

“Quecreek – Rescuing the Miners Was Not Enough”

By

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Before the

Senate Environmental Resources & Energy Committee

January 31, 2006

Senator White, Senator Musto, thank you for the opportunity to again appear before the Environmental Resources and Energy Committee and offer comments on the important topic of underground mine safety in Pennsylvania.

I also want to thank Senator Kasunic and Representative Bastian, both representing Somerset County, for sponsoring the legislation ([Senate Bill 949](#) and [House Bill 2229](#), respectively) that takes the lessons learned from the [Quecreek Mine Rescue](#) to make positive changes in our bituminous mine safety law.

I found it an interesting coincidence the Senate Bill was number 949 – 9 – four – 9 – was Gov. Schweiker’s shorthand way of announcing that all the Quecreek miners were alive.

The rescue of nine miners trapped in the Quecreek Mine in July 2002 was the result of the extraordinary efforts of hundreds of rescue workers, the safety training given to miners, Pennsylvania’s mining regulations, our experience dealing with emergencies, many prayers and luck.

Safety training told the miners to find a safe area of the mine, honker down, conserve their lights, food, air and body heat and wait for rescue.

Regulations told the company to keep an up-to-date survey on the progress of mining that allowed engineers to locate and drill that vital first six-inch hole to provide air to the trapped miners and later a rescue shaft to bring them out.

The skill and years of experience of the whole mine rescue team from local miners, mining companies, private contractors and particularly from our own Bureau of Deep Mine Safety, allowed us to put together a rescue plan and get the right equipment and people in place for a successful outcome.

But it was also our experience with the crash of Flight 93 just 10 months before and Pennsylvania’s history of dealing with emergencies like Three Mile Island, floods and other natural disasters that resulted in our “forward leaning” philosophy of being proactive in handling emergencies that helped shape our response.

We were also deeply touched by the prayers of support from the families and literally the entire world for the miners’ safe rescue.

And we were lucky.

Everyone who lives in coal country knows when mine accidents happen, deaths are still far too common. You can do everything right in responding to a mine accident and still have a terrible result.

The recent experiences in West Virginia and the death of 30-year old [Eric Hill in the Rosebud Mine](#) in Armstrong County December 12 are just two of the most recent reminders that mine deaths happen all too often.

After the Quecreek Rescue, Gov. Schweiker took several actions to investigate the causes of the Quecreek Accident and evaluate the rescue efforts—

Accident Investigations: The Bureau of Deep Mine Safety and the federal Mine Safety and Health Administration immediately began their joint investigation into the cause of the accident.

Our DEP staff, along with staff from MSHA, did an exhaustive job of interviewing the miners and more than 50 individuals, searched records, reviewed the permitting process leading up to the opening of the mine; and evaluated the rescue operation.

We took the added step of releasing a preliminary report on our findings in [November 2002](#) for public review, asking that anyone with additional information to share to come forward to correct or add to the record.

Public review of a draft mining accident report had never been done before.

The preliminary report concluded the accident resulted from the lack of a final map showing the true extent of mining in the abandoned Saxman Mine that flooded into the Quecreek Mine.

As a result, when the Quecreek Mine was issued a permit, no one knew it was closer to the water-filled Saxman Mine than the 200-foot safety zone required by law. The nine miners, in fact, thought they were at least 300 feet away when they broke through.

In a special letter to Governor-elect Rendell just a few days before leaving office, Gov. Schweiker [encouraged the new Administration](#) to make the Quecreek investigation a priority for the sake the families that endured so much during the Quecreek Rescue.

In July 2003, DEP completed that investigation under Secretary McGinty and issued the [final report](#). The final conclusions did not change.

I would like to specifically thank Secretary McGinty and Gov. Rendell for following this important investigation through to its conclusion in 2003.

The federal Mine Safety and Health Administration released the results of their investigation in [August 2003](#) with the same basic conclusions as the Pennsylvania report.

Review of Existing Mining Operations: In addition to the investigations, Gov. Schweiker immediately ordered all underground coal mine operators in the state and the Bureau of Deep Mine Safety to [review mining plans](#) to ensure there was the required 200 foot safety zone between active mining and any water-filled mine voids.

Instituting a Wider Safety Zone: After this initial review, the Governor put in place a more specific requirement for mine operators [to submit “hard information”](#) on where water-filled mine voids are located before they were allowed to mine closer than 500 feet from an abandoned mine in bituminous areas and 300 feet in anthracite areas.

“Hard information” included drilling from the surface and drilling ahead of mining.

Governor’s Commission: Just a day after rescue operations concluded, Gov. Schweiker [formed a nine member Governor’s Commission on Abandoned Mine Voids and Mine Safety](#) headed by Dr. Raja Ramani, Professor of Mining and GeoEnvironmental

Engineering Emeritus at Penn State, and with representatives of the United Mine Workers, coal operators and other experts.

After a series of public hearings and field visits, including going into the Quecreek Mine after it was completely drained, the Commission made 48 recommendations in [November of 2002](#), including changes to the 1961 Bituminous Mine Act. All but one was accepted by Gov. Schweiker.

The only recommendation not accepted was a return to the 200 foot safety zone between an active mine and a water-filled mine void. Gov. Schweiker elected to retain the 500-foot zone he had instituted earlier for bituminous areas and the 300-foot zone for anthracite mining.

The one thing all these investigations and reviews had in common was that our 1961 bituminous deep mine safety law and our 1965 anthracite mine safety program needed to be updated in at least five areas –

- Establish a comprehensive index and a digitized archive of mine maps to ensure their availability;
- Create new procedures that ensure mine inspectors turn over all maps and information they have on file when they cease employment;
- Require mine operators to provide DEP with hard evidence showing the location of mine voids and their distance from active operations;
- Grant DEP the authority to adopt updated safety requirements, rather than having to go through the process of amending the law each time the need arises; and
- Authorize DEP to take enforcement actions against mine operators who violate state mine safety laws.

The Department of Environmental Protection has moved ahead with a number of initiatives based on these recommendations and Senate Bill 949 and House Bill 2229 do contain the major changes in law proposed earlier by the Commission and the investigations, plus others added by the Department.

I would, however, like to raise several issues for the Committee’s consideration—

Families First

Gov. Schweiker established a strict “families first” policy in sharing information about the status of the mine rescue with the families of the trapped miners during Quecreek. We provided updates to the families of the miners first, every hour, before releasing any information to the public through the media.

We never forgot that while we were concentrating on getting the right strategy, equipment and people in place for the rescue, there were wives, mothers, dads and children waiting anxiously for any news about the outcome. They were literally hanging on every word we said.

I would like to see Pennsylvania’s Mine Rescue Program officially include a provision for a “Mine Families First Liaison” as part of our rescue efforts, just like we include medical, rescue personnel and equipment (Section 114).

The specific purpose of this Liaison would be to see that the needs of the families of miners involved in accidents are taken care of during and after rescue operations-- keeping them fully informed about the rescue with reliable information and that information about the status of rescue operations gets to them first, before the media.

Full Authority to Respond to Mine Accidents

The powers and duties of the department should be clarified to make sure that it can use all of its authorities to respond to and guide mine rescue operations as well as collect information during a mine accident investigation. (Section 115)

To respond to the Quecreek accident, we had to drill drain holes, construct sediment ponds, put in place emergency equipment and afterwards interview dozens of people and requested boxes of records.

While Gov. Schweiker was on site to help us cut red tape and we had all the cooperation we could ask for from everyone involved, that may not always be the case in the future. It would be reassuring to know that State Government and DEP had all the authority they needed to respond to life-threatening mine accidents and to do a complete investigation.

Amending the legislation to make sure all the authority in Section 105 could be used in a rescue operation and in a follow up mine accident investigation would clarify this point.

Open Adoption of Regulations

The operation of the Mine Safety Board in adopting safety regulations should be done in the public eye because this is such an important public issue.

Currently the legislation includes a provision in Section 106(e)(3) that exempts the Board from certain requirements of the Open Meetings Law and the Regulatory Review Act.

I encourage the Committee to take a look at these provisions to determine what the appropriate level of public review and information sharing should be with the public.

Restoration Costs

The size and nature of the Quecreek Mine Rescue effort involved a good deal of restoration work after the rescue operation and the costs of this aspect of the operation should be recoverable from a mine operator and paid under the Mine Safety Fund.

I would recommend clarifying Section 116 to allow the department to cover costs like restoring drill sites, equipment staging areas and restoring streams and water supplies affected by rescues.

The Mine Safety Fund established under Section 117 should similarly be amended with a companion change to allow the department to pay restoration costs out of the Fund.

Flexibility to Update Safety Rules

One key recommendation of the Governor's Commission and the Quecreek investigations was that not only were our existing state mine safety laws outdated, they were inflexible. They could not keep up with changes in safety technologies and procedures because it meant coming back to the General Assembly to change the law each time.

The legislation before you is 215 pages long. It has lots of detail about procedures and equipment down to the size of water buckets needed to fight fires (page 103), setting specific amperage requirements for electrical protection in mines (page 152), and specifying what forms, down to the form numbers, to use to make reports (page 19).

I certainly understand the historic position of both the coal industry and mine worker representatives has been to be as specific as possible in the law, but the fact is this law now reads more like regulations, even more so with all the additions.

As the Committee looks at this legislation and the Mine Safety Board concept, you should not only retain the flexibility the bill allows to adopt rules that are different and more protective than those itemized in the bill, you should look for ways it can be strengthened. The Committee might also consider an emergency rulemaking procedure to deal with unanticipated safety issues that affect the industry as a whole, beyond a single mine.

Without the flexibility to adapt to changing safety requirements, I'm afraid we will be in the same position we are now—unable to keep our mines as safe as we can with the newest technologies and requirements because we have to change the law each time.

The Quecreek Mine Rescue was a miracle. It was a life changing experience for all of us who were involved and we will be forever joined together by a unique bond because of this accomplishment.

As someone who has been in public service most of my life, I am also extremely proud of the hundreds of men and women in public service in DEP, the State Police, PEMA, Military Affairs, PennDOT, county agencies, local first responders and, of course Gov. Schweiker, who took part in the rescue.

This is what public service is all about—making a difference. And there is no higher calling than to help save the life of someone else.

From DEP, Richard Stickler, Joe Scaffoni, Lynn Jamison, Ellsworth Pauley, Bill Bookshar and Tom McKnight were all presented with the [Governor's Award for Public Service](#) for their efforts.

But rescuing the miners at Quecreek was not enough.

We have to take the lessons learned from that accident to make sure it doesn't happen again and we started to do that.

There have been fundamental changes in the way DEP regulates underground coal mining operations, the collection of old mine maps that have provided a treasure trove of new information on the location of abandoned mines and new technologies to allow drilling ahead of mining in small seam coal mines.

After the accident, lessons learned from Quecreek were shared with a variety of professional groups and sister agencies in hopes of improving the preparedness of others.

Now we have the opportunity to take another step to make sure we take full advantage of these lessons so the families of our mine workers do not have to go through another Quecreek.

Thank you again for the opportunity to offer my comments. I would be happy to answer any questions you have.

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Note: The Pennsylvania Historical and Museum Commission is now considering an application from the [Quecreek Mine Rescue Foundation](#) to place a state historical marker on the Somerset County rescue site to commemorate the events of July 24-28, 2002.