



## **MSHA's POV Rule Still in Effect**

Insights

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Yesterday, the Court of Appeals for the 6th Circuit denied the mining industry's request to stay implementation of MSHA's new POV final rule, pending its review of the rule. Essentially, the Court of Appeals found that enforcement of the rule would not cause irreparable harm to the mining industry during the pendency of the appeal. This does not necessarily affect the outcome of the appeal, as the 6th Circuit has not yet decided whether MSHA exceeded its authority in promulgating the rule. The 6th Circuit held only that the mining industry groups challenging the rule failed to provide sufficient information demonstrating that the rule would impose substantial additional costs to the mining industry, above the costs already associated with MSHA enforcement action.

Stay tuned for more developments in this important case. Oral arguments are currently scheduled for January 29, 2014.