

CCASE:  
SOL (MSHA) V. INDEPENDENT GRAVEL  
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Federal Mine Safety and Health Review Commission  
Office of Administrative Law Judges

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA),  
PETITIONER

CIVIL PENALTY PROCEEDING

Docket No. CENT 83-61-M  
A.C. No. 23-00113-05501

v.

Webb City Chat Plant

INDEPENDENT GRAVEL COMPANY,  
RESPONDENT

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The parties have filed a motion to approve settlement in the above-captioned proceeding. The original assessment for the one violation was \$54. The proposed settlement is \$27.

Citation No. 2095336 was issued for a violation of 30 C.F.R. 56.5-1/5 because the South Mill operator was exposed to a excessive level of respirable silica-bearing dust. The parties advise that the gravity of the violation is not as severe as originally was rated. The parties advise that overexposure to silica-bearing dust for short periods will not result in permanent disability. This may be so, but exposure over long periods is a serious matter, and each individual exposure adds to the total. I view this as a violation with gravity. I approve the recommended settlement because the operator is small in size and has a small history of prior violations. In the future, the operator should exercise care over the dust levels.

ORDER

The operator is ORDERED to pay \$27 within 30 days from the date of this decision.

Paul Merlin  
Chief Administrative Law Judge