



# News Release

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## **MSHA Applauds Ruling Protecting Miners' Rights to Anonymously Appoint Representatives in Sago Investigation**

**WASHINGTON** – A U.S. District Court has upheld the ability of the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) to withhold the identities of miners who designated members of the United Mine Workers of America (UMWA) to represent them during the agency's investigation of the Jan. 2 methane ignition at the Sago Mine in Upshur County, W.Va. U.S. District Judge Robert E. Maxwell denied a motion by Wolf Run Mining Co., which operates the Sago Mine, to compel MSHA to identify the miners.

"MSHA is very pleased that the district court has let stand MSHA's decision that miners should have the right to appoint whoever they believe will best represent their concerns to participate in our physical investigations without fear of retaliation," said Solicitor of Labor Howard M. Radzely. "MSHA is doing everything it legally can to enforce the rights of the miners' representative to participate in MSHA's investigation into the Sago Mine accident."

MSHA successfully obtained a preliminary injunction against Wolf Run Mining Co. in January when the company refused to allow UMWA representatives, whom MSHA recognized as valid miners' representatives, from entering the mine to accompany MSHA investigators. MSHA's current action seeks a permanent injunction to prevent Wolf Run Mining Co. from interfering with the ability of the miners' representative to continue participation in MSHA's investigation into the accident.

Two or more miners at a mine can designate someone to serve as their representative during MSHA's inspection activities under the Federal Mine Safety and Health Act of 1977 (Mine Act). After certifying that at least two Sago miners appointed members of the UMWA to serve as their representative, MSHA has fought for those representatives' rights to participate in MSHA's investigation into the tragic accident.

Section 103(f) of the Mine Act provides that miners' representatives can accompany MSHA investigators, "during the physical inspection of any coal or other mine ... for the purpose of aiding such inspection and to participate in pre- or post-inspection conferences held at the mine."

The injunction action is pending in U.S. District Court for the Northern District of West Virginia.

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