MSHA & Mine Safety

The mining industry is unique in the breadth of resources collected, the extraction processes, and the regulatory and safety and health challenges that operators face.

Conn Maciel Carey LLP's national MSHA & Mine Safety Practice focuses its attention and energy to best serve the mining industry by navigating the ever-evolving area of MSHA law and maintaining a deep, real-time understanding of the issues impacting companies residing within the industry.

Representative Mining Industries

- Iron Ore
- Construction Sand and Gravel
- Coal
- Gypsum
- Crushed Limestone
- Traprock
- Silica and Frac Sand
- Cement Manufacturers
- Mining Industry Contractors
- Surface Metal/Non-Metal Operations
- Underground Metal/Non-Metal Operations

Range of Work

- Accidents and Fatality Investigations
- Semi-Annual or Quarterly inspections
- Impact Inspections
- Hazard Complaint Investigations
- Discrimination Complaint Investigations
- Citations Designated as Reckless Disregard
- Citations and Orders Issued under Section 104(d) of the Mine Act
- Orders Issued under Sections 104(b) and 107(a) of the Mine Act
- Whistleblower Complaints Under Sections 105(c) of the Mine Act
- Section 110 Investigations and Charges Against Individual Agents of Management
- Employee Complaints

- Multi-agency Investigations (OSHA, CSB, EPA, MSHA, ATF, NTSB, etc.)
- Mine Act Criminal Referrals and Prosecutions
- Recordkeeping Violations
- Representation of Employers and Industry Organizations in MSHA Rulemaking Proceedings
- Proactive Safety and Health Policy Development and Compliance Assistance
- Advising and Training Management and Supervisory Personnel on Rights and Responsibilities During MSHA Investigations

Illustrative Experience

- Represented large iron ore operation following significant MSHA enforcement inspection resulting in more than 100 citations and $300,000 in civil penalties. Litigation and eventual settlement resulted in substantial penalty reduction, elimination of all elevated orders, and suspension of 110(c) investigation against agents of the company.
- Represented crushed limestone operation following MSHA enforcement resulting in seven104(d)(1) unwarrantable failures and more than $540,000 in civil penalties, resulting in 90 percent penalty reduction and modification of all 104(d)(1)'s to 104(a) citations.
- Oversaw fatal accident investigation for silica sand operation, and represented company in subsequent MSHA investigation.
- Represented crushed limestone operation in hazard complaint investigation and subsequent MSHA investigation.
- Represented contractor in 104(d)(1) unwarrantable failure case in which two unwarrantable failures were issued, resulting in elimination of unwarrantable failure status for both orders.