

LEGAL UPDATES

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Workplace Safety & Health

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# MSHA Expected to Delay and Amend Workplace Exam Rule

The Mine Safety and Health Administration (MSHA) will likely propose changes to its embattled Workplace Examination Rule, Husch Blackwell has learned. The rule, a holdover from the Obama administration, requires extensive changes to the way mine operators must perform, record, communicate and respond to workplace examinations performed on every shift.

MSHA adopted the rule on January 23, 2017. (Read our previous blog posts about the rule from March and May.) After facing significant criticism around the country and a rulemaking challenge, the rule's effective date was delayed until October 2017. Based on the new information, we expect that MSHA will soon issue a further extension.

In the interim, the industry association litigation challenging the rule is fully briefed and awaits an oral argument schedule. Discussions with key officials continue to emphasize the problems caused by the rule and its improper publication after President Trump's regulatory freeze.

Mine operators understandably want to know whether or not they must make significant adjustments to their operations to comply with the new rule. For full coverage and updates, subscribe to Husch Blackwell's Safety Law Matters blog.

## Contact Us

For more information on how the amended rule could impact your business, please contact a member of Husch Blackwell's Safety & Health team.