

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U. S. 321, 337.

# SUPREME COURT OF THE UNITED STATES

Syllabus

THUNDER BASIN COAL CO. v. REICH, SECRETARY OF LABOR, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 92-896. Argued October 5, 1993—Decided January 19, 1994

Petitioner mine operator's nonunion work force designated two employees of the United Mine Workers of America (UMWA) to serve as miners' representatives under 30 U. S. C. §813(f). Claiming that the designations compromised its rights under the National Labor Relations Act (NLRA), petitioner refused to post information about the representatives as required by a regulation issued by the Department of Labor's Mine Safety and Health Administration (MSHA), 30 CFR §40.4. Rather, petitioner filed suit in the District Court and obtained an injunction preventing enforcement of 30 CFR pt. 40. In reversing, the Court of Appeals held that district court jurisdiction was precluded by the administrative-review scheme of the Federal Mine Safety and Health Amendments Act of 1977, 30 U. S. C. §801 *et seq.* (Mine Act or Act), under which challenges to enforcement measures are reviewed by the Federal Mine Safety and Health Review Commission and then by the appropriate court of appeals. The court rejected petitioner's contention that requiring it to challenge the MSHA's interpretation of 30 U. S. C. §813(f) and 30 CFR pt. 40 through the statutory-review procedures would violate its rights under the Due Process Clause of the Fifth Amendment.

*Held:*

1. The Mine Act's statutory-review scheme precludes a district court from exercising subject-matter jurisdiction over a pre-enforcement challenge to the Act. Pp. 5-18.

(a) In cases involving delayed judicial review of final agency actions, this Court finds that Congress has allocated initial review to an administrative body where such intent is

fairly discernible in the statutory scheme. Whether a statute is intended to preclude initial judicial review is determined from the statute's language, structure, and purpose, its legislative history, and whether the claims can be afforded meaningful review. Pp. 5-6.

THUNDER BASIN COAL CO. v. REICH

Syllabus

(b) Although the Mine Act is facially silent about pre-enforcement claims, its comprehensive enforcement structure demonstrates that Congress intended to preclude challenges such as the present one. The statutory review process does not distinguish between pre- and post-enforcement challenges, but applies to all violations of the Act and its regulations. The Act expressly authorizes district court jurisdiction in only two provisions, which respectively empower the *Secretary* to enjoin habitual violations of health and safety standards and to coerce payment of civil penalties. Mine operators enjoy no corresponding right but must complain to the Commission and then to the court of appeals. Pp. 6-8.

(c) The Mine Act's legislative history confirms the foregoing interpretation by demonstrating that Congress intended to channel and streamline enforcement, directing ordinary challenges to a single review process. *Abbott Laboratories v. Gardner*, 387 U. S. 136, 142-144, 155-156, distinguished. Pp. 8-11.

(d) Petitioner's claims are of the type that Congress intended to be addressed through the statutory-review process and can be meaningfully reviewed under the Mine Act. The NLRA claims at root require interpretation of the parties' rights and duties under §813(f) and 30 CFR pt. 40, and as such arise under the Act and fall squarely within the expertise of the Commission, which recently has addressed the precise NLRA claims presented here. As for petitioner's due process claim, the general rule disfavoring constitutional adjudication by agencies is not mandatory, and is perhaps of less consequence where, as here, the reviewing body is not the agency itself but an independent commission established exclusively to adjudicate Mine Act disputes. The Commission has addressed constitutional questions in previous enforcement proceedings and, even if it had not, petitioner's claims could be meaningfully addressed in the Court of Appeals. Pp. 11-16.

2. The Court need not consider petitioner's contention that, because the absence of pre-enforcement declaratory relief before the Commission will subject petitioner to serious and irreparable harm, due process requires district court review. The record contains no evidence that petitioner will be subject to a serious prehearing deprivation if it complies with §813(f) and 30 CFR pt. 40 by posting the designations. The potential for abuse of the miners' representative position appears limited, and petitioner has failed to demonstrate that any such abuse could not be remedied on an individual basis under the Mine Act. Nor will petitioner face any serious prehearing deprivation if it refuses to post the designations while challenging MSHA's interpretation. Although the Act's civil

THUNDER BASIN COAL CO. v. REICH

Syllabus

penalties unquestionably may become onerous if petitioner chooses not to comply, full judicial review is available before any penalty must be paid. Under the Act, petitioner is neither barred as a practical matter from all access to the courts nor put to a constitutionally intolerable choice between compliance and potent coercive penalties. Pp. 16-18.

969 F. 2d 970, affirmed.

BLACKMUN, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, KENNEDY, SOUTER, and GINSBURG, JJ., joined, and in which SCALIA and THOMAS, JJ., joined except for Parts III-B, IV, and V. SCALIA, J., filed an opinion concurring in part and concurring in the judgment, in which THOMAS, J., joined.