



## **Congress Wants To Give MSHA MORE Authority?**

Insights

4.29.13

Recently, Congressional Democrats introduced the Robert C. Byrd Mine Safety Protection Act of 2013, which if enacted would increase the authority of MSHA to regulate the mining industry. Yes, you read that right, increase MSHA's authority, not decrease. You may be thinking to yourself by now, "How is this possible?!?"

Still reacting to the tragic disaster at Upper Big Branch in 2010, MSHA has convinced some of our Representatives that it needs more power to effectively monitor our nation's mines. The bill would provide greater subpoena power, expansion of MSHA's authority to issue an imminent danger order, and significantly increase the criminal penalties for giving advance notice of an MSHA inspection. Additionally, the bill would give miners the right to seek punitive damages for discrimination complaints (to read more about the significant increase in discrimination complaints, see my recent [blog post](#)).

This 76 page bill (if that's too long, read the Q&A style summary prepared by Congressional Democrats) is filled with additional authority for an Agency that already feels omnipresent in the mining industry. Once again, we see a trend toward regulating all segments of the mining community, including the aggregate industry, in reaction to a disaster that occurred in the coal mining industry. To the detriment of mine operators engaged in various forms of surface mining, there is no attempt to distinguish the unique hazards of different segments of the mining community.

In conclusion, providing more powers now, when the accident and injury rate is at historic lows, is especially perplexing to me. Stay tuned as we follow this bill and other MSHA developments.