



# Senate Environmental Resources and Energy Committee

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## Summary Senate Bill 949, P.N. 2275

Prime Sponsor: Senator Kasunic

### Short Title

The Bituminous Coal Mine Safety Act.

### Overview

This legislation encompasses a complete re-write of the Commonwealth's mine safety statutes related to bituminous coal mining. It creates a Coal Mine Safety Board to promulgate regulations and continually review and recommend the use of new mine safety technologies. The Board would be composed of representatives from the industry, labor, and Department of Environmental Protection. Additionally, the legislation provides for greater responsibility of owners and operators to ensure safety within mines, and brings state standards in line with existing federal standards where appropriate.

The legislation incorporates recommendations made from the Governor's *Commission on Abandoned Mine Voids and Mine Safety*, the joint DEP/MSHA investigation team and the Quecreek Grand Jury. Additionally, the Pennsylvania Coal Association, the United Mine Workers of America, and DEP have offered detailed input on language.

## **CHAPTER 1 – PRELIMINARY PROVISIONS**

### **Powers and Duties of DEP**

The Department of Environmental Protection (DEP) has the power and duty to administer the mine safety program. This includes making inspections, conducting investigations, and issuing orders. DEP shall also review the qualifications of people working in the mines and approve equipment.

### **Coal Mine Safety Board**

A Board of Coal Mine Safety (Board) is established. The Board is responsible for developing rules and regulations authorized by the act. The Board consists of the Secretary of the Department who is also the chairperson of the Board, and six members appointed by the

Governor. Three of the six members shall represent the coal mine operators in Pennsylvania and three members shall represent working miners in Pennsylvania. A quorum of the Board shall consist of five members and any actions of the Board must be by an affirmative vote of at least five members.

The Board shall consider promulgating as regulations any Federal mine safety standard existing as of the effective date of the act and that are not included in interim mandatory safety standards. The Board shall also consider new federal standards, except those concerning diesel equipment, that are promulgated after the effective date of this act. However, no regulation promulgated by the Board shall reduce or compromise the level of safety or protection currently afforded to mine workers under the act.

Within 14 days of its initial meeting, the Board shall make a determination whether to promulgate regulations concerning specific exceptions to the track distance requirements contained in Section 258. Any exceptions approved by the Board as proposed rulemaking shall become and remain in effect until completion of the rulemaking process. In all situations, a self-propelled transport vehicle shall be readily available in the working section for transportation of sick or injured miners.

The Board may establish fees to cover the Department's cost of administering the act.

### **Inspections**

DEP shall inspect each mine at least semiannually for electrical purposes and at least quarterly for general purposes.

Permits a representative of the miners, selected by two or more miners at a mine, to accompany a mine inspector. Additional representatives of the miners and operators may accompany the inspector if the department determines doing so will aid the inspection, however only one miner shall suffer no loss in pay during the period of participation in the inspection. The representative chosen by the miners must be an employee of the mine being inspected.

### **Accidents**

In the event of an accident at a mine, the operator shall do all of the following:

- Notify the Department no later than 15 minutes of the discovery of the accident.
- Obtain the approval of the Department for any plan to recover any person in the mine, to recover the coal in the mine, or to return the mine to normal operations.
- Take appropriate action to prevent the destruction of evidence, which would assist in investigating the mine accident. Unless the Department grants permission, no operator shall alter an accident site until all investigations pertaining to the accident are completed. There are exceptions for rescuing an individual, preventing an imminent danger or preventing the destruction of mining equipment.
- Prepare a written report on its investigation of the accident.

In the event of an accident at a mine, the Department shall do all of the following:

- Take whatever action it deems appropriate to protect the life, health, and safety of any person including supervising and directing the rescue and recovery activities in the mine.
- Promptly decide whether to conduct an investigation of the accident and inform the operator and miner's representative of its decision.
- Each operator shall report to the Department each accident, occupational injury, and occupational illness at the mine.

### **Mine Officials Certification**

The Department shall prepare and administer examinations for certification of mine foreman, assistant mine foreman, mine examiner, and mine electrician.

### **Classification of Mines**

The distinction between gassy and non-gassy mines is eliminated and all underground mines in Pennsylvania shall comply with the requirements for gassy mines.

### **Reports**

The operator of an underground mine shall submit to the Department a completed or revised "Deep Mine Questionnaire" in the following instances:

- Prior to opening a new underground mine or reopening an underground mine that was closed.
- Any change in the information that was included on the most recently submitted questionnaire.

The operator shall notify the Department immediately upon the discontinuance of operation of an underground mine. Each operator of an active mine shall submit quarterly reports within 15 days after the end of each quarter. The report shall include information on reportable injuries or accidents that occurred at the mine.

### **Mine Rescue Program**

The Department is authorized to establish and administer a mine rescue program for mines not able to provide a mine rescue crew for themselves. The mine rescue program shall instruct mine employees how to care for persons injured in a mine accident and train mine employees in the use of mine rescue equipment. The Department shall purchase and maintain adequate quantities of emergency response vehicles and equipment to assure a rapid and effective response to mine emergencies. In the event of an emergency response, the Department may use emergency contracting provisions to lease additional services or equipment.

### **Direction of Mine Rescue Work**

The Department shall coordinate and assist in all responses to a mine emergency in Pennsylvania and is authorized to assign mine rescue crews and mine recovery work to mine inspectors or other qualified employees of the Department.

### **Recovery of Moneys**

The Department is authorized to seek from an operator reimbursement of moneys expended by the Department in responding to an emergency.

### **Mine Safety Fund**

A “Mine Safety Fund” is established and all moneys received by the Department from fees, fines, and penalties, and all moneys recovered from operators for expenses incurred when responding to a mine emergency shall be deposited into the fund and used by the Department for mine safety activities.

### **Qualifications for Employment as a Bituminous Mine Inspector & Electrical Inspector**

Specifies qualifications a person must meet to be a Bituminous Mine Inspector or Electrical Inspector.

### **Mine Maps to be Made Available to the Department**

The Department is authorized and directed to obtain and copy all maps of mining conducted in Pennsylvania. Any person who has possession of a mine map shall make the map available to the Department for inspection and copying. No person shall be attributed or divested of liability solely on the basis of supplying a map to the Department.

### **Mine Map Repository**

The Department shall develop and maintain a repository of all mine maps it has obtained or had an opportunity to copy. The Department shall organize the maps and make them available for general public review.

## **CHAPTER 2 – GENERAL REQUIRMENTS FOR UNDERGROUND BITUMINOUS MINES**

### **General Safety Requirements**

All work must be done in a safe manner and all equipment must be maintained in a safe operating condition.

No person shall be employed in certain positions, such as mine foreman, assistant mine foreman, mine examiner, mine electrician, mining machine operator, shot-firer or miner unless that person holds a current valid certification from the Department to work in that capacity.

An uncertified individual may be underground only when under the direct supervision and in the physical presence of a miner. It is the duty of the operator and mine officials to comply with and see that others comply with the provisions of this act. It shall also be the duty of all miners and other workers to cooperate with management and the Department in implementing the provisions of this act.

Every superintendent, mine foreman, assistant mine foreman, mine electrician, and mine examiner shall represent the Commonwealth in the mine in which he or she is employed and shall be deemed an officer of the Commonwealth in enforcing provisions of this act.

### **Mapping Requirements and Surveying Standards**

The operator or superintendent of each mine shall be responsible for an accurate map of the mine to be made by a registered mining engineer or registered professional surveyor, on a scale of not less than 200 feet to the inch.

At a minimum, the map shall show:

1. A complete legend identifying all features represented on the map and a title block including all changes and dates in mine ownership.
2. An accurate delineation of the current extent of the workings of the mine and all mines and coal lands within 1,000 feet inside the permit boundary and all mines and coal lands with 1,000 feet of the outside of the permit boundary. The delineation must show all workings of all mines above and below said mine within the permit boundary and within 1,000 feet of the outside of the permit boundary.
3. Barrier pillars for all mine workings inside the permit boundary and all mine workings adjacent to the permit boundary.
4. Two permanent baseline points coordinated with underground and surface traverse points.
5. All openings, excavations, shafts, slopes, drifts, tunnels, entries, crosscuts, rooms, boreholes and all other excavations including surface pits and auger holes in each seam.
6. Areas where the pillars or longwall panels have been removed.
7. The name or number of each butt, room and section.
8. Ventilation controls, numbered air splits and direction of air currents.
9. USGS elevation at the top and bottom of each shaft, slope, drift and borehole.
10. Bottom of coal elevations taken at intervals not to exceed 300 feet apart.
11. Bottom of coal elevations taken in the last open crosscut of all sections and each set of rooms off such section before they are abandoned.
12. Elevation contour lines at 10-foot increments, unless the seam is steeply pitching, then it may be 25-foot intervals.
13. The number of each survey station and the date of the last survey.
14. The location, volume, and elevation of any body of water dammed or held back in any portion of the mine.
15. The location of streams, rivers, lakes, dams, or any other bodies of water on the surface, with their surface elevations accurately marked.
16. The location of permanent surface features such as railroad tracks, public highways, permanent buildings, and oil and gas wells.
17. All seals and bulkheads within the mine.

The extent of surveying shown on the map shall meet the following minimum underground surveying standards:

- Every entry must be surveyed at intervals not to exceed 300 lineal feet.
- Lateral take-ups must be taken in every entry at all intersections.
- All workings not surveyed and taken from a working map or other unofficial record shall be shown on the map with dashed lines.

- A survey station spad is required to be within 300 feet of the deepest penetration of the final faces of each mining section, butt or room.
- Check survey stations shall be advanced to within 300 feet of the deepest penetration of all mains, sub-mains, sections, and butts.
- Check survey stations shall be advanced to within 100 feet of the deepest penetration of all mining sections, butts, rooms, and excavations adjacent to the permit or property boundary lines.
- Prior to each area being sealed, the operator or superintendent will verify in writing that the map of the sealed area meets the requirements of the act.

### **Ventilation Requirements**

The operator or superintendent of a mine shall provide and maintain ample means of ventilation. Specifies the quantity and quality of air within the mine, as well as requirements for early warning fire detection systems, carbon monoxide and smoke sensors. Specifies actions to detect and respond to excess methane gas in the mine.

### **Roof Support**

Requires the development, adoption and implementation of a roof support plan for each mine. Roof support plans shall be posted, and workmen whose work involves roof support shall be informed of approved roof support plans.

### **Transportation of Individuals**

The speed and operation of mantrips shall be under the supervisions of the mine foreman, and conducted at safe speeds consistent with the condition of roads and the type of equipment used. Adequate clearance and illumination shall be provided where individuals load and unload mantrips.

Where transportation of personnel is exclusively by rail, track shall be maintained to within 750 feet of the tailpiece on a longwall section or the nearest working face on development sections. The distance may be extended up to 1500 feet if a self-propelled transport vehicle is readily available in the working section for transportation of sick or injured miners. The department may grant variances on a case by case basis. A variance not disapproved within 30 days shall be deemed approved. In all situations, a self-propelled transport vehicle shall be readily available in the working section for transportation of sick or injured miners.

### **Fire Protection**

Requires each mine to be provided with suitable firefighting equipment. Specifies standards for firefighting equipment, including waterlines, portable water and chemical cars, portable foam-generating machines or devices, fire extinguishers and hoses.

Specifies the location and amount of emergency materials at mines, based upon amount of coal produced each shift.

## **Shafts**

Requires the distance between emergency escape shafts to be no less than 200 feet, and the distance between openings to the surface of slopes and between drifts, to be no less than 50 feet. Permits exceptions to distance requirements with written consent of the department. Permits the use of an escapeway capsule with a minimum capacity of two persons to meet the emergency hosting capability requirements of the act.

## **Mining Close to Abandoned Workings**

Prohibits mining of coal in any seam when on the adjoining property there are mine workings in the seam within 3,000 feet of the permit boundary. Specifies requirements for barrier pillars along boundaries to protect against danger to property or lives on either side of the permit boundary.

## **CHAPTER 3 – ELECTRICAL EQUIPMENT**

### **Electrical Equipment**

This chapter authorizes the use of and specifies which electrical equipment may be used in an underground bituminous mine. The chapter contains provisions related to:

- General safety
- Plans for electrical systems
- Switches, fuses and circuits
- Lightning protection
- Grounding and voltage limitations
- Testing, examination and maintenance of longwall equipment

## **CHAPTER 4 – DIESEL-POWERED EQUIPMENT**

### **Diesel-Powered Equipment**

These sections contain provisions for the use of underground diesel-powered equipment, including mobile and stationary equipment, and equipment of all horsepower ratings. Areas covered by these sections include emissions control, ventilation, fuel storage, fire suppression, and duties of the equipment operator.

### **Technical Advisory Committee on Diesel-Powered Equipment**

Establishes a Technical Advisory Committee for the purpose of advising the Department on diesel-powered equipment and any processes which are at variance with the provisions of the statute or any regulations that are promulgated.

The Advisory Committee shall consist of two members who shall serve three-year terms. Members shall be appointed by the Governor from a list containing one or more nominees

submitted by the major employee organization representing coal miners in the Commonwealth and the major trade association representing coal operators in the Commonwealth.

Members may serve an unlimited number of terms.

## **CHAPTER 5 – ENFORCEMENT & REMEDIES**

### **Enforcement Orders**

The Department may issue written orders to enforce the act, effectuate the purposes of the act and to protect the health and safety of miners and persons in and about mines.

### **Restraining Violations**

The Department may seek a court injunction to restrain any of the following:

- Violation of the act, a regulation, or any approval, standard, order or permit
- Creation and maintenance of a threat to the health and safety of miners and persons in and about mines

### **Administrative Penalties**

The Department may assess an administrative penalty of up to \$2,500 against a mine official who is responsible for actions which pose an imminent and substantial threat to the health and safety of miners. The Department may also assess a fine in the same amount against the mine operator.

If the Department finds that an operator directed or condoned an unsafe act or violation of the act, the Department may assess an administrative penalty of not less than \$10,000 and not more than \$200,000. The person that directed or condoned the action shall be removed from any positions of command and control.

### **Unlawful Conduct**

It shall be unlawful to:

- Violate the act, a regulation or any approval, standard or order issued under the act
- Cause or assist another in violating the act, a regulation or any approval, standard or order issued under the act
- Hinder or threaten an agent of employee of the Department
- Do any of the following on mine property:
  - Venture into areas with unsupported roof
  - Fail to make required gas checks
  - Work on energized equipment without de-energizing, locking out and tagging the equipment
  - Change approved equipment without Department approval
  - Circumvent a safety device
  - Disable an alarm

- Possess or use alcohol, drugs or smoking material in an unlawful manner
- Assign an employee without adequate training or competence to perform a task
- Require or condone a violation of the act, a regulation or any approval, standard or order issued under the act
- Require or condone performance of an unsafe act
- Fail to perform required examination
- Fail to properly abate known dangers
- Supply inaccurate information to the Department
- Fail to notify the Department, de-energize electrical power, or evacuate the mine when required.

### **Criminal Penalties**

A person commits a second-degree felony if they:

- Violate the act or any regulation, approval, standard or order;
- Submit false information to the Department; or
- Fail to notify the Department as required

*And:*

- The action or inaction results in death or substantial bodily injury; or
- Creates a condition that poses substantial likelihood of causing death or substantial bodily injury

### **Inspection**

An agent or employee of the Department may inspect a mine and associated buildings, premises and records; secure physical evidence; conduct tests; and obtain search warrants.

### **Limitation of Action**

Civil, criminal and administrative actions under this act must be commenced by the Department within three years.

### **Certification Actions**

The Department may modify, suspend or revoke a certification with cause.

## **CHAPTER 6 – EMERGENCY MEDICAL PERSONNEL**

### **Emergency Medical Personnel**

Incorporates relevant provisions of Act 178 of 1976, known as the Coal Mine Emergency Medical Personnel Law.

Emergency medical personnel shall be employed at every mine site. At least one emergency medical technician shall be on duty at any time when miners at that mine are engaged in the extraction, production, or preparation of coal. The Department of Health shall make rules and regulations necessary to train and certify emergency medical technicians. Each operator shall provide every new employee who has not received the training required under this act within six months prior to employment, with the first aid training required by the Department.

## **CHAPTER 7 – SAFETY ZONES & ENTOMBED WORKMEN**

### **Establishment of Safety Zones**

Establishes a safety zone beneath and adjacent to every stream, river and natural or artificial body of water in the Commonwealth that is sufficiently large to constitute a hazard to mining, as determined by the Department. The safety zone shall extend horizontally 200 feet from the high-water mark of each stream or river bank or from the known perimeter of any other body of water determined to constitute a hazard.

### **Written Authorization**

No mining or removal of minerals shall be permitted within the safety zone unless authorized in writing by the Department, upon application by the operator.

### **Pillar Recovery**

Pillar recovery may not be undertaken unless an application has been submitted to and approved by the Department.

### **Entombed Workmen**

Incorporates and updates relevant provisions of Act 171 of 1889.

If a workman is enclosed, entombed or buried in any coal mine, the Department, upon its own initiative or a request of a relative, shall petition a court of competent jurisdiction to order recovery of the body and to make a decree that the workman is dead.

## **CHAPTER 31 – MISCELLANEOUS PROVISIONS**

### **Repeals**

Repeals obsolete and inconsistent laws.

### **Effective Date**

The act shall take effect in 180 days.