



Further Thoughts Regarding Supervisors' Responsibilities Under the Mine Act – An Operator's Perspective

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Remember that time when
MSHA made it sound as though
you had fewer responsibilities
than you really have ... ?

A LITTLE CLOSER TO THE TRUTH.



THE SUPERVISOR'S RESPONSIBILITIES:

Ensuring the safety of miner employees

Complying with health and safety standards

- **know the standards**
- **comply with the standards**

MORE SUPERVISOR'S RESPONSIBILITIES:

Responsible for:

- **abating violations**
- **complying with orders of withdrawal**
- **reporting accidents and preserving evidence**
- **ensuring that miners are properly trained**
- **making only truthful statements to MSHA**

STILL MORE SUPERVISOR'S RESPONSIBILITIES:

Responding to miner complaints about safety hazards or violations

- **investigate**
- **respond**
- **respect miners' rights**

RESPONSIBILITY AND LIABILITY OF SUPERVISORS AND AGENTS – THE LAW

Mine Act § 110(c):

- Whenever a corporate operator violates a ***mandatory health or safety standard or knowingly violates or fails or refuses to comply with any order*** issued under this Act or any order incorporated in a final decision issued under [the Mine Act] ..., any ***director, officer, or agent*** of such corporation who ***knowingly authorized, ordered, or carried out*** such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under [§ § 110(a) or 110(d) of the Mine Act].

“KNOWING” VIOLATIONS

Mine Act § 110(f):

- ***Whoever knowingly*** makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than [\$250,000], or by imprisonment for not more than five years, or both.
- for example, 5000-23 training certificates, preshift books, equipment pre-op exam records



**KEEP
CALM
AND
ASK
QUESTIONS**

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