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PROGRAM POLICY LETTER NO. P06-V-11

FROM: KEVIN G. STRICKLIN
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SUBJECT: Family Liaison and Primary Communicator: Implementation of
Section 7 of the Mine Improvement and New Emergency
Response Act of 2006

Scope

This Program Policy Letter (PPL) is intended for miners, miners' family members, miners' representatives, mine operators, independent contractors, Mine Safety and Health Administration personnel and other interested persons.

Purpose

Section 7 of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act) requires the Mine Safety and Health Administration (MSHA) to assign an individual to serve as a Family Liaison (Liaison) between MSHA and the families of victims of mine tragedies involving multiple deaths. MSHA is to be "as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents." In addition, in such accidents, MSHA must "serve as the primary communicator with the operator,

miners' families, the press and the public." This PPL sets forth policy implementing the provisions of Section 7 of the MINER Act. A companion revision to the Emergency Operations Manual will set forth specific guidance to be used in applying this policy during a mine emergency.

Policy

Family Liaison

MSHA will develop a pool of qualified officials who will be prepared to serve as Liaison in the event of a mine accident resulting in multiple fatalities. The persons selected for this pool will have appropriate technical expertise to effectively respond to technical questions as well as skills in crisis/grief management and communication. Similar to that of an accident investigation team member, this assignment as liaison should be the individual's highest priority responsibility from the beginning of the assignment until the investigation is complete.

Upon notification of a possible mine accident where multiple miners are unaccounted for, the appropriate Administrator will promptly assign a qualified agency official to act as Liaison for the purpose of being responsive to the needs of families of mine accident victims by providing clear and accurate information regarding the mine accident. The assigned Liaison will travel to the site as soon as possible and be briefed by the MSHA official in charge of accident activities in order to promptly establish communication with the victims' families. The Liaison will make arrangements to meet with family members for regular briefings and will remain accessible to family members during the emergency. Upon completion of the rescue at the site, the Liaison will remain in contact with families by telephone, cellular phone, email, and conventional mail for the duration of the investigation until the report is delivered.

During any resulting accident investigation the Liaison will continue to be responsive to the needs of the families until the investigation is complete and MSHA issues a final report. The Liaison will continue to interact with the accident investigation team for the purpose of responding to questions from and transferring information to victims' family members. Requests for information from the families will be governed by the Freedom of Information Act and will be expedited to the greatest extent possible.

Primary Communicator

A separate MSHA official (senior MSHA official onsite and/or media specialist) will serve as the primary communicator with the mine operator, miners' representative, media and general public during such mine accidents. The Primary Communicator will collaborate with the Liaison to ensure consistent,

timely and accurate information is disseminated to the public and the families. To the greatest extent possible, sensitive information will be shared with the families before being disseminated to the public. Nothing in this policy shall prohibit the mine operator from establishing communication with the families or the public.

Background

On June 15, 2006 the MINER Act became effective. Section 7 of the MINER Act requires that the Secretary establish a policy that—

- (1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine accidents involving multiple deaths:
- (2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents:
- (3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator to operators, miners' families, the press and the public.

Authority

The Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 et seq., as amended by the MINER Act, Pub. L. No. 109-236, June 15, 2006, 120 Stat. 493.

Issuing Office and Contact Person

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Distribution

MSHA Program Policy Manual Holders

Attachments



Primary Communicator Protocol

The Department of Labor Office of Public Affairs
and
The Department of Labor Mine Safety and Health Administration

Section 7 of The Mine Improvement and New Emergency Response Act of 2006 (MINER Act) requires MSHA to serve as the "primary communicator" with the press, the public, the operator and miners' families following a mine tragedy involving multiple deaths. By Department of Labor Secretarial Order 17-2006, the Assistant Secretary for Public Affairs (OPA) in consultation with the Assistant Secretary for Mine Safety and Health (MSHA) will provide direction to the "primary communicator" following a mine tragedy involving multiple deaths.

Accordingly, OPA and MSHA agree to the following protocol.

1. Upon notification of a mine accident where multiple miners are trapped, unaccounted for, or multiple fatalities have occurred, MSHA will notify OPA and will provide all pertinent information regarding the incident.
2. OPA should dispatch personnel to the accident site as soon as possible to provide support to MSHA's "primary communicator."
3. OPA and MSHA should jointly develop briefing outlines that will serve to brief the press and the public on a scheduled basis.
4. Briefings with the press and public shall be conducted by the "primary communicator" after the family briefings have been conducted.

This Protocol may be modified at any time by mutual agreement of MSHA and OPA.

This Protocol is agreed to this 22nd day of December, 2006.

Handwritten signature of Richard Stickler in cursive.

Richard Stickler
Assistant Secretary for
Mine Safety and Health

Handwritten signature of Randy Clerihue in cursive.

Randy Clerihue
Assistant Secretary for
Office of Public Affairs

Family Liaison/Primary Communicator

Accident/Illness Investigation Handbook, HQ Mine Emergency Handbook

Upon notification of any mine accident involving multiple deaths or where multiple miners are unaccounted for, the Administrator or his deputy will assign and immediately deploy to the accident site MSHA personnel to serve as Primary Communicator and Family Liaison.

Family Liaison (Liaison)

- Each MSHA District will maintain one or more persons to serve as Liaison to address the needs of a miner's family following a mine accident.
- These persons will be specifically trained to deal with families following mine accidents.
- The Liaison is not a counselor but may be required to coordinate support for family members with crisis management professionals such as the American Red Cross.
- The Liaison will establish a 24 hour a day schedule rotation that ensures that they are available at all times for family members throughout the rescue/recovery operation at the site.
- The Liaison will establish a schedule to brief family members on new and emerging information prior to its release to the public.
- The Liaison will be responsible to coordinate with the Primary Communicator to ensure identical information is released during their respective briefings.
- The Liaison may be responsible to interact with local officials to establish a facility where families may be centrally located.
- Upon completion of the onsite rescue/recovery, the Liaison will ensure that family members continue to be informed regarding status of the Investigation Report and significant issues.
- The Liaison will remain accessible to family members by telephone, cellular phone, email, and conventional mail until the report is delivered to each family.
- The Liaison will maintain a written log that documents all significant events.

- Upon request for Agency documents from family members, the Liaison should coordinate with SOL to ensure the release is appropriate.
- This assignment should be the Liaison's highest priority responsibility from the beginning of the assignment until the investigation is complete and a final report is issued.

Primary Communicator

- Each MSHA District will maintain one or more persons to serve as Primary Communicator to brief representatives' of miners, the mine operator, media and state agencies.
- The Primary Communicator will be responsible to brief Office of Public Affairs (OPA) personnel upon their arrival at the site.
- The Primary Communicator, Liaison, and OPA personnel will jointly develop briefing scripts.
- The Primary Communicator and Liaison will coordinate to ensure that identical information is released to all parties.
- The Primary Communicator and Liaison will ensure that sensitive information is released to family members prior to the public.
- The Primary Communicator will establish contact with representatives of State Agencies, the mine operator, miners' representatives, and the media to facilitate briefings.
- The Primary Communicator will develop a cooperative protocol with State officials to ensure conflicts are avoided.
- The Primary Communicator will establish a 24 hour a day schedule rotation that ensures that they are available at the accident site.
- The Primary Communicator will share new and emerging information with the Liaison at the earliest possible opportunity.
- The Primary Communicator will maintain a log that documents all significant events.
- The rules of FOIA apply to all requests for Agency documents.