

News Release



U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 07-1645-NAT

For Immediate Release
Oct. 24, 2007
Contact: Amy Louviere Matthew Faraci
Phone: 202-693-9423 202-693-9406

MSHA receives favorable ruling from Federal Review Commission *Court upholds agency's enforcement actions under MINER Act*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) has received a favorable ruling from the Federal Mine Safety and Health Review Commission (FMSHRC) in its case against Twentymile Coal Co. for the Foidel Creek Mine in Routt County, Colo. The case involved a dispute over the mine operator's proposed Emergency Response Plan (ERP), which was not fully approved by the agency.

"The vast majority of Twentymile Coal's Emergency Response Plan was right on target; however, we took issue with the breathable air provision in the plan," said Richard E. Stickler, assistant secretary of labor for mine safety and health. "Consequently, the case went before an administrative law judge of the Federal Mine Safety and Health Review Commission, who ruled in favor of MSHA."

The FMSHRC held a hearing to resolve the ERP dispute on Oct. 2 in Denver. On Oct. 16, Administrative Law Judge Richard Manning issued a decision that affirmed the MSHA citation and ordered Twentymile to provide a facility capable of supplying breathable air to miners who may be trapped in the main entries at the Foidel Creek Mine.

The Mine Improvement and New Emergency Response (MINER) Act of 2006 requires mine operators to promptly provide miners with the necessary tools to enable them to escape from mines in an emergency and to survive underground for a sustained period of time if they are unable to escape. A chief mechanism for providing such protection is the development and adoption of ERPs, which underground coal mine operators were required to submit to MSHA district managers for review.

In the case of Twentymile Coal Co.'s proposed ERP, MSHA determined that there was a reasonable possibility miners could be trapped in the main entries of the mine following an accident. In such a situation, miners likely would need an established facility to isolate them from hazardous mine environments and to provide breathable air so that they could survive until they could be rescued. MSHA refused to fully approve the Foidel Creek ERP without a provision for providing breathable air for miners who may be trapped in the main entries.

###

U.S. Department of Labor releases are accessible on the Internet at www.dol.gov. The information in this news release will be made available in alternate format (large print, Braille, audio tape or disc) from the COAST office upon request. Please specify which news release when placing your request at 202-693-7828 or TTY 202-693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit www.dol.gov/compliance.