



INSIGHTS JANUARY 2012 - REGULATORY AGENCIES

MSHA REINSTATES CONFERENCES

MSHA has resumed a practice it abandoned nearly four years ago to grant operators the opportunity to meet with enforcement personnel in pre-assessment safety and health conferences to discuss contested citations and/or orders. The practice began this month in all Metal/Non-Metal districts and in Coal districts 1, 6 and 11. Other Coal districts may come on line as resources permit.

MSHA's goal in holding conferences is multi-fold. It wants to use them as a tool to reduce the number of contested citations and orders, increase accuracy and consistency, and improve communication among mine operators, miners and MSHA.

The change reinstates a procedure that had been in effect until February 2008. MSHA revised the procedure at that time to restrict conferences only to the most serious alleged infractions. Then, in March 2009, it made another change that allowed operators to request a conference only after MSHA proposed a penalty assessment. MSHA said the new procedure is based on results of a pilot program held in 2010 in three districts that found conferences may have reduced contests during the pilot period by up to 17 percent.

Important Note: This document does not constitute legal advice and counsel should be consulted regarding specific factual situations which will determine the compliance advice applicable to any particular question regarding the subject matter. If you would like additional information or advice and counsel on training, compliance or audits, please let us know.
