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US Labor Department sues Elberton, Ga., granite quarry to collect nearly \$143,000 in unpaid fines, interest and other charges

ELBERTON, Ga. – The U.S. Department of Labor has sued Mize Granite Quarries Inc. and owner Robert W. Mize III to collect \$142,992.90 associated with 58 safety and health citations issued by the department's Mine Safety and Health Administration.

Filed in the U.S. District Court for the Middle District of Georgia, Athens Division, the lawsuit requests that the defendants be ordered to pay the amount due plus interest and post an appropriate bond with MSHA to guarantee future compliance with the Federal Mine Safety and Health Act of 1977. Additionally, the suit requests that the defendants be barred from violating, failing or refusing to comply with any final orders issued under the Mine Act. MSHA also is asking the court to give the agency the power to shut down the mine should it discover additional violations until all such violations are corrected.

The 58 citations carry civil penalties of \$125,432.37. Since becoming final orders, some extending back to 2007, those penalties have been accruing interest and other charges totaling not less than \$17,560.53.

“These citations were issued by MSHA to ensure that miners receive the best possible protection from injuries and illnesses. The filing of this lawsuit shows that MSHA will not allow mine operators to flout the rules by refusing to pay penalties associated with violations,” said Solicitor of Labor M. Patricia Smith. MSHA is represented in court by the department's Regional Office of the Solicitor in Atlanta.

MSHA inspectors issue a citation or order under Section 104 of the Federal Mine Safety and Health Act of 1977 when they find a safety or health violation that endangers mining employees. Every civil penalty assessment lists each citation and/or order for which a penalty is being assessed. An operator has the option to contest all or some of the penalties. A mine operator has 30 days in which to file a contest and request a hearing before a Federal Mine Safety and Health Review Commission administrative law judge.

Miners can report a hazardous condition or an imminent danger – conditions that could cause a serious accident, injury, illness or fatality – by calling 800-746-1553. More information is available at <http://www.msha.gov>.

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