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Court grants temporary restraining order against CAM Mining LLC in Pike County, Ky.

MSHA alleged that management provided advance notice of inspectors' arrival

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today that it has successfully obtained a court order prohibiting CAM Mining LLC of Pike County, Ky., from providing advance communication of an MSHA inspection.

On June 30, in the U.S. District Court for the Eastern District of Kentucky, Southern Division, Judge Amul R. Thapar signed a temporary restraining order barring the mine operator from giving advance notice of MSHA inspections by any means of communication to persons working underground in the defendant’s coal mines. The order also prevents CAM Mining from violating, failing or refusing to comply with any order or decision issued under the Federal Mine Safety and Health Act of 1977. Additionally, the judge’s order stops the mine operator from interfering with, hindering or delaying an inspection by MSHA by giving advanced notice to any person working underground.

This action stems from MSHA’s June 17 attempt to inspect CAM Mining LLC’s Mine No. 28 located in Pike County in response to a complaint registered about miners smoking underground on the second shift. When the inspection team arrived at the mine, they gave instructions to mine management that no one was to call underground and alert the miners working there of the inspection. The team then learned that a mine foreman had been notified that MSHA inspectors were outside the mine entrance, giving the miners underground sufficient time and opportunity to hide any smoking materials. The presence and use of smoking materials provides an ignition source which can cause explosions in underground coal mines, so determining whether smoking materials were present and in use at this mine is critical to the safety of the miners. Because of the advance notice, inspectors could not determine whether miners had any smoking materials or were smoking underground.

Section 108 of the Mine Act provides for injunctive relief against noncompliant mine operators who interfere with, hinder or delay inspections of mines by permitting advance notice communicated from the surface operations of mines to persons working underground.

“Unannounced inspections are a key part of MSHA’s effort to identify unsafe and unhealthy conditions, and mine operators who interfere with federal inspectors in their attempts to inspect mines threaten the safety and health of miners,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “We will continue to use every available tool to ensure that miners return home at the end of their shifts.”

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