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SOL (MSHA) v. CARGILL, INC.
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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

v.

CARGILL, INC.,
RESPONDENT

CIVIL PENALTY PROCEEDING

Docket No. CENT 84-48-M
A.C. No. 16-00246-05524

Bell Isle

DECISION APPROVING SETTLEMENT

Before: Judge Merlin

The Solicitor has filed a Motion to Approve Settlement Agreement in the above-referenced matter. At issue is one violation originally assessed at \$119. Settlement is proposed for the original amount.

Citation No. 2236542 was issued for violation of 30 C.F.R. 57.12-30, later modified to 30 C.F.R. 57.12-45 because the 4160 volt powerlines at one point has an 11 foot clearance instead of the 15 feet required by the National Electric Code. The Solicitor represents that the operator had just rewired the powerlines and was not aware of the clearance. Negligence and gravity were moderate. The Solicitor further represents that the operator is a very safety conscious company, and upon being advised of the hazard immediately roped off the area to prevent entry.

I hereby accept the Solicitor's representations and Approve the settlement.

ORDER

The operator having paid the penalty, this case is
DISMISSED.

Paul Merlin
Chief Administrative Law Judge