

# News Release



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## **MSHA puts 16 mine operators on notice for potential pattern of violations** *Letters mark third round of screening of nation's mines*

**ARLINGTON, Va.** – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) today announced that 16 mine operators from around the country have received letters putting them on notice that each has a potential pattern of violations of mandatory health or safety standards under section 104(e) of the Federal Mine Safety and Health Act of 1977. The 14 coal mines and two metal/nonmetal mines represent the third round of mine operators to receive such letters under MSHA’s enhanced enforcement initiative.

“Repeated safety and health violations by mine operators will not be tolerated,” said Richard E. Stickler, acting assistant secretary of labor for mine safety and health. “These screenings represent just one part of MSHA’s comprehensive approach to enforcement, which I firmly believe has greatly improved our effectiveness. Naturally, the ultimate goal is safe and healthy conditions at all mines.”

The first round of pattern of violation notices was sent in June 2007 to eight mining operations. Seven of the operators met or exceeded the necessary criteria for reducing violation rates. They successfully and dramatically reduced their significant and substantial (S&S) violation rates – on average – by 50 percent during the 90-day review period. One mine closed. In December 2007, MSHA notified 20 additional mine operators that they met the criteria for potential pattern of violations. These mine operators all instituted corrective action plans, and MSHA closely monitored their progress in reducing serious violations. The results were dramatic, with all 20 mines reducing S&S violation rates an average of 65 percent during the 90-day review period.

A mine operator that has a potential pattern of recurrent S&S violations at a mine will receive written notification from MSHA. An S&S violation is one that could reasonably be expected to lead to a serious injury or illness. The operator will have an opportunity to review and comment on the documents upon which the potential pattern of violations is based, and develop a written corrective action plan to reduce S&S, failure to abate, imminent dangers and unwarrantable failure violations in order to be removed from the potential pattern.

MSHA will closely monitor the affected mine’s compliance record during the ensuing 90 days. If the operator significantly reduces its violation frequency rate, it can avoid being issued a Notice of a Pattern of Violations pursuant to Section 104(e) of the Federal Mine Safety and Health Act of 1977. If the improvement falls short of the criteria, MSHA will issue the notice. For each S&S violation subsequently found, MSHA will issue an order withdrawing miners from the affected area until the cited condition has been corrected. An operator can be removed from a pattern of violations when 1) an inspection of the entire mine is completed and no S&S violations are found or 2) no withdrawal order is issued by MSHA in accordance with Section 104(e)(1) of the Mine Act within 90 days of the issuance of the pattern notice.

MSHA used data from the most recent eight quarters to determine an active mine operation’s eligibility for notification of a potential pattern of violations.

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