

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1331 PENNSYLVANIA AVENUE, NW, SUITE 520N
WASHINGTON, D.C. 20004-1710

September 22, 2025

SECRETARY OF LABOR,	:	
MINE SAFETY AND HEALTH	:	
ADMINISTRATION (MSHA)	:	Docket No. CENT 2022-0176
	:	
v.	:	
	:	
MORTON SALT, INC.	:	

BEFORE: Jordan, Chair; Baker and Marvit, Commissioners

ORDER

BY THE COMMISSION:

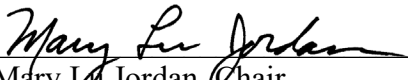
This civil penalty proceeding arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2024) (“Mine Act”). The proceeding concerns a decision of a Commission Administrative Law Judge to vacate the “significant and substantial” (“S&S”)¹ designations associated with two citations issued by the Secretary of Labor’s Mine Safety and Health Administration (“MSHA”) to Morton Salt, Inc. 45 FMSHRC 530 (June 2023) (ALJ).

The Secretary filed a petition for discretionary review of the Judge’s decision with the Commission, which we granted. Thereafter, the parties filed briefs with the Commission in accordance with Commission Procedural Rule 75(a), 29 C.F.R. § 2700.75(a). On January 28, 2025, the Commission held oral argument and a subsequent open meeting on the captioned matter.

The Secretary has now filed a notice of withdrawal, which we construe as a motion in accordance with Commission Procedural Rules 10 and 11, 29 C.F.R. §§ 2700.10 and 2700.11, seeking to withdraw her petition for discretionary review. The Secretary represents that Morton does not oppose.

¹ The S&S terminology is taken from section 104(d)(1) of the Mine Act, which distinguishes as more serious any violation that “could significantly and substantially contribute to the cause and effect of a . . . mine safety or health hazard.” 30 U.S.C. § 814(d)(1).

Having considered the Secretary's filing, we grant the Secretary leave to withdraw the petition. *See Speed Mining, Inc.*, 27 FMSHRC 286 (Mar. 2005) (granting the operator's unopposed motion to withdraw its petition for discretionary review). The proceeding is now dismissed.


Mary Lu Jordan, Chair


Timothy J. Baker, Commissioner


Moshe Z. Marvit, Commissioner

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