

Insights, News & Events

MINING MATTERS: WHAT IS AN INJURY WITH A REASONABLE POTENTIAL TO CAUSE DEATH?

Podcasts
Feb 28, 2024



Mining Matters

What is an Injury with a Reasonable Potential to Cause Death?



Among MSHA's most onerous requirements is that mine operators must report an "injury with a reasonable potential to cause death" to the agency within 15 minutes. But, what is an "injury with a reasonable potential to cause death?" Neither the Mine Act or MSHA's regulations provide any definition. And caselaw points in different directions. A recent Review Commission decision, where the Commissioners split 2-2 in result, highlights this uncertainty. In this episode, Arthur and Chris review the law surrounding the immediate notification requirement, discuss the recent Review Commission decision, and offer tips for operators to navigate this confounding but critical requirement.

Related People



Christopher G. Peterson

Partner

303.218.3653



Arthur M. Wolfson

Partner

412.822.6625

Service Focus

Mine Safety & Health

Workplace Safety