



Rising Tides: MSHA Penalties Increase For 2020

Insights

1.22.20

No penalty is a good penalty, but many Department of Labor fines just got worse – including those that can be assessed against mining employers. The agency published a final rule that increases the maximum civil penalties that federal agencies can assess against employers. The Federal Penalties Inflation Adjustment Act of 2015 mandates this automatic increase based upon inflation.

Penalties issued by the Mine Safety and Health Administration (MSHA) did not escape this increase. Any violation of the Mine Act or MSHA regulations that the agency assesses on or after January 15, 2020 will be calculated using these increased amounts. For MSHA, the increase affects all maximum penalties and some minimum penalties.

Effective immediately, penalties will increase by 1.764% and be as follows:

Violation	2019 Penalty	2020 Penalty
Regular Assessment	\$72,620.00 (maximum)	\$73,901.00 (maximum)
Penalty Conversation Table	\$135-\$72,620.00	\$137-\$73,901.00
104(d)(1) Citation	\$2,421.00 (minimum)	\$2,464.00 (minimum)
104(d)(2) Order	\$4,840.00 (minimum)	\$4,925.00 (minimum)
103(j) Timely Notification	\$6,052.00 (minimum)	\$6,159.00 (minimum)
Failure to Abate	\$7,867 (maximum)	\$8,006.00 (maximum)
Smoking Standard	\$332.00 (maximum)	\$338.00 (maximum)
Flagrant	\$266,275.00 (maximum)	\$270,972.00 (maximum)

Remember that MSHA applies the penalty increase based upon the date that it assesses the penalty, and not when it issues the penalties. Before paying any fine that MSHA assesses, consider contacting your Fisher Phillips counsel for guidance.

Service Focus

Workplace Safety and Catastrophe Management

Mine Safety & Health