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**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Press Office, 202-226-0853

**Chairman Miller Statement for the introduction of the 2007  
Mine Safety and Health Bills**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for the introduction of the 2007 Mine Safety and Health Bills – the Supplementary Mine Improvement and New Emergency Response (S-MINER) Act and the Miner Health Enhancement Act of 2007.*

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Madam Speaker, last Friday was the first anniversary of the MINER Act, which the Congress passed last year in the wake of the tragedies at the Sago, Aracoma Alma and Darby coal mines.

Much progress has been made over the last year. For example, thanks in particular to the efforts of Senator Robert Byrd of West Virginia, critical funding was provided to help develop new technologies for mining which were thought to be out of reach only a year ago. Funds were also provided to hire additional inspectors for underground coal mines. These funds were well spent, and the investment will save miners lives.

Moreover, implementation of the requirements of the MINER Act, while slower than anticipated, has started to gain traction, as questions about its provisions have been addressed and as this Congress has exercised its oversight authority.

But important as these actions are, they were intended as only a down-payment on what is needed to clean up years of neglect and backsliding by this Administration and an industry that had become, by its own admission, overly complacent. The need for supplemental action is more clear than ever, as too are the details of the supplemental action that is required at this time.

Accordingly, I am joining Chairman Rahall and others today in introducing new legislation, the Supplementary Mine Improvement and New Emergency Response Act, or S-MINER Act, to build on our initial accomplishments by taking the next steps.

The S-MINER Act has four basic sections.

**The S-MINER Act would supplement emergency response plans.** The MINER Act required mine operators to put in place detailed emergency response plans to prevent a

recurrence of the tragedies at Sago, Aracoma Alma and Darby. Based on what we have learned over the last year, the S-MINER Act would tighten up some of the requirements to ensure that effective action is taken promptly.

For example, the S-MINER Act would:

- \* in light of technological progress, speed up the dates by which mine operators have to install improved underground communication systems and refuge chambers
- \* ensure that requirements on how to seal abandoned areas of a mine, already scheduled to be issued in December of this year, meet recently developed NIOSH recommendations
- \* require the 52-year old standard on conveyor belt flammability to be updated consistent with NIOSH recommendations, and ban the practice of ventilating mines with intake air run over these conveyor belts (“belt air”)
- \* require the installation of underground gas and smoke monitoring systems, and require miners working alone to carry multi-gas detectors to protect them from otherwise undetectable toxic atmospheres they may encounter

And the bill would require a study by the National Academy of Sciences of the technology needed to help protect underground miners from the harmful potential consequences of lightning above the mine, the asserted spark that set off the Sago tragedy.

**The S-MINER Act would supplement enforcement authority.** The MINER Act established some new penalties to encourage mine operators to take mine safety and health requirements seriously and address problems before they become worse. Based on what we have learned over the last year, the S-MINER Act would supplement these actions to enhance their effectiveness.

For example, the S-MINER Act would:

- \* clarify the authority of inspectors to be free of interference and to issue withdrawal orders in emergencies;
- \* enhance penalties not adjusted by MINER Act;
- \* respond to GAO findings of deficiencies in the penalty assessment process;
- \* and provide MSHA with subpoena power equivalent to that of other agencies.

In addition, the S-MINER Act would establish an independent ombudsman to ensure proper attention to miner complaints of unsafe conditions and to protect whistleblowers from retaliation

**The S-MINER Act would supplement rescue, recovery and incident investigation authority.** The MINER Act ensured that prompt notice of serious accidents be provided immediately to the Department of Labor, and that the number of available rescue teams be enhanced. Based on what we have learned over the last year, the S-MINER Act would supplement these actions to enhance their effectiveness.

For example, the S-MINER Act would:

- \* enhance mine rescue and recovery operations by providing for a national call center;
- \* require timely notice to MSHA of “near misses”;
- \* and require mine operators to provide certain logistical support for rescue teams.

The bill would also require the procedures for accident investigations to be standardized, ensures witness coercion and conflict of interests are avoided, and provides for any investigation by MSHA to be supplemented by an investigation of the independent Chemical Safety Board when requested by authorized representatives of miners or families.

**The S-MINER Act would revise the respirable dust standards established 40 years ago.** MSHA has struggled in the last decade to update badly needed improvements in critical health standards actually set by the Congress in the 1977 Mine Safety and Health Act, and has not been successful. Miners are once again developing symptoms of black lung and other deadly diseases of the past. For miners, this situation constitutes an emergency. Accordingly, the bill would update the rules the Congress set 40 years ago by adopting long-standing recommendations of NIOSH for these rules.

Specifically, the S-MINER Act would:

- \* reduce the amount of coal dust to which miners can be exposed in accordance with NIOSH recommendations;
- \* require miners be equipped with the new personal dust monitors (PDMs) developed and certified by NIOSH, and authorize miners to adjust their activities to avoid overexposure;
- \* update the procedures for compliance sampling by the Department of Labor and for operator surveillance sampling utilizing the PDM.

The S-MINER Act would also set an independent standard for silica exposure (the current limit is entwined with the coal dust limit) in accordance with NIOSH recommendations.

In addition, Madame Speaker, I am also joining with Chairman Rahall and others today in introducing the Miner Health Enhancement Act of 2007. As I mentioned, MSHA has struggled in the last decade to update badly needed improvements in critical health

standards actually set by the Congress in the 1977 Mine Safety and Health Act, and has not been successful. While the S-MINER Act would deal with the most well-recognized of these issues, there are other 40-year old health standards established by the Congress that also require attention.

The Miner Health Enhancement Act of 2007 would:

- \* require MSHA to use the existing asbestos standard applicable to most American workers under OSHA rather than the weaker standard for asbestos now applicable
- \* require MSHA to utilize the hazard communication standard issued by the last Administration after extensive rulemaking without the amendments adopted early in this Administration that weaken the currency of the scientific information provided to mine workers; and
- \* require MSHA to update the list of permissible exposure limits in its air contaminants standard to reflect the recommended exposure limits established by NIOSH.

Last year we acted with urgency but too late; this year, it is our hope to enact needed reforms before the next tragedy occurs. As we focus this year on how to address this country's energy problems, let us not forget to provide for the safety and health of the workers who provide the raw materials that power this economy.

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