



Mine Safety & Health

Overview

Fisher Phillips' Mine Safety & Health attorneys represent clients in the mining industry on matters arising from the Federal Mine Safety and Health Act and state mine safety agencies. The team regularly advises on civil and criminal enforcement issues, discrimination complaints, and accident investigations.

Our Mine Safety & Health attorneys devote a substantial portion of their practices to preventative measures. They frequently present on mine safety and health topics, and routinely provide innovative training to safety professionals and supervisors under the Federal Mine Safety and Health Act. Our team is dedicated to supporting the safety of those involved in mining operations, in turn, creating a safer workplace.

Our attorneys provide advice and counsel on the following:

- Accident investigations, special investigations and safety discrimination investigations
- Litigation before the Federal Mine Safety and Health Review Commission, state regulatory agencies and in federal and state courts
- Mine site assistance during rescue, recovery and investigation of major mine disasters
- Drafting and submitting petitions for modifications and variance requests
- Preparation and submission of mine plans
- Drafting comments on proposed rules
- MSHA regulatory interpretation and compliance
- Supervisor training seminars and other in-house safety seminars

- Safety and health audits
- Charges of discrimination, retaliation or whistleblowing activities
- State decertification actions and civil and criminal investigations in cases where violations of the Mine Safety and Health Act are alleged

Insights

INSIGHTS

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Arthur M. Wolfson, Christopher G. Peterson

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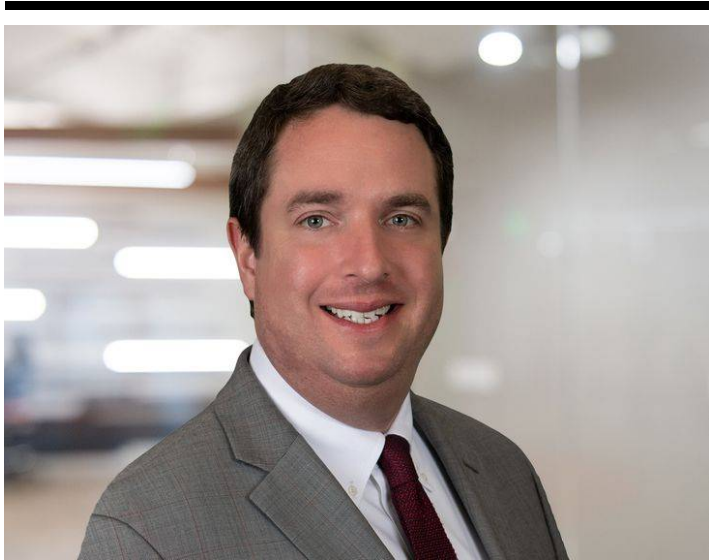
Recent Experience

Representative Work

- Successfully represented an operator in a matter involving a new interpretation of the coal mine escapeway standard by MSHA.
- Represented underground operator in one of the first groups in a pattern of violation cases.
- Represented operator following an explosion that resulted in 12 fatalities, counseling our client through the attendant press barrage, the public hearings conducted by MSHA, and the litigation of MSHA citations.
- Successfully argued that MSHA deprived underground operator of its statutory rights to provide company escort, resulting in suppression of evidence from inspection and vacature of two resulting citations.
- Represented operator in a case up to the Eighth Circuit Court of Appeals that successfully challenged an interpretation of the lockout/tagout rule on large mining shovels.

- Represented operator involving the method of construction of underground mine ventilation controls. The Tenth Circuit reversed the citation that was written to prohibit the practice.
- Represented a group of trade associations in litigation over a rule issued by MSHA concerning workplace examinations in metal/nonmetal mines.
- Successfully argued on behalf of underground operator that MSHA special assessments were improperly imposed, resulting in a reduction in penalties for litigated citations from \$211,500 to \$16,500.

Key Contacts

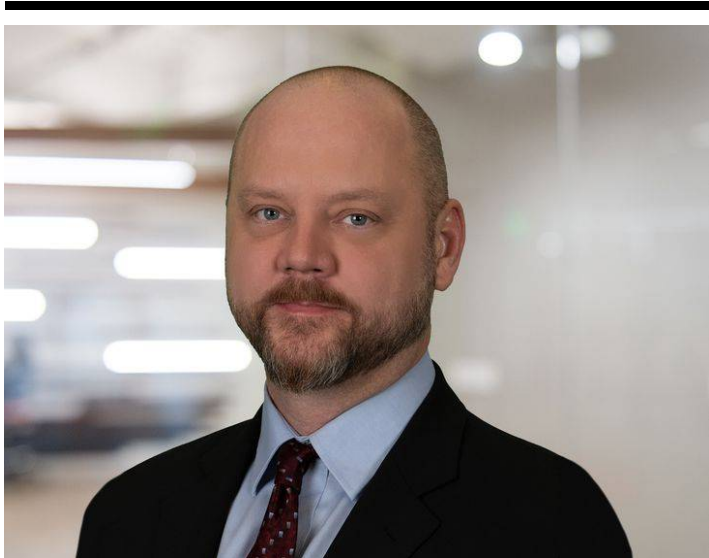


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See all →

MSHA Violations Tracker

