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US Department of Labor's MSHA seeks to collect nearly \$240,000 in unpaid civil penalties from 2 mining companies in North Carolina and Texas

ARLINGTON, Va. – On behalf of its Mine Safety and Health Administration, the U.S. Department of Labor has filed complaints in U.S. district courts against two companies in North Carolina and Texas to collect unpaid civil fines resulting from federal mine safety violations.

One complaint was filed in the U.S. District Court for the Western District of North Carolina against North 321 Stone Co. Inc., a surface granite mine located in Caldwell County. The department is seeking to collect unpaid civil penalties, interest and a statutory 10 percent debt collection fee, which total \$196,833, for at least 103 violations cited by MSHA between August 2005 and February 2011. The department also has requested a prospective injunction and a cash performance bond to guarantee that future penalties are paid.

North 321 Stone Co. Inc. did not contest any of the proposed penalties, which became final 30 days after the citations were issued. In addition, the company failed to respond to two separate demand letters sent by the Labor Department in an attempt to collect the unpaid fines. A third letter, with the first two attached, was personally served on North 321 Stone Co. Inc. The company also failed to respond to that letter.

A second complaint was filed in the U.S. District Court for the Western District of Texas against Efrain Corchado, both as an individual and doing business as Corchado's Dimensional Fence Rock. The action requests injunctive relief and to collect unpaid civil penalties incurred by Vista Rock Pickers Quarry, a crushed and broken stone operation in El Paso County, Texas, that is owned by Corchado.

In this case, the Labor Department is seeking to collect \$33,979 in unpaid civil penalties for 40 violations, along with \$4,643 in interest and the statutory 10 percent debt collection fee. MSHA issued \$25,065 of these penalties following its investigation of serious injuries suffered by a miner when a front end loader rolled over on him in September 2010. MSHA also issued a citation for the mine's failure to provide the victim with proper training. The mine changed its status to "abandoned" in December 2010, shortly after the accident.

"Mine operators cannot be permitted to violate mine safety laws and simply refuse to pay penalties assessed for those violations," said Joseph A. Main, assistant secretary of labor for mine safety and health. "The Department of Labor will use the tools available under the Mine Act to pursue these scofflaws."

According to Section 110(j) of the Federal Mine Safety and Health Act of 1977, unpaid civil penalties shall accrue and may be recovered by MSHA in a civil action. Interest at the rate of 8 percent annually shall be charged on any final order of the Mine Safety and Health Review Commission or the court, and shall begin to accrue 30 days after the issuance of the final order.

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