

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1331 PENNSYLVANIA AVE., N.W., SUITE 520N  
WASHINGTON, DC 20004-1710

**March 19, 2025**

SECRETARY OF LABOR  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

v.

CACTUS CANYON QUARRIES, INC.

CIVIL PENALTY PROCEEDING

Docket Nos. CENT 2023-0045

CENT 2023-0046

CENT 2023-0047

CENT 2023-0048

CENT 2023-0049

CENT 2023-0050

CENT 2023-0051

CENT 2023-0052

CENT 2023-0053

CENT 2023-0054

CENT 2023-0089

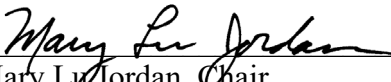
BEFORE: Jordan, Chair; Baker and Marvit, Commissioners

**ORDER**

BY THE COMMISSION:

This matter arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (2018) (“Mine Act” or “Act”). On October 9, 2024 the Commission issued a stay order halting further briefing pending further order of the Commission.

This order is hereby lifted. The parties shall file their briefs in accordance with the briefing schedule requirements in 29 C.F.R. § 2700.75 on the issue of whether the stone finishing plant in question constitutes a “mine” for purposes of MSHA jurisdiction, under section 3(h)(1)(c) of the Act.

  
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Mary Lu Jordan, Chair

  
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Timothy J. Baker, Commissioner

  
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Moshe Z. Marvit, Commissioner

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