

For Third Straight Year, No Mines Eligible for a Pattern of Violations Notice

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The Mine Safety and Health Administration has announced that, for the third consecutive year, none of the nation's more than 13,000 mining operations met the criteria for a Pattern of Violations (POV) notice, which would trigger a temporary ceasing of operations.

MSHA said its screening period ran from July 1, 2016, until June 30, 2017.

"A number of mine operators have proactively implemented corrective action programs to address specific hazards at their mines to improve miner safety and health, and those efforts are paying off," said Deputy Assistant Secretary of Labor for Mine Safety and Health Patricia W. Silvey. "Throughout the year, MSHA works with mine operators and miners to identify and correct recurring hazards."

One of MSHA's toughest enforcement tools, the POV provision in the Federal Mine Safety and Health Act of 1977 is a designation that MSHA can assign to mines that pose the greatest risk to the health and safety of miners, particularly those with chronic violation records.

The Mine Act authorizes MSHA to issue a POV notice to mine operators that demonstrate "a disregard" for the health and safety of miners through "a pattern of significant and substantial violations." Based on the Mine Act, MSHA issues withdrawal orders to mines that receive POV notices, requiring mines to temporarily cease operations until the violation is abated for all significant and substantial, or "S&S," violations.

In January 2013, MSHA published its final POV rule to strengthen safety measures in the nation's most dangerous mines, allowing MSHA to consider mitigating circumstances before issuing a POV notice and encouraging mine operators to put in place a corrective action program if they are approaching a POV.

In recent years, MSHA noted that it has developed two online tools to help mine operators monitor compliance. One is the POV monitoring tool, which alerts mine operators that they meet the screening criteria for a POV and should take appropriate corrective actions. The second is the S&S rate calculator, which allows mine operators to calculate a mine's S&S rate for a specific range of dates.

Jackson Lewis attorneys are available to assist employers to understand federal regulatory activities and maintain a safe work environment.

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