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D.C. Circuit Says Off-Site Facilities Are "Mines"

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On Friday, April 17, 2026, the U.S. Court of Appeals for the D.C. Circuit issued a major decision, *Secretary of Labor v. KC Transport*, addressing the extent of MSHA's jurisdiction over buildings and facilities that are used to support mining activities, but not located on an active mine site.

Background – contractor trucks and maintenance shops

The case involves a contractor, KC Transport, that contracted with a mining company in West Virginia to provide trucking services. (It contracted with other companies as well; 60% of its work was for the mine company.) KC Transport built a maintenance shop for its trucks, located off a private road owned by the mining company. The maintenance shop was about a mile from the company's coal processing plant and 4-6 miles from several underground and surface mines. The trucks serviced at the shop were a mix of off-road trucks that serviced the mines—notably haul trucks—and trucks used for other purposes.

MSHA inspectors were in the area looking for the trucks to terminate previously issued citations—issued while the trucks were working within the footprint of an active mine—when they went to the facility and saw maintenance being performed on two trucks without all the raised components on the trucks being blocked against motion. MSHA issued two citations.

KC Transport contested the citations before the Federal Mine Safety and Health Review Commission (the "Commission"), arguing that the maintenance shop was not a "mine" as defined in the Mine Act, and therefore MSHA did not have jurisdiction to inspect the maintenance shop or authority to issue enforcement on the shop or the equipment located at the shop.

MSHA, on the other hand, argued that the trucks themselves were "mines." (The Mine Act defines "mine" to include facilities and equipment used in, to be used in, or resulting from mining.) KC Transport relied on a 2017 decision from the Sixth Circuit, *Maxxim Rebuild Company v. FMSHRC*, 848 F.3d 737 (6th Cir. 2017), which disagreed with longstanding Commission decisions finding that offsite facilities can be "mines" and held that facilities used in mining, such as maintenance shops, are not "mines" unless they are adjacent to or part of an extraction area.

The Commission Administrative Law Judge held that the shop was a "mine" and that the trucks, at least while parked there, were also "mines" because they were used in mining. KC Transport appealed, and the Commission agreed with the operator's arguments, holding that facilities and equipment used in mining are not "mines" unless

they are on or adjacent to an extraction site—the same language used to define what is a mine in *Maxxim*.

MSHA appealed that decision to the D.C. Circuit. MSHA's position was that trucks and facilities used in mining are "mines" even if not located on or adjacent to extraction sites; instead, MSHA said, the focus should be on the function of the trucks and facilities—whether they were used in mining. Concerningly, MSHA did not articulate an outer limit; for example, it did not explain when a truck used to haul coal would stop being a "mine" or whether a hammer that would one day be used in mining was also a "mine."

The D.C. Circuit partly agrees with MSHA

After prolonged litigation, the D.C. Circuit sided—partially—with MSHA. The court largely accepted MSHA's function-focused definition. It agreed that facilities and shops can be "mines" even if they are ***not*** on or adjacent to an extraction site. The court said that the statute defines a "facility" as a "mine" when it is necessarily connected with the use and operation of extracting, milling, or processing coal and other minerals.

The court agreed that KC Transport's maintenance shop was a "mine," noting several facts that made it "easy" to make that call:

- **Location:** the shop was close to the private haul road, a mile from a processing plant, and less than five miles from the nearest extraction site
- **Permission:** the shop was built with the coal company's permission
- **Majority of services:** most of KC Transport's services based at the site (60%) were for the coal company, and the cited trucks were exclusively used to haul coal
- **Activities:** the trucks operated on mine roads and to/from extraction and processing sites, and were actively used to haul coal

Mine operators and other employers who are unsure whether they have facilities that may be "mines" would do well to consider whether their operations are similar.

Mine operators in Michigan, Ohio, Kentucky and Tennessee (which are the states covered by the Sixth Circuit's *Maxxim Rebuild* decision) should take note as well. If MSHA had previously stopped inspecting certain offsite facilities, it may begin inspections again after this decision. This split between the Sixth and DC Circuit Courts decisions has the potential to cause confusion nationwide, depending on which definition MSHA decides to apply.

Decision does not adopt MSHA's extreme view but does not provide much-needed clarity

Crucially, the D.C. Circuit did not adopt MSHA's position that the trucks were also mines. This important aspect of the decision should not be overlooked. This decision should provide some relief from concerns that the agency will inspect any vehicle, tool, or equipment that was once used in mining, no matter where it is located.

But the decision does not answer every question on MSHA's jurisdiction over offsite facilities and equipment. The D.C. Circuit's rule—that a facility is a "mine" if it is "necessarily connected with the use and operation" of mining activities—does not seem to provide much more clarity than the statutory language. And the court even

said that, after its decision, it may still be difficult for employers and contractors to determine whether they operate a "mine":

Admittedly, the statute's text does not provide a framework from which regulated parties can perfectly predict the scope of MSHA's jurisdiction with respect to all movable objects that are, have been, or could be used in mining. While that may be frustrating for KC Transport and similar businesses servicing mines, we have no need to reach all of those questions today.

What's next for MSHA and for operators after this decision?

The D.C. Circuit notes that MSHA is permitted to exercise its authority over offsite facilities. Whether and to what extent it will do so is a different question. During the first Trump administration, the agency did not aggressively assert its jurisdiction around the edges; it may take a similar approach during this administration.

And this decision may not be the last word in this case. The mine operator sought Supreme Court review once already during this litigation and may do so again. Will the Department of Justice encourage the Supreme Court to review the decision, especially since it conflicts with the Sixth Circuit? Will the Department of Justice defend the D.C. Circuit's decision? The parties' litigation decisions over the next few months will tell.

If you find yourself in a situation where you believe MSHA is inspecting your facility or equipment, or issuing citations without authority, whether by location or operation, it is imperative to challenge the agency. Whether by filing contests of the citations or orders issued, and/or by memorializing your objection to the inspection with MSHA leadership at the district or national level. MSHA has warrantless authority to inspect mines, but it is a critical aspect of challenging the agency on jurisdiction grounds to assert this challenge clearly and as soon as possible.

No doubt, even nearly 50 years after the Mine Act of 1977, questions about the limits of MSHA's jurisdiction will continue to arise and be litigated, as we have yet to agree upon what constitutes a mine.