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Strengthen and Pass the Mine Safety and Health Act of 2010 **Protect America's Workers from Workplace Injuries, Illnesses, and Fatalities**

Recent tragedies have focused national attention on workplace safety. In February, a natural gas plant explosion in Connecticut killed six workers; in April, a refinery explosion in Washington killed seven workers and an explosion at the Massey coal mine in West Virginia killed 29 miners. These tragedies made national news, but they are only a few of the 5,000 workplace fatalities that occur each year. These deaths are preventable and illustrate the dire need for reform of the Mine Safety and Health Administration (MSHA) and the Occupational Health and Safety Administration (OSHA). Congress is considering legislation that would improve workplace safety, protect employees from discrimination, and penalize employers who endanger employees. The Mine Safety and Health Act of 2010, H.R. 5663, contains the following important reforms that will ensure a safer workplace for all of America's workers.

- **Protects employees who blow the whistle on unsafe working conditions.**

Problem: Employees are reluctant to report workplace hazards for fear of retaliation or loss of pay due to work stoppage. Employees should not be forced to choose between working in dangerous conditions or being fired.

Solution: H.R. 5663 would provide additional protections for employees who alert superiors or inspectors of unsafe working conditions or who refuse to work in unsafe conditions. Additionally, miners who are unable to work due to a mine being shut down for safety violations would receive full pay while the violations are being corrected.

- **Increases penalties for violations of workplace safety standards.**

Problem: The penalties for mine operators and employers who commit safety violations are too low to act as an effective deterrent against bad behavior. OSHA's fines have not been updated in twenty years, and under current law are not even adjusted for inflation.

Solution: H.R. 5663 would increase civil and criminal penalties for violations of mine and workplace safety standards. Importantly, penalties for the most egregious offenses, such as knowingly violating a workplace safety standard that results in the death of an employee, would be changed from misdemeanors to felonies and would extend to any responsible party, including a corporate officer who authorized the violation.

- **Strengthens enforcement authority against mine operators with records of repeated safety violations.**

Problem: Under existing law, it is nearly impossible for MSHA to shut down mines that repeatedly violate the law. MSHA must demonstrate that a mine has accumulated a large number of violations, but operators are skilled at gaming the system by contesting most violations, removing them from the record while they are being contested. Meanwhile, operators are allowed to keep mines open, exposing miners to unreasonable dangers.

Solution: H.R. 5663 would allow MSHA to assign “pattern of recurring noncompliance or accident” status to repeat offenders. A mine in pattern status would be required to remedy safety violations and hazards and would be subject to doubled inspections and fines for violations while in pattern status. MSHA would also be able to withdraw miners from any mine in pattern status. This system would allow MSHA to target the most dangerous mines and require them to improve conditions or face increased penalties and work stoppage.

- **Discourages meritless employer contests of safety citations and requires serious safety violations to be remedied quickly.**

Problem: The fines that mine operators and employers face for MSHA and OSHA violations are not just too low; they are also difficult to collect. Employers contest most violations, delaying both the payment of fines and the remedy of violations.

Solution: H.R. 5663 would require serious violations to be remedied even if an employer contests a fine. The bill would also assess interest on fines that are contested, discouraging employers from contesting fines simply as a delay tactic.

The Mine Safety and Health Act of 2010 will bring important reforms to the federal agencies tasked with protecting America’s workforce. MSHA and OSHA will be empowered to prosecute dangerous and irresponsible mine operators and employers who carelessly endanger the health and safety of their employees. Increased fines and imprisonment will help deter reckless behavior and strong whistleblower protections will help MSHA and OSHA quickly respond to problem workplaces.

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