

Protect America's Miners Act

Summary • May 2006

The "Protect America's Miners Act" revises and expands upon the initial efforts of the members of the West Virginia delegation based on the further information released since their legislation was introduced – including preliminary findings from the investigation of the accident at the Sago mine. The legislation:

Improves standards to help coal miners survive an underground emergency, including:

- atmospheric detection and warning systems to alert miners to dangerous levels of harmful and explosive gases;
- two-way messaging systems to allow communications between miners and the surface once they are available; in the interim, one-way messaging systems and backup telephone lines;
- caches of self-rescuers (that is, individual oxygen supplies) for escape, and, until such time as the mine has established underground refuges, special caches of self-rescuers to support prolonged stays underground;
- underground refuges (chambers equipped with oxygen, food, and water), meeting criteria based on past experience in the U.S. and abroad, to give shelter to miners unable to escape from a mine while they await rescue; and
- equipping each miner with a tracking device to facilitate rescue.

Establishes an emergency call center

A call center would ensure that those reporting mine emergencies don't find themselves going from answering machine to answering machine.

Improves mine rescue teams

Mine rescue teams would have to be located on-site at larger mines (those with 36 or more miners) and within an hour of smaller mines (those with 36 or fewer miners).

Requires uniform rules for mine accident investigations

The Labor Department would issue regulations for the investigation of mine accidents to be expeditiously issued to replace the current ad hoc approach. The regulations are to require that public hearings be held in connection with any fatal accident or any accident which could have resulted in multiple fatalities, and to facilitate the involvement of miner families. In addition, where MSHA's own conduct may be at issue, the regulations would permit the transfer of the accident investigation from MSHA to an independent Board.

Increases penalties against mine operators that break the law

Mine operators who engage in “a pattern of violations” would be subject to a new fine of up to \$1 million. The Labor Secretary would have authority to order the withdrawal of miners from the entire mine in such cases.

The regular fine schedule would be adjusted. Minimum fines would increase from \$60 to \$500; maximum fines would increase from \$60,000 to \$500,000. This new penalty schedule would ensure that operators no longer regard MSHA penalties as just another cost of doing business.

Establishes a miner ombudsman

The new office would be created within the Office of the Inspector General at the Labor Department to take confidential safety and health complaints from miners.

Corrects specific hazards facing miners

The Labor Secretary would have to expeditiously upgrade three existing standards critical to underground coal miners:

- Conveyor belts and ventilation ("belt-air" rule). Requires MSHA to adopt recommendations of the National Institute for Occupational Safety and Health that conveyor belts be designed to minimize flammability. Until the revised rules go into effect, the legislation suspends rules adopted in 2004 that generally permitted increased airflow over these conveyor belts.
- Seals. Requires seals, which block off abandoned portions of mines, to be able to withstand more pressure than under the current rules, and requires consideration of whether MSHA should inspect all seals during construction to be sure they are built according to plan. (A one-time special inspection of all current seals would be required.)
- Respirable (coal) dust. Black lung continues to be diagnosed among younger coal miners. To eliminate it forever, the bill would adopt more protective requirements recommended by NIOSH.

Addresses other priorities

- Facilitates the replacement of MSHA's aging inspector workforce.
- Establishes a user fee as the exclusive source of resources for government compliance assistance to individual mining companies.
- Requires research priority into longer lasting self-rescuers, two-way communication devices, improved technology to determine underground conditions during an emergency situation, and improved technology for mine rescue crews.