

Overview

Steptoe & Johnson's Mine Safety and Health Administration (MSHA) Team attorneys regularly represent major mine operators, resource processing facilities, and mine service providers before administrative law judges and regulatory agencies, including the Federal Mine Safety and Health Review Commission.

Team attorneys are supported by the deep bench strength of our Labor and Litigation Departments. In addition, energy attorneys actively monitor legislative actions and proactively share knowledge with clients about the ever-changing regulatory environment.

Areas of Focus

MSHA team attorneys regularly counsel clients on issues including the following:

- Part 50 audits
- PPOV and POV
- Internal training
- Fatality and serious accident investigation
- Criminal representation
- Section 105(c) and 110(c) investigations
- Decertification proceedings
- 104 citations and orders
- Conferencing of enforcement actions

Highlights

- Litigation strategies based on the client's strategic goals
- Cost containment strategies
- Mining Emergency Response Team
- History of partnering in the creation of alternate fee arrangements
- In-depth industry knowledge allows our team to protect clients without unnecessary and costly discovery

Representative Experience

- Represented mining companies in numerous 105(c) actions
- Defended mine operators in the contest of “flagrant” MSHA violations totaling millions of dollars in penalties
- Defended mine operators facing “flagrant violations,” “imminent danger” orders, and forced production of company records
- Defended coal operators in fatality and injury investigations by MSHA, the Kentucky Office of Mine Safety & Licensing, and the West Virginia Office of Miners’ Health, Safety & Training
- Represented mining companies on pattern of violations issues
- Defended coal mine employees in decertification proceedings before the West Virginia Coal Mine Safety Board of Appeals
- Provided on-site assistance to mine operators during MSHA investigations following fatalities and traumatic injuries
- Successfully litigated 104(d) orders and 104(a) citations for mining companies
- Handled multiple 110(c) special investigations representing mining companies and mine employees
- Defended coal miners in criminal prosecutions arising from their work activities



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