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Operator of southwestern Pennsylvania coal mine found in flagrant violation *Rox Coal Inc. ordered to pay \$110,000 civil penalty for dangerous electrocution hazards*

ARLINGTON, Va. – Rox Coal Inc., which operates the Geronimo Mine in Somerset County, Pa., has been found in violation of a mandatory electrical hazard safety standard by an administrative law judge with the Federal Mine Safety and Health Review Commission. The ALJ deemed the violation “quintessentially flagrant” and ordered the company to pay a \$110,000 civil penalty.

The ALJ’s finding sustained the Mine Safety and Health Administration’s issuance and assessment of the violation as flagrant following an investigation into an electrical accident at the Geronimo Mine.

On Oct. 3, 2007, a miner was shocked while changing the fuse on a high-voltage switch house at Geronimo Mine. The mine’s chief electrician intentionally had disabled the safety switch two days prior to sending the miner and a co-worker to change fuses. As a result, the miners worked within inches of 7,200 live volts while performing this work.

MSHA found the condition to be a violation of a mandatory electrical safety standard pursuant to the Federal Mine Safety and Health Act of 1977. According to 30 Code of Federal Regulations 75.512, all electric equipment shall be frequently examined, tested and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected.

MSHA also found the violation to be significant and substantial, and highly likely to result in permanently disabling injuries. The agency noted that the mine operator acted with reckless disregard in allowing this violation to exist and miners to work in close proximity to high voltage electricity.

“Mine operators must take responsibility at all times to prevent conditions that can lead to accidents and injuries,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Those who deliberately put miners’ well-being at risk must be held accountable.”

The administrative law judge ruling in favor of MSHA’s assessment of the violation held that a violation does not need to have been previously cited in order to be considered a “repeat” flagrant and assessed a civil penalty.

The Mine Improvement and New Emergency Response Act of 2006 defines a flagrant violation as “a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.” A civil penalty of up to \$242,000 may be assessed for each flagrant violation.

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