

VIOLATIONS REFORMS ‘GAME CHANGER’ FOR MINE SAFETY

News

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The article “Violations Reforms ‘Game Changer’ for Mine Safety” featured October 13, 2014 on *SHRM* on discussed POV rules and legal standards around significant and substantial violations.

With the new POV rule placing the burden of monitoring enforcement history on mine operators, operators should take advantage of MSHA’s Monthly Monitoring Tool for Pattern of Violations, which can be found on the agency’s website, to track citation history on a regular basis.

It’s important for mine operators to understand the legal standards for significant and substantial (S&S) violations so that they can challenge any erroneous determinations during an inspection. It is a good practice for mine operators to request an informal conference within 10 days of being issued an S&S citation to dispute the inspector’s findings and reduce the gravity of the citation to non-S&S before it’s entered into MSHA’s database. Although contesting a citation no longer postpones the issuance of a POV notice, nothing prevents operators from formally contesting what they believe to be an improperly issued S&S citation.

Operators approaching POV status should implement and submit a corrective action plan to their MSHA district manager, which may be considered as a mitigating circumstance to justify postponement or non-issuance of a POV notice.