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MSHA inspectors armed with new online tool to detect flagrant violations

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that its Inspectors’ Portable Application for Laptops, or IPAL, is now equipped with an online tool to alert federal inspectors that certain violations will be reviewed for special assessment as flagrant violations.

When an inspector electronically enters a violation that meets the criteria for review as a potential flagrant violation, IPAL will display a pop-up message reminding the inspector to complete a Special Assessment Review Form for that violation. The Special Assessment Review Form will automatically open after the warning message has displayed.

Flagrant violations cited by MSHA inspectors must meet specific evaluation criteria for reckless or repeated failure violations, including:

- A citation or order is evaluated as significant and substantial.
- An injury or illness is evaluated as at least permanently disabling.
- A citation or order is evaluated as an unwarrantable failure.
- Negligence is evaluated as reckless disregard.
- At least two prior “unwarrantable failure” violations of the same safety or health standard have been cited within the past 15 months.

A violation is caused by an unwarrantable failure if the operator has engaged in “aggravated conduct constituting more than ordinary negligence.”

“The pop-up message is yet another tool to assist our inspectors in citing violations efficiently and accurately,” said Joseph A. Main, assistant secretary of labor for mine safety and health.

The Mine Improvement and New Emergency Response Act of 2006 established a provision for a flagrant violation, which 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 MINER Act, a civil penalty of up to \$220,000 may be assessed for each flagrant violation.

The IPAL enables mine inspectors to electronically access a wide variety of data, including accident and injury information, inspection and violation history, incidence rates, the Code of Federal Regulations, the Federal Mine Safety and Health Act of 1977 and the MINER Act.

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