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DENVER PARTNER EXAMINES MINE ACT'S INTERFERENCE TEST

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In a bylined article for *MINING.com*, Denver partner Christopher Peterson reviews the latest cases that are using – or challenging – the two-part interference test in Section 105(c)(1) of the Federal Mine Safety and Health Act. The interference test has developed into a two-part evaluation of an operator's reaction to protected activity or treatment of miners' rights, but the real question is whether MSHA must show if an operator's actions were motivated by protected activity or were intended to interfere with miners' rights to establish an interference claim. In his article, Christopher reviews *Secretary on behalf of Greathouse v. Monongalia County Coal Co*; *Secretary on behalf of Pepin v. Empire Iron Mining Partnership*; and *Secretary on behalf of McGary et al. v. Marshall County Coal Co. et al* and their potential impact on the legal basis of the interference test.

To read the full article, visit [MINING.com](https://www.mining.com).

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