

# 2016 PROFESSIONAL ENGINEERS IN MINING SEMINAR

## MINE SAFETY ROUNDTABLE

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RWKKT

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# PENALTY SETTLEMENTS

2009 101,904 CITATIONS  
\$96.4 MILLION

2015 49,417 CITATIONS  
\$37.1 MILLION

2009 2,076 COAL MINES  
1,075,000,000 TONS

2015 1460 COAL MINES  
897,000,000 TONS

# **PENALTY SETTLEMENTS MINE ACT SECTION 110(k)**

**“NO PROPOSED PENALTY WHICH HAS BEEN  
CONTESTED BEFORE THE COMMISSION UNDER  
SECTION 105(a) SHALL BE COMPROMISED,  
MITIGATED, OR SETTLED EXCEPT WITH THE  
APPROVAL OF THE COMMISSION”**

# PENALTY SETTLEMENTS

2010-2015

35,501 SETTLEMENTS

18 REJECTED

(0.04%)

-MINE SAFETY AND HEALTH NEWS

SECRETARY OF LABOR v. THE AMERICAN  
COAL COMPANY

DOCKET NO. LAKE 2011-13  
(JUDGE MORAN)

32 CITATIONS PROPOSED FOR 30% REDUCTION  
NEEDS “INDIVIDUALIZED REVIEW”  
INSTEAD OF “YARD SALE”

ABSENT MINERS MUST HAVE INTERESTS  
REPRESENTED

CLR REPRESENTATION WAS REJECTED

KEEPING OUT OF JAIL

BLANKENSHIP TRIAL

# FALSE STATEMENTS CERTIFICATION

“A LICENSEE SHALL NOT CERTIFY ANY WORK PRODUCT DEALING WITH SUBJECT MATTER IN WHICH HE OR SHE LACKS COMPETENCE BY VIRTUE OF EDUCATION OR EXPERIENCE, OR ANY WORK PRODUCT NOT PREPARED BY HIM OR HER UNDER HIS OR HER DIRECT SUPERVISORY CONTROL.”

201 KAR 18:142§8

# FALSE STATEMENTS CERTIFICATION

“A LICENSEE SHALL ISSUE ALL PROFESSIONAL COMMUNICATIONS AND WORK PRODUCTS IN AN OBJECTIVE AND TRUTHFUL MANNER”

201 KAR 18:142§3

A LICENSEE “SHALL BE OBJECTIVE AND TRUTHFUL IN ALL PROFESSIONAL REPORTS, STATEMENTS, OR TESTIMONY AND SHALL INCLUDE ALL MATERIAL FACTS”

201 KAR 18:142§3(1)



# CERTIFICATION EXAMPLE

A LICENSEE HAS TO “CERTIFY THAT THIS MAP IS CORRECT, AND SHOWS TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL THE INFORMATION REQUIRED BY THE SURFACE MINING LAWS OF THIS STATE.”

405 KAR 1:050§4(4)(a)

A topographic map with contour lines and various labels like 'SULLIVAN 650' and '700'.

# KENTUCKY LAW

KRS 322.990

KRS 350.990(7)

KRS 523.100(1)(a)

A topographic map with contour lines and various labels like 'ROAD', 'SULLIVAN 650', and 'LAKE'.

# FEDERAL LAW

SMCRA 30 USC§1268(g)

18 USC§1001(a)(2)

A topographic map background with contour lines and elevation markers such as 700, 750, and 800. The map is light gray and serves as a background for the text.

**CONSPIRACY**  
**KRS 502.020(1)**  
**18 USC§1961-1968 (RICO)**

**and**

**FEDERAL MAIL FRAUD**  
**18 USC§1341**

