



A publication of the  
Oregon Independent Aggregate Association  
PO Box 571  
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[www.oraggregate.com](http://www.oraggregate.com)

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## Oregon Independent Aggregate Association Newsletter

June 2024

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### News Release from MSHA

<https://www.dol.gov/newsroom/releases/msha/msha20240719>

### DEPARTMENT OF LABOR ANNOUNCES COMPLETION OF 12-MONTH SAFETY, HEALTH SCREENING OF NATION'S MINES FOR PATTERN OF VIOLATIONS TO PROTECT MINERS

***MSHA review aligns with Biden-Harris administration's focus on chronic violators***

**WASHINGTON** – The U.S. Department of Labor announced today that its Mine Safety and Health Administration has released results of a [Pattern of Violations](#) screening that identifies chronic violators and mine operators that show a disregard for miners' health and safety.

The results follow the agency's reviews which, for the first time, included more than one POV screening by MSHA in a calendar year. The [POV screening process](#) examines all U.S. mines and identifies those with a high number of significant and substantial violations and other safety and health compliance problems. An S&S violation is one that could contribute in a significant and substantial way to the cause and effect of a safety or health hazard.

Under the [Mine Act](#), MSHA identifies mines exhibiting a pattern of S&S violations and has the authority to issue mine operators a POV notice, one of the agency's toughest enforcement actions, if warranted. If a mine has received a POV notice and commits additional S&S violations, MSHA is authorized to withdraw miners from the affected area except those necessary to correct the violation.

“A central tenet of a good job is a safe and healthy workplace,” said Assistant Secretary for Mine Safety and Health Chris Williamson. “The Biden-Harris administration will continue to use all the tools with which Congress empowered MSHA to protect the health and safety of the nation’s miners.”

MSHA conducted a POV screening of mines for a 12-month enforcement period ending April 30, 2024, and identified [Mine No. 39 in McDowell County, West Virginia, met the initial POV criteria](#) for the existence of a pattern of violations under section 104(e) of the Mine Act. While the mine - operated by Twin State Mining Inc. - met the initial POV screening criteria, MSHA reviewed mitigating circumstances. This review can result in MSHA issuing a POV notice, postponing issuance or not issuing a notice. After its review, MSHA determined that issuing a POV notice was not warranted.

The agency also announced that POV notices issued to the following mines remain in effect:

- Issued July 6, 2023, to [Atalco Gramercy LLC](#), operator of Gramercy Operation in Gramercy, Louisiana, after MSHA identified a pattern of S&S violations related to caustic spills and leaks.
- Issued Dec. 1, 2022, to [Morton Salt Inc.](#), operator of the Weeks Island Mine and Mill in New Iberia, Louisiana, after MSHA identified a pattern of S&S violations related to roof and rib hazards.

Operators placed on a POV who commit S&S violations are required to withdraw miners from the affected area until MSHA determines that the violation has been abated. The POV notice is terminated if MSHA does not issue a withdrawal order within 90-days after the issuance of the POV notice or if an MSHA inspection of the entire mine finds no S&S violations.

MSHA offers two online calculators to help mine operators monitor compliance: the [Pattern of Violations Calculator](#), which allows mine operators to monitor performance under the POV screening criteria and alerts mine operators that corrective actions are needed, and the [Significant and Substantial Calculator](#), which enables mine operators to monitor their S&S violations. It is the responsibility of mine operators to track their violation and injury histories to determine whether they need to take action to avoid meeting the POV screening criteria.

***To open the links in the article click the right button on your mouse and select “Open Hyperlink”***

## **Safepro Mine & Health Law institute Information**

### MINING & HEALTH LAW INSTITUTE

We have created a second session for our Law Institute 2024!

Safepro Law Institute, Fall Session will be held October 22, 23 & 24

If you would be interested in participating in a Fall session of our Law Institute,

call 1-828-385-2930 or email [dbeam@safeproinc.com](mailto:dbeam@safeproinc.com)

The class will be presented at the:

The Kimpton Brice Hotel, 601 E. Bay Street, Savannah, GA.

Come one come all to the fall session of the Safepro Mine & Health Law institute.

Besides covering the 1977 Mine Act, Program Policy Manual etc. We will have

(Adele Abrams covering the New Silica Standard and the New Mobile equipment standard.) She will also be covering other items of interest to the mining industry.

Best Regards,  
Dean Beam  
828-385-2930

## **Scholarship Information**



**Graduation time is here. Our scholarship application is available on our website [www.oraggregate.com](http://www.oraggregate.com) or by contacting [memberreply@oraggregate.com](mailto:memberreply@oraggregate.com)**

**Application Deadline is August 15, 2024**

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**OIAA Next meeting July 31, 2024 at 10AM  
KPD Insurance Conference Room.**