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U.S. Department of Labor
Office of Public Affairs
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For Immediate Release
Contact: Ted Fitzgerald
Phone: 617-565-2075
Email: fitzgerald.edmund@dol.gov

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Andre J. Bowser
617-565-2074
bowser.andre.j@dol.gov

US Department of Labor secures payment of \$34,061 in overdue mine safety fines from Jewett City, Conn., sand and gravel operation *American Industries Inc. also ordered to post \$30,000 cash performance bond*

BOSTON — The U.S. Department of Labor has secured a court judgment ordering American Industries Inc., to pay \$34,061, plus interest, in delinquent civil money penalties for violations of the Federal Mine Safety and Health Act of 1977. The Jewett City, Conn., sand and gravel operation will also post a cash performance bond of \$30,000 with the department to ensure future compliance with the law, including payment of civil money penalties.

The department sued American Industries in the U.S. District Court for the District of Connecticut in June 2012 to seek payment of penalties owed since 2007. Under the Mine Act, the department's Mine Safety and Health Administration conducts inspections of mines, including sand and gravel operations, and issues citations and assesses penalties for safety and health violations. While mine operators have the right to contest civil money penalties, the law authorizes the department to sue those operators, such as American Industries, who ignore or refuse to pay civil penalties that have become final orders under the act.

“Mine operators cannot be permitted to violate mine safety laws and simply ignore or refuse to pay the penalties assessed for those violations,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Such behavior suggests contempt for a law designed to ensure safe and healthful working conditions for their employees.”

“Scofflaw employers—those who chronically fail to pay the rightfully assessed penalties they owe—must understand that the department is authorized to use all available tools, including litigation in federal court, to pursue payment of those penalties,” said Michael Felsen, the department's regional solicitor of labor for New England, whose office litigated the case for MSHA. “This judgment provides that, among other remedies, any future failure by the mine operator to pay properly assessed penalties that become final orders will be punishable as contempt of court.”

According to Section 110(j) of the Mine Act, unpaid civil penalties shall accrue and may be recovered by MSHA in a civil action. Interest at the rate of 8 percent annually shall be charged on any final order of the Mine Safety and Health Review Commission or the court, and shall begin to accrue 30 days after the issuance of the final order.

The purpose of MSHA is to prevent death, disease and injury from mining and to promote safe and healthful workplaces for the nation's miners. Miners can report a hazardous condition or imminent danger that could cause a serious accident, injury, illness or fatality by calling 800-746-1553. Detailed information on mine safety is available at <http://www.msha.gov>.

Harris v. American Industries Inc. and its successors
Civil Action Number: 3:12-ev-1001 (VLB)

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