The most upsetting comments from Senator Byrd were those regarding our alleged blatant disregard for human life and safety because of greed. We work every day to ensure the safety of our miners and we are committed to improving the quality of life in the communities where our members live and work.

In 2008, Massey Energy recorded its best safety performance in its history with a non-fatal workdays lost (NFDL) rate of 1.94, compared to an industry average of 2.95. 2008 was the second year in a row that Massey set its best safety performance in its history. In fact, Massey's safety performance was stronger than the industry average for 16 of the past 18 years.

So far this year, our safety record is on pace to set yet another new safety record at Massey with a year-to-date rate of 1.68. NFDL rates are the benchmark used by the coal industry to measure safety.

We appreciate the work Senator Byrd has done and his continued commitment to West Virginia.

Massey Energy Company, headquartered in Richmond, Virginia, with operations in West Virginia, Kentucky and Virginia, is the largest coal producer in Central Appalachia and is included in the S&P 500 Index.