



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

Patrick Henderson, Executive Director

Room 168 • State Capitol Building
Mailing address: Senate Box 203021 • Harrisburg, PA 17120-3021
Phone: 717-787-9684 • FAX: 717-787-6088

May 15, 2006

The Honorable Kathleen A. McGinty
Secretary of Environmental Protection
16th Floor Rachel Carson State Office Building
Harrisburg, PA 17105-2063

Dear Secretary McGinty:

Thank you for your letter of May 12, 2006 concerning updates to Pennsylvania's bituminous coal mine safety law.

I did anticipate relatively quick committee action on legislation to improve mine safety in Pennsylvania. Suffice it to say I regret my earlier optimism that the issues surrounding Senate Bill 949, and Senate Bill 1092 (introduced after the committee hearing) could be resolved so expeditiously. I was very surprised to learn how little consensus building was actually reflected in the department's draft language.

No doubt the department has experienced similar frustrations in its efforts to update our mining law. While former Governor Schweiker presented Governor Rendell with specific suggestions in January 2003, it took the department until October 2005 to refine its legislative recommendations. I inquired several times during this period to determine when the department's proposal would be finalized. Repeatedly I was advised that the department was attempting to broker a consensus with the mine workers and the coal operators. These efforts were apparently unsuccessful.

Please be assured that I have and will continue to take this issue seriously. Since our hearing, I have exchanged several legislative ideas with representatives of the coal operators and mine worker associations. My belief is that while a comprehensive update of our mine law is necessary, most of the actual safety provisions are contained in Senate Bill 1092 – not Senate Bill 949.

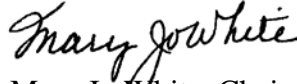
My intention is to take a very deliberative approach to Senate Bill 949, as there are significant concerns with regards to the expansion of departmental powers which may or may not be necessary to improving mine safety. Lastly, as you know, on March 9, 2006 the federal Mine Safety and Health Administration issued an emergency temporary standard to address certain mine safety provisions, including SCSRs, notification of mine emergencies, training, evacuation drills and others. We can all say with confidence that, while work remains to be done, the situation on the ground is better today than it was even a few short months ago.

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At the Committee's public hearing, we also received very detailed comments on Senate Bill 949 as outlined by the Pennsylvania Coal Association. To my knowledge, the department has not responded to these comments. Several legitimate concerns are raised in these comments, and I would welcome the department's input on them.

Outside of the committee hearing, we have not discussed in person the department's proposed revisions to the bituminous mine law. I remain open to doing so. Please feel free to contact me at your convenience to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo White".

Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee