

## MSHA Penalties: Down – or Up?

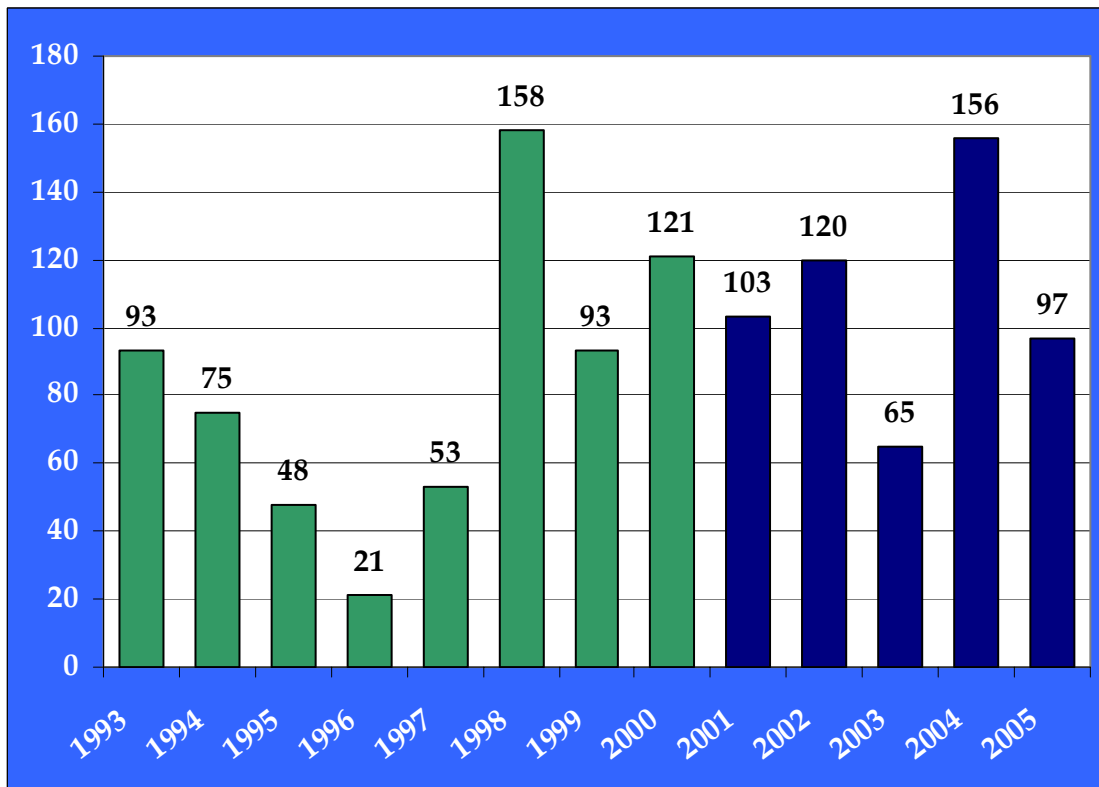
The Knight-Ridder news service recently issued an analysis of major fines issued by the Mine Safety and Health Administration (MSHA), defined in the analysis as assessments against mine operators with civil penalties over \$10,000. However, Knight-Ridder's numbers are inaccurate, obscuring the reality that **penalties issued by MSHA have gone up** during this Administration – not down.

### Number of Major Fines

Knight-Ridder's analysis concludes that the total number of fines over \$10,000 issued by MSHA since 2001 has dropped by 10 percent. In fact, major fines dropped less than 6 percent between the two years 2001 and 2005 – but that tells less than half the story:

- ✓ In 2004, MSHA issued *over 51% more major fines* than in 2001.
- ✓ The number of major fines for 2005 alone – 97 – was more than all but two years of the previous administration.
- ✓ Overall, the Bush Administration issued a yearly average of 108 major fines (assessments with civil penalties over \$10,000), compared with just 83 in the previous administration – a **30% increase** over the previous administration's record.

### Number of Assessments with Civil Penalties over \$10,000, 1993-2005

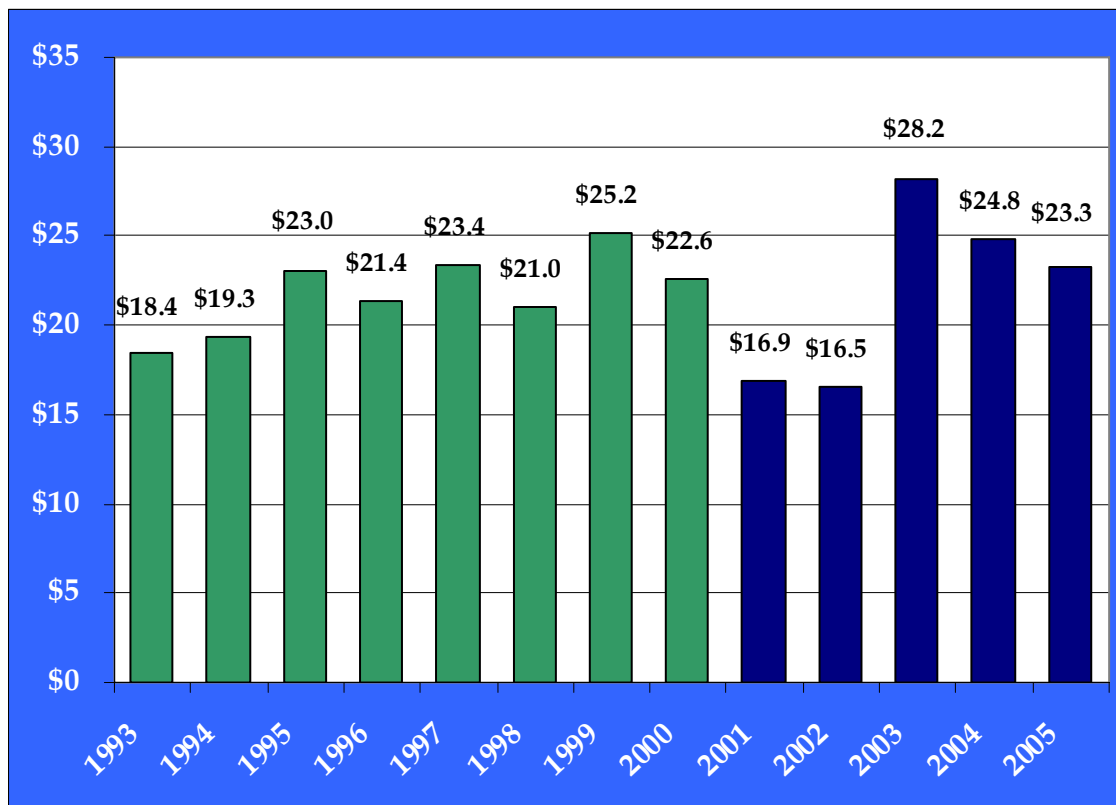


### Average Size of Assessments

Knight-Ridder's analysis also asserts that the *average size* of civil penalties over \$10,000 has plummeted by 43 percent since 2001. This is also incorrect:

- ✓ In fact, the average size of actual (not proposed) assessments by MSHA is *up by nearly 38 percent*.
- ✓ Moreover, the size of the average assessment over \$10,000 in CY 2003 was higher than in *any year* of the previous administration – even when adjusted for inflation.

**Average Size of Final Assessments over \$10,000, 1993-2005 (in thousands)**



## **Penalties Collected**

Knight-Ridder's analysis also asserts that MSHA collected less than half the penalty amounts for major fines over \$10,000 during the 2001-2003 period. This is highly misleading, since fines are often litigated over a period of years, and are not listed as paid during the litigation. In addition, some of MSHA's highest fines are challenged and overturned by the Mine Safety and Health Review Commission, an independent adjudicatory body over which MSHA has no control.

Even with these qualifications, Knight-Ridder's figure is still far off the mark. Adding up major assessments that are either paid, in litigation or in active collection from 2001 to 2005 shows that MSHA is holding violators strictly accountable.

**Assessments with Civil Penalties over \$10,000 that are Paid,  
in Litigation or in Active Collection, 2001-2005**

