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**STATEMENT BY SENATOR EDWARD M. KENNEDY ON MINE IMPROVEMENT AND
NEW EMERGENCY RESPONSE ACT**

***(AS PREPARED FOR DELIVERY BEFORE HEALTH, EDUCATION, LABOR, PENSIONS
COMMITTEE)***

I'm very pleased that the Committee is taking up the Mine Improvement and New Emergency Response Act today. I commend Chairman Enzi, Subcommittee Chairman Isakson, and Ranking Subcommittee Member Murray for their dedication in pursuing safety protections. I also commend Senator Byrd and Senator Rockefeller, who have been tireless in seeking improvements in mine safety.

The need for the legislation is clear. This year began with the shocking tragedies at the Sago and Alma mines in West Virginia, where 14 coal miners were killed. In February, Chairman Enzi led a Committee trip to West Virginia to meet the families of the men who died. It was one of the most moving visits that I have had in my years in the Senate.

One strong impression from our trip is that it is the miners and their families who are the real experts in mine safety.

They are the ones who understand what it means to go underground every day. Some family members of miners are here with us today, and I hope that they will continue to provide their views as we move this legislation forward.

We'll learn more lessons in the weeks ahead from the investigation of Sago. But some lessons are already painfully clear. The miners who died could have survived with adequate oxygen. Instead, their self-rescue units didn't work, and they had to share precious oxygen with each other. They had no realistic way to let rescuers outside know where they were, so they resorted to banging on pipes with sledge hammers, wasting precious energy and oxygen. This should never have happened and we need to be sure that it never happens again.

Our bill requires every company to have a comprehensive emergency response plan, so companies and miners will know ahead of time how to respond. To address the tragic problems we saw at Sago, every mine will have to provide at least two hours of oxygen for every miner, plus additional oxygen along evacuation routes and for trapped miners awaiting rescue. Mines will also have to inspect and replace these units regularly, so that no miner has an oxygen pack that doesn't work.

All mines will be required to have back-up telephone lines immediately, and to adopt two-way wireless communications and electronic tracking systems as soon as technologically possible. They will also have to install fire-resistant lifelines, so miners can learn the best way out in an emergency.

One of the most moving aspects of the Sago and Alma response was the outpouring of support from other miners around the country. They wanted to do everything they could to rescue their brothers and sisters trapped underground. Our bill guarantees that every mine in the country will have a person on staff trained in emergency response who knows the mine. It strengthens requirements for training and drilling of mine rescue teams. It also reduces the time required for a rescue team to reach a mine to one hour, from the current two hours.

We don't yet know why the seals at the Sago Mine failed, but it is clear that they did. Our standards for these protective barriers lag far behind other developed nations. That is why this bill requires the Mine Safety and Health Administration to issue a new regulation in 18 months to improve these standards.

We also need to increase safety awareness in mines, to prevent accidents before they happen. Too many mining companies have been paying fines that cost less than parking tickets. Under the bill, companies can no longer treat violations of health and safety laws as a cost of doing business. We impose new minimum penalties for safety violations that put miners at risk. We take even stronger action against companies that recklessly subject their employees to serious risk of injury or death.

Research is also an important part of safety. The Navy has technologies to communicate with submarines on the bottom of the ocean. NASA can talk to people on the moon. It's time to bring mine safety technology into the 21st century too. Our bill creates an interagency task force so that NIOSH will have the benefit of the advances made by other industries and agencies.

This bill is an important step in strengthening the response to mine emergencies. But there is more to be done. Our bill requires MSHA and NIOSH to test refuge chambers to see if they can be used to protect miners in a fire or explosion. It addresses safety issues raised by ventilating mines with belt air, particularly the problem of fires on mine conveyor belts. We also require the Secretary of Labor to report to us on addressing these problems.

I commend Senator Enzi and Senator Isakson for agreeing to work together and to hold hearings on these critical issues in the future.

We can't bring back the brave miners who died in the tragedies earlier this year. But we can and must honor their memory by making all our mines safer.

I thank my colleagues, and I urge them to support the bill.

THE MINER ACT MAKES AMERICA'S MINES SAFER

Miners will have more emergency oxygen to help them survive a disaster:

- The bill requires each miner to have at least 2 hours of oxygen and stores of oxygen every 30 minutes along escape routes for miners trying to evacuate.
- The bill also requires additional caches for trapped miners.
- Emergency supplies will be carefully monitored for reliability.

All mines will have flame resistant lifelines to guide miners out in an emergency.

Seals for abandoned sections of mines will be stronger. Within 18 months, the Secretary must issue a higher standard for sealing off abandoned areas of mines to prevent dangerous explosions.

The Secretary will have new enforcement powers. The bill:

- Sets substantial new minimum penalties for serious violations.
- Gives the Secretary clear authority to shut down a mine for noncompliance with Department orders.

All mines will have state-of-the-art two-way wireless communications and electronic tracking systems in place, as soon as technological feasible, but not later than three years.

Mine rescue team response will be faster and better. The bill:

- Requires rescue teams to be more familiar with the mines they cover, be located closer, and have better training.
- Includes special provisions for small mines that are realistic, but also provide a higher level of protection for their miners than under current law.

The bill creates new liability rules to encourage companies to have mine rescue teams and miners to participate in them. The bill clarifies that neither rescue team members nor their employers are liable for any injuries or deaths that occur as a result of rescue activities.

The bill encourages technological advances and a new generation of skilled miners and safety inspectors. The bill:

- Focuses NIOSH's mine safety activities and creates an interagency working group to facilitate development of new technologies.
- Directs expert study on belt-air and flammability of belts and field tests of refuge chambers.
- Creates a grant programs to improve safety training.
- Creates a scholarship program to increase the skilled workforce for mining operations and the inspector corps.

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