



INSIGHTS JANUARY 2012 - ENFORCEMENT

IMPACT INSPECTIONS TARGET 27 MINES

Eighteen coal mines and nine metal/non-metal (M/NM) operations were targeted for impact inspections by MSHA during October and November. Seven of the coal operations were in Kentucky, six in West Virginia and two in Virginia. Mines in Arkansas, Alabama and Utah were also affected. Two non-coal operations in Nevada and Missouri, along with M/NM mines in Illinois, Idaho, Oklahoma, Texas and West Virginia, were targeted. MSHA inspectors handed out 345 citations, 68 orders and one safeguard at the coal mines. One hundred and thirteen citations and 32 orders were handed out at the M/NM mines. Since April 2010, MSHA has conducted 374 impact inspections, which have resulted in 6,645 citations, 666 orders and 23 safeguards. The inspections were launched after the events at UBB to focus on mines MSHA considered chronic violators of mine safety law.

NEW SAFETY EMPHASIS PROGRAMS

MSHA plans to launch a special emphasis program on noise, while OSHA has begun a National Emphasis Program (NEP) at chemical facilities to protect workers from catastrophic releases of highly hazardous chemicals. MSHA's initiative will focus inspector attention on the agency's Part 62 noise rule. The Coal Division has prepared a PowerPoint presentation to explain the initiative, and the Metal/Non-Metal Division reportedly will host a stakeholder meeting. OSHA's NEP replaces a 2009 pilot chemical facility it carried out in several OSHA regions around the country. The latest program establishes policies and procedures for inspecting workplaces that are covered by OSHA's process safety management (PSM) standard. Sites likely to have highly hazardous chemicals are being selected at random for the focused inspections. OSHA's program is supported by the U.S. Chemical Safety Board, which recommended a NEP in safety reports of chemical facility accidents.

Important Note: This document does not constitute legal advice and counsel should be consulted regarding specific factual situations which will determine the compliance advice applicable to any particular question regarding the subject matter. If you would like additional information or advice and counsel on training, compliance or audits, please let us know.
