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Administrative law judge upholds citations issued by MSHA to California quarry

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today that an Administrative Law Judge with the Federal Mine Safety and Health Review Commission has upheld citations issued last May to Connolly-Pacific Co.’s Pebbly Beach Quarry, located on Catalina Island, Calif. The citations have now been appealed to the Commission.

On May 24, MSHA issued three citations to the mine operator for failing to properly maintain its highwall, remedy hazards associated with the highwall and barricade the dangerous area to prevent access. An imminent danger order was issued, requiring the withdrawal of miners working under a highwall after a loader operator was observed mucking out a pile of material where loose material and overhanging rocks were observed near the crest. There also was evidence of recent work at the other end of a jagged highwall, with cracked and overhanging rocks in the working face.

In an expedited hearing requested by the mine operator, Connolly-Pacific Co. was charged with not maintaining its 300-foot highwall in a stable condition. Benches generally are placed above the working area to “catch” and help control rocks or materials that are rolling or falling from the highwall. Scaling removes loose or hanging rocks and material before they fall. Pebbly Beach Quarry used neither method.

In her decision, Administrative Law Judge Margaret A. Miller found that loader operators were exposed daily to the hazards of falling rocks because there were no benches above the working area to catch them, and no equipment with sufficient reach to scale or remove loose rocks before they fell. Blasters working on foot at the toe of the highwall placing blasts and drilling also were exposed to the hazards.

Miller also found that there was an imminent danger of rock falls because of their unpredictability, that they could reasonably be expected to occur within a short period of time and that they could result in serious or fatal injury. She credited the inspector’s discretion in his observation of the conditions and the operator’s failure to conform to the most basic methods of industry highwall practice.

“We appreciate Judge Miller’s decision upholding MSHA’s citations – in particular, the imminent danger order withdrawing miners from a potentially hazardous environment,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Unstable highwalls can be extremely dangerous. Just two weeks ago, two miners were killed when a highwall failed at a Kentucky coal mine.”

The penalty for each citation was assessed at \$555. Miller increased the penalty to \$1,000 for the citation associated with failure to maintain highwall stability, reduced the penalty for failing to correct highwall hazards to \$500 and increased the penalty for failing to barricade the dangerous area to \$1,000.

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