

Mine Safety and Health Administration: Annual Increase to Civil Penalties

January 15, 2021

On January 14, 2021, the United States Department of Labor published a final rule in the Federal Register that increases the Mine Safety and Health Administration’s (“MSHA”) civil monetary penalties. As is required every year, the civil penalties are being adjusted for inflation and will increase by 1.0118 percent.

This penalty increase affects the minimum or maximum penalties for almost all MSHA citations. This includes citations under section 104(d)(1) and section 104(d)(2) of the Federal Mine Safety and Health Act of 1977 (“Mine Act”) (30 USC § 801 *et seq.*), which comprise the majority of citations under the Mine Act. Below is a table showing the increases to the penalties.

Description	CFR Citation	Minimum Penalty	Maximum Penalty
Regular Assessment	30 CFR 100.3(a)		\$74,775
Penalty Conversion Table	30 CFR 100.3(g)	\$139	\$74,775
Minimum Penalty for any order issued under 104(d)(1) of the Mine Act	30 CFR 100.4(a)	\$2,493	
Minimum penalty for any order issued under 104(d)(2) of the Mine Act	30 CFR 100.4(b)	\$4,983	
Penalty for failure to provide timely notification under 103(j) of the Mine Act	39 CFR 100.4(c)	\$6,232	\$74,775
Any operator who fails to correct a violation for which a citation or order was issued under 104(a) of the Mine Act	30 CFR 100.5(c)		\$8,101
Violation of mandatory safety standards related to smoking standards	30 CFR 100.5(d)		\$342
Flagrant violations under 110(b)(2) of the Mine Act	30 CFR 100.5(e)		\$274,175

For more information relating to MSHA or its authority under the Mine Act, you can visit the MSHA webpage found [here](#).

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