

Kathleen A. McGinty, Secretary
Department of Environmental Protection
on
MINE SAFETY
before the
Senate Environmental Resources & Energy Committee
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Chairman White, Chairman Musto and members of the committee: I appreciate the opportunity to appear before you today to talk about Pennsylvania's mine safety record.

Let me begin by saying that our thoughts remain with the family and friends of the 14 miners who died in accidents at International Coal Group's Sago Mine and Aracoma Coal's Alma Mine No. 1 earlier this month. Their deaths are being felt far beyond the mining communities of West Virginia where they occurred.

In Pennsylvania, Governor Edward G. Rendell has ushered in an array of initiatives to enhance mine safety since taking office, directing the Department of Environmental Protection to do everything in its power to protect those who work underground, even as we work with the legislature on matters outside our administrative control. Among the initiatives already put in place:

- DEP has revised mine permitting and inspection procedures so DEP's mine safety experts have a direct role in the decision-making process in permit reviews for any new or expanding mining operation.
- DEP has developed and is enforcing stringent new requirements concerning validation and verification of underground mine maps and procedures for establishing barrier pillars for enhanced safety.
- DEP has launched a major effort to collect and digitize mine maps. To date, DEP has collected 12,000 maps from outside parties and scanned 43,000 maps from its repositories and those outside sources.
- DEP has created and continues to build a database for entering mine production data collected from hard-copy mining reports over the past 130 years to enable searches that will allow comparisons with known maps to get a more accurate picture of mine voids and mine workings.
- DEP has partnered with Indiana University of Pennsylvania to support a \$125,000 digital camera funded through the state's portion of federal grants to scan and digitize large-format mine maps for use by businesses, officials and the public.
- DEP has purchased a \$95,000 state-of-the-art mine emergency and rescue vehicle.
- DEP has purchased 48 new Drager BG-4 SCUBA breathing units at a cost of \$415,000 for use by underground mine rescue teams. The new units replace those purchased more than 30 years ago.
- DEP has revised training protocol for Bureau of Mine Safety staff and mine workers. As part of these enhanced training elements, Penn State University's Fayette Eberly Campus on Jan. 10

conducted its first class in a two-year associate degree program in mining technology in partnership with DEP.

Despite these major improvements, legislative changes are needed to address the shortcomings of the commonwealth's outdated deep mine safety law, which was written in 1889 and last updated in 1961. As Governor Rendell has stressed, revisions are urgently needed to modernize the law, enhance safety and keep pace with a rapidly changing industry.

Among some of the key requirements of the Governor's proposal --- first unveiled in July 2004 and introduced last fall by Sen. Richard Kasunic and Rep. Bob Bastian:

- Make the mine owner or operator primarily responsible for safety compliance at the mine, and allow DEP to assess fines and penalties for noncompliance. Currently, only individual certified employees or supervisors, such as foremen, can be held responsible for an accident, not the mine company or its executives.
- Create a three-member Mine Safety Board with the authority to promulgate regulations to keep pace with mine safety technology. The board could act quickly to put in place necessary improvements and precautionary measures to keep miners safe as the industry continues to advance.
- Eliminate obsolete language in Pennsylvania's mine safety statutes to remove references to animals and stables in mines, and references about transporting miners into the mines on conveyer belts, among other outdated provisions.
- Increase to 500 feet from 200 feet the distance from which a bituminous underground operator must conduct advanced drilling when approaching an adjacent mine that may contain water or gas. (This has been instituted administratively as well.)
- Authorize the department to use emergency contracting provisions to pay for mine rescue and other mine safety activities.

With these extensive efforts, the Department of Environmental Protection has acted on every recommendation made by the Governor's Commission on Mine Safety, DEP's Bureau of Mine Safety, the state Inspector General, the Pennsylvania Attorney General's Office, the U.S. Attorney's Office and the U.S. Mine Safety and Health Administration in the wake of the accident at Quecreek Mine No. 1 in Somerset County in July 2002.

That near catastrophe and successful rescue at Quecreek, and now the deaths of 14 miners in West Virginia serve as stark reminders about how dangerous coal mining can be. Although mine safety has improved dramatically over the years, there is more we can --- and should --- do.

New and modernized laws, as described above, combined with the safety culture that Pennsylvania's miners, coal operators and labor organizations have adopted, as well as the intensive inspection and training programs that DEP administers, can help to ensure that this dangerous business nonetheless remains safe.

All of us want Pennsylvania's world-class mining industry to be profitable and successful. But there should be no compromise when it comes to giving our miners the protections they deserve.

Although it is too early to make an assessment of the two tragedies in West Virginia --- investigations into the cause of the accidents continue --- the state acted quickly on the lessons learned over that fateful three-week period. On Jan. 23, at the direction of Governor Joe Manchin III, lawmakers there introduced and approved in a single day legislation aimed at improving miner safety.

West Virginia's new law prompts faster emergency responses, requires stockpiled oxygen for stranded miners and seeks to better track underground miners. The provisions aim to safeguard miners involved in an underground accident and offer additional tools to rescuers trying to reach them.

Governor Rendell's plan also strengthens notification and accident response requirements, mandating that DEP be notified within one hour of an incident. This time frame ensures that notifications do not interfere with the initial response during those crucial first minutes. Current law requires the department to be notified "forth with," a vague standard that could hinder timely notice of serious accidents.

Although the West Virginia law requires notification within 15 minutes, it is our understanding that the time limit is not triggered until mine operators know exactly what type of emergency they face. Our mine safety revisions actually define "accident," removing any guessing, and provide an extensive list of events that require notification because they either immediately or potentially threaten the health and safety of miners. Current law refers to fatal and "serious" accidents, an ambiguity that has led to confusion in the past as to when to notify the department.

DEP works directly with mine operators to develop emergency response and notification plans to deal with situations that may arise similar to what occurred in West Virginia. Mine operators have emergency notification numbers for staff with the Bureau of Mine Safety and access to a 1-800 number that is manned 24-hours a day, seven days a week.

The mine with the emergency must contact both federal and state inspection agencies in the event of an accident. If a company has its own mine rescue team, they are put into service. Otherwise, Pennsylvania's mine rescue teams are activated.

It should be noted that our mine rescue efforts far surpass what is federally required. To meet federal requirements, Pennsylvania would need only two mine rescue teams in the bituminous region in the southwest and two teams in the eastern anthracite region. Instead, we have 13 mine rescue teams stationed throughout the state for emergencies --- eight trained and maintained by the state and five provided by the commonwealth's two largest coal companies, Consol Energy Inc. and Foundation Coal.

DEP's Bureau of Mine Safety also maintains a Special Medical Response Team of doctors and paramedics with special skills to provide emergency services, including on-site surgery from a mobile command center, at the site of an accident. No other state features a similar medical team trained specifically for mining emergencies.

The U.S. Department of Labor's Mine Safety and Health Administration requires miners to carry self-contained self-rescuers (SCSRs) that can provide an hour of oxygen in a mine emergency. West Virginia's new law requires additional SCSRs to be stockpiled throughout the mine.

At least one mining company in Pennsylvania --- Foundation Coal, at its Cumberland and Emerald mines --- already takes this initiative. Others have said publicly that they will install oxygen stockpiles in their mines in the wake of the West Virginia accidents. We support making this a requirement for all mines in Pennsylvania. SCSRs should be placed along escape routes and other strategic locations throughout the mine.

In addition to stockpiled SCSRs, Pennsylvania should examine requiring mines to install “lifelines” that miners can grab and use as a guide to safety if they are ever trapped in an area that fills with smoke or debris. The lifelines should be placed in escape ways with access to stockpiled SCSRs.

West Virginia also acted to require miners to be equipped with communications and tracking devices. The department supports this requirement but would caution that care is needed in the identification of appropriate equipment. Though wireless, many such devices still require cable and power sources in the mine --- just the type of auxiliary equipment that may not be available in an emergency.

The department would recommend that a date be identified in our proposed legislation for the identification and installation of the best technology, but that the specific technology to be required be identified by the department in consultation with the Mine Safety Board that our legislation creates.

DEP also has begun an analysis of locating safe places in the mines for workers to seek refuge in case escape routes are blocked. These safe places could be permanent or portable. We saw similar systems in action as recently as Sunday when some 70 miners in central Canada retreated to these emergency refuge rooms stocked with oxygen and supplies after an underground fire ignited. A mandate with respect to this matter in the legislation proposed in Pennsylvania also would be appropriate.

Finally, as it relates to the two miners who were killed at Aracoma Coal’s Alma No. 1 Mine after a fire ignited on a conveyor belt system, Pennsylvania’s proposed legislative changes establish new procedures to determine whether belt material is “fire resistant,” and a new requirement that all belts have an early warning fire detection system.

Our commonwealth has a rich mining history. But we have learned the hard way that safe mines are a reality only when miners, mine operators and governments make safety a priority every minute of every day. The Rendell administration looks forward to working with legislators and the mining community to update our laws and secure these added safety enhancements.

While our mines are among the safest in the world with consistently high production, we want to make sure they remain safe. That means making sure we have in place the highest standards and best protections so that miners go home healthy, safe and secure at the end of their shift.

For your convenience and further review, I have attached a report that the department prepared to detail mine safety efforts in Pennsylvania.

Chairman White, Chairman Musto and members of the committee, I thank you for your attention. I’d be happy to answer any questions you have at this time.

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