

News Release



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Contact: Amy Louviere
Phone: 202-693-9423

Court grants MSHA injunctive relief against Maine quarry

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today that it successfully obtained a court order that imposes a number of requirements on Sullivan Granite Co. LLC, which operates Brown’s Meadow Quarry in Franklin, Maine.

Following a hearing on Dec. 7 in the U.S. District Court for the District of Maine, which resulted in an agreement between the parties, Judge John A. Woodcock Jr. ordered mine owner and operator Conrad Smith to cease operating the mine until all cited and outstanding safety and health violations have been corrected, and a federal inspector has verified that the operator is in compliance. The judge also directed the operator not to take any action to impede or interfere with MSHA inspectors in completing their inspection duties.

Problems with the mine date back to a series of inspections MSHA conducted beginning last June. MSHA inspectors asserted that the mine operator violated withdrawal orders issued by MSHA; denied them entry to the property; failed to abate violations; and refused to allow access to equipment at the quarry, provide documents and information on request, and assist with the inspection.

On Nov. 19, the court issued a temporary restraining order prohibiting the operator from mining in violation of withdrawal orders, denying entry, hindering inspection and failing to abate violations. In that order, the court noted that Smith claimed he was currently working alone and extracting granite solely for his own use.

On Nov. 24, the Labor Department’s Boston Regional Solicitor’s Office, which represents MSHA and other Labor Department agencies, filed a supplemental memorandum of law supporting its pleadings, citing the cases that hold that all activity at a mine is subject to the Federal Mine Safety and Health Act of 1977, that owner-miner mines are covered, and that mining for personal use is likewise covered.

One of the principal objectives in this action was to obtain the federal court’s order that Mr. Smith stop interfering with them in their attempts to inspect the quarry and enforce the law.

“When a mine operator interferes with authorized representatives in their attempts to inspect a mine, it constitutes a continuing threat to the health and safety of the miners,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “The court’s ruling will enable MSHA inspectors to carry out their duties as set forth in the Mine Act.”

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