
Testimony of

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Employment and Workplace Safety

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On

# Implementing the Mine Improvement and New Emergency Response Act of 2006

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Good morning. My name is Bruce Watzman, and I am the vice president of safety, health and human resources for the National Mining Association (NMA).

NMA and its member companies appreciate the opportunity to discuss with the subcommittee the industry's actions to implement the Mine Improvement and New Emergency Response Act of 2006, which NMA supported; what remains to be accomplished; the impediments that we face; our views on enhancing mine safety research capabilities and the role of technology to advance miner safety and health; and the findings of the independent Mine Safety Technology and Training Commission and what the industry is doing to implement its recommendations.

**MINER Act**

NMA worked toward the passage of the MINER Act. We continue to believe that its core requirements are sound. The requirements, as implemented through Emergency Response Plans, recognize the need for a forward-looking risk assessment, that good safety practices continually evolve based upon experience and technological development, and that every underground coal mine presents a unique environment and what may work in one may not be effective or desirable in another. As the act's legislative history succinctly states:

> The goals of optimizing safety and survivability must be unchanging, but the manner for doing so must be practical and sensible.

S. Rep. No. 109-365 p. 3.

We believe that this passage not only aptly captures the intent of the law, but also serves as a useful reminder to the industry and regulators that there is often more than one way to achieve our singular purpose to improve workplace safety.

Since passage of the MINER Act the industry has moved aggressively to identify technology that will enable us to meet the mandates of the act in as short a timeframe as possible. While more work needs to be done to fully comply with the act's mandates, the industry has, as reflected below and in the chart that accompanies this statement, made significant progress. To date:

- 86,000 new self-contained self-rescuers (SCSR) have been placed into service in the last 12 months and more than 100,000 will be added in the coming months.
- All 55,000 underground coal miners have and will continue to receive quarterly training on the donning and use of SCSRs.

- With the recent approval of expectation training units, all miners will begin to receive annual training with units that imitate the resistance and heat generation of actual models.
- Mines have installed lifelines in both their primary and secondary escapeways and emergency tethers have been provided to permit escaping miners to link together.
- Underground coal mines have implemented systems to track miners while underground; underground coal mines have also installed redundant communication systems, and new systems to provide post-accident communication continue to be tested.
- All mines have submitted plans to provide post-accident breathable air to sustain miners that are unable to escape and await rescue.
- Thirty-six new mine rescue teams have been added or are in the planning stages, even before MSHA initiates the rulemaking required by the act.

These steps and others taken beyond the requirements of the MINER Act have resulted in a safety investment of approximately $250 million for NMA member companies alone.

These numbers simply reflect one quantifiable measurement of the industry's commitment to the MINER Act. And it is only the beginning. Just as the MINER Act itself is not the end, but rather one means for reaching our desired goal to protect our nation's miners.

Even before the enactment of the MINER Act, NMA and its members engaged the National Institute for Occupational Safety and Health (NIOSH) and Mine Safety and Health Administration (MSHA) in a mine emergency communications partnership.

The purpose of the partnership is to evaluate current practices and technologies, design performance criteria and protocols for testing, and identify mines where the technologies can be tested. Our members have volunteered their mines for testing tracking and communications systems. Some of these technologies hold great promise; however, they are, in our estimation, some years away from readiness for mine application.

Communications and safety experts agree that underground coal mines present unique challenges to radio and wire signal propagation. What works in one mine may not perform in another. As we seek to find and deploy the best systems, we will continue in the meantime to improve conventional systems to provide more reliable means for tracking and communicating with miners underground.

Beyond the actions taken by the industry to comply with federal and state rules we have undertaken several voluntary initiatives that we would like to bring to your attention.

The industry along with MSHA and NIOSH initiated a review of existing mine rescue procedures to determine if existing practices and protocols remain operative given the structural changes that have occurred across the industry. This effort resulted in the development of a generic mine rescue handbook that can serve as a guide for those forming mine rescue teams and developing mine rescue protocols, as well as a review tool for those with established procedures in place. This document has been distributed throughout the mining industry to be used as a pre-event planning template that will expedite the delivery of mine rescue services in an efficient manner, should they be required. It is also readily available to the industry and public on NMA's website at www.nma.org.

Working with the industry's communication specialists, NMA is developing a protocol for communications with the media during a mining crisis. The protocol recognizes the important role of the media in keeping communities informed about the facts surrounding a mining accident or fatality and the obligation of mine operators to contribute to that understanding. The protocol will provide a framework for effective communications and cooperation with MSHA, as envisioned by the MINER Act.

Another challenge we face is the often conflicting regulatory requirements imposed by MSHA and state governments. We do not have the luxury of time to develop one system that complies with MSHA requirements, another for one state and possibly a third or fourth for additional states.

Unfortunately, the underground mining marketplace is not attractive to many technology providers. In the interest of miner safety, it is imperative that we embrace policies that encourage the broadest possible application of technology across all underground coal regions.

**Mine Safety Research**

At no time in our recent history has the expertise residing at NIOSH's mining program been more vital to improving mine safety. The elimination of the Bureau of Mines in 1995 was a blow to the longstanding and renowned government leadership in mine safety and health research. The permanent establishment through the MINER Act of NIOSH's Office of Mine Safety and Health will begin to restore this important function to its former prominence. However, without adequate resources, the Office of Mine Safety and Health's leadership in this area will suffer, and the MINER Act's expectation for the acceleration in the pace of research and progress will be frustrated.

While NIOSH continues to develop and implement important advancements in mine safety and health, progress has slowed due to the erosion of research funds, and the situation is becoming critical. Because NIOSH's budget for mine safety and health has remained relatively flat in recent years, its purchasing power continues to decline with the increasing cost of labor, materials and other research costs.

As we consider how to advance the development and introduction of new technology, we urge you to again strengthen this vital government function and ensure funding for NIOSH is commensurate with the role Congress intended under the MINER Act to "enhance the development of new miner safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments."

**Mine Safety Technology and Training Commission – The Path to Future Improvement**

In January 2006, NMA established the Mine Safety Technology and Training Commission, an independent body, to immediately undertake a study of new technologies, procedures and training techniques that can further enhance safety in the nation's underground coal mines. The commission drew upon the knowledge and experience of mine safety and health professionals from academia, government, industry and the United Mine Workers of America to develop a pro-active blueprint for achieving zero fatalities and zero serious injuries in U.S. underground coal mines. The product of the commission's deliberations is a peer-reviewed report that was released in December 2006. The report has been recognized outside the industry as a blueprint to achieve the goal of zero fatalities and accidents.

The commission unanimously adopted 75 recommendations that are both near-term and far-reaching in scope. Many of the recommendations endorse actions taken by Congress in passing the MINER Act. The commission's recommendations cover communications technology; emergency preparedness; response and rescue procedures; training; and escape and protection strategies.

The central theme of the commission's recommendations is a call for a new paradigm for ensuring mine safety – one that focuses on a systematic and comprehensive risk assessment-based approach toward prevention that serves as the foundation from which all safety efforts will flow. This new approach will require us to look at mining differently and to train miners differently.

The industry is currently implementing a number of the commission's near-term recommendations and is developing a blueprint for action on the more far-reaching items. For example, we are discussing with NIOSH the development of risk-based management tools and templates to assist the industry in its implementation of the central recommendation of the commission. The use of risk-analysis risk-management, while not a common practice throughout the industry, is familiar to many of the larger companies. Our goal is to create operational tools that will help every company identify and address significant hazards before they create situations that threaten life or property. While having systems and practices in place to aid miners in

the event of an emergency is important, it is equally, if not, more important that we renew our attention on prevention and risk-assessment as an integral part of this effort.

We share the commission's view that adoption "… of a comprehensive, risk assessment-based approach toward prevention should significantly increase the odds of survival for miners in emergency situations, [and] also provide a guideline for pursuing zero accidents from all sources." We are mindful, however, that this is a significant undertaking. As Professor Jim Joy of the University of Queensland, Minerals Industry Health and Safety Center, has described the Australian mining industry's experience with implementation of a risk-based approach, as "immense and fraught with stumbling blocks." Nonetheless, we are committed to the task.

Today the industry faces important challenges. More complicated geological conditions, advancements in technology and a new generation of miners require the introduction of new and innovative techniques. Our ability to further advance coal mine safety will require that government and industry continue to harness their collective resources to identify new technologies and practices that eliminate accidents, illnesses and injuries in the workplace. We look forward to working with you to ensure that the resources required to achieve this goal are available so that every miner can return home safely each and every day.

Thank you. I would be happy to answer any questions.