



# Fisher Phillips Unveils Nation's First MSHA Violations Tracker

News

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Fisher Phillips, one of the country's preeminent labor and employment law firms representing employers, has created the nation's first Mine Safety and Health Administration (MSHA) Violations Tracker ("the MSHA tracker") to provide employers with detailed access to the latest in mine safety violations.

Fisher Phillips' Mine Safety & Health Team worked with the firm's Knowledge Management and Technology teams to create the first-of-its-kind tracker to share a wealth of data on MSHA enforcement actions based on location and mine type. By maneuvering around the map and accompanying data lists, users can also dive deeper to examine information about negligence levels, types of violations, and the most cited standards for mines across the country.

"The MSHA tracker provides a user-friendly safety snapshot of the mining industry as a baseline for employers to identify potential risks in their own operations," said Chris Peterson, a partner in Fisher Phillips' Mine Safety & Health practice. Fellow Mine Safety partner, Arthur Wolfson added, "it is our hope that the tracker will support the wellbeing of the industry and will serve as a useful tool to help operators recognize and mitigate some of the most common safety concerns around the country."

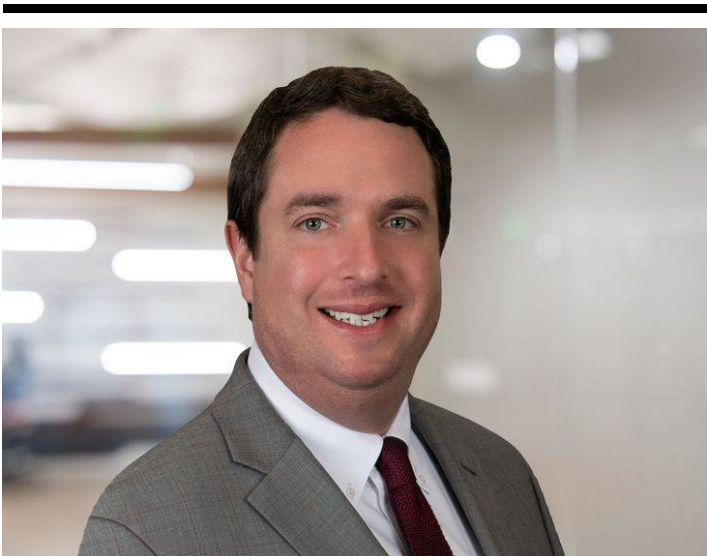
## Takeaways from an initial analysis of the FP MSHA Tracker through June 30, 2022:

- The top 10 states for violations are:
  - Kentucky 4,445
  - West Virginia 4,400
  - Texas 2,464
  - Pennsylvania 2,174
  - Virginia 1,462
  - Alabama 1,335
  - Minnesota 1,078
  - California 1,062
  - Michigan 1,032

- New York 999
  - The most common designation for violations is the “moderate” level of negligence, with 7 out of 10 violations receiving that designation.
  - 20% of MSHA violations have been designated as “significant and substantial” (“S&S”).
  - The most cited standard for Surface Coal operations is 77.1606(c), which requires employers to correct any equipment defects affecting safety before the equipment is used and is the most frequently cited standard for both Surface Coal Mines and Surface Coal Facilities. The most cited standard for Underground Coal operations is 75.400, which requires coal dust to be cleaned up and not to accumulate in active workings, or on diesel-powered and electric equipment. Meanwhile, for Metal and Nonmetal facilities, both Facility and Underground operations are most likely to face citations for Housekeeping violations under 56.20003(a), and for those who operate Surface Metal and Nonmetal facilities, the most common citation is 56.14107(a), requiring employers to guard employees from moving machine parts like gears, sprockets, chains, and similar moving parts.
  - Surface mines account for half (50.7%) of all violations.
  - Despite only making up 7.5% of all mines in the country, underground facilities account for 35.3% of all violations.
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