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U.S. Department of Labor For Immediate Release
Office of Public Affairs
Washington, D.C.
Release Number: 11-458-NAT

March 30, 2011
Contact: Amy Louviere
Phone: 202-693-9423
E-mail: louviere.amy@dol.gov

Federal judge upholds \$761,000 in penalties assessed by MSHA against Stillhouse Mining in Kentucky *Flagrant violations an important tool in mine safety enforcement, says Main*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that the Federal Mine Safety and Health Review Commission has upheld civil penalties assessed against Stillhouse Mining LLC for four flagrant violations of the Federal Mine Safety and Health Act of 1977. The violations were found during a Dec. 3, 2006, inspection of the company’s Mine No. 1 operation near Cumberland, Ky.

The initial inspection was prompted by an anonymous phone call from a miner to an MSHA field office supervisor about weak roof conditions at the mine. During the course of that inspection, enforcement personnel issued a citation for failing to follow mandated procedures after the shutoff of the mine fan. In addition, three orders were issued to the mine operator for intentionally changing the mine ventilation by shutting off and turning back on the mine fan, failing to follow roof control plans and failing to conduct an adequate pre-shift examination.

“No miner should be subjected to the kinds of conditions that were found at Stillhouse Mining,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Although the case was not resolved for more than four years, we are extremely pleased with the judge’s decision and will continue to use this important enforcement tool in our ongoing efforts to keep mine operators accountable.”

A flagrant violation is defined as “a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.” Under the Mine Improvement and New Emergency Response Act of 2006, a civil penalty of up to \$220,000 may be assessed for each flagrant violation.

Since the passage of the MINER Act, MSHA has assessed 142 citations and orders as flagrant violations, 92 of which are currently in contest.

On March 28, MSHA proposed a penalty of \$120,900 for a flagrant violation issued to Hidden Splendor Resources Inc.’s Horizon Mine in Carbon County, Utah. The mine had been cited in November 2010 for an inadequate weekly electrical examination of a conveyor belt drive motor. In January, the mine operator was assessed proposed penalties totaling \$270,000 for two flagrant violations relating to a failure to conduct adequate pre-shift examinations.

“As this most recent case suggests, some mine operators still aren’t getting the message,” said Main. “As long as they continue to put their miners at risk of serious injury or death, we will continue to use all the enforcement tools we have at our disposal.”

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