

**Statement by U.S. Rep. Nick J. Rahall  
Hearing of the Committee on Education and Labor  
Evaluating the Effectiveness of MSHA's Mine Safety and Health Programs  
May 17, 2007**

I thank you, Mr. Chairman, for your courtesy in allowing me to testify before the Committee today.

We are here -- in large part -- because of the sacrifices and losses of the coal miners in my district and across West Virginia.

We are also here because of an unfortunate lack of oversight for too many years by the Congress -- the people's branch, the miners' branch -- of our federal government.

The 1969 and 1977 Acts provided the Secretary of Labor with vast authorities to protect the health and safety of our miners -- including those we will be talking about today.

But somewhere along the way, probably as it lumbered along under the control of too many managers who were beholden to the industry, the agency lost sight of its priorities.

This Committee is helping to ensure that the Mine Safety and Health Administration remembers who its constituency really is, and I commend you, Mr. Chairman, and the Members of this Committee for that.

In recent weeks, we have seen the release of three weighty reports that resulted from MSHA's investigations into the disasters at Sago, Alma, and Darby last year.

Each of these reports contains insight into how enforcement of the law proved inadequate and how an MSHA truly devoted to seeking better safety technology could have saved lives.

Mr. Chairman, I am proud to be able to say that my State has been a real leader in pushing for advances in the coalfields.

The State of West Virginia is taking steps that will save lives and prevent harm to the health of those men and women who toil in an inherently dangerous

**industry that is critically important to America's economic prosperity and national security.**

**It has moved ahead rapidly to approve more modern communications equipment and emergency shelters.**

**MSHA could benefit from an injection of the sense of urgency that has taken hold in my state. Unfortunately, MSHA has not committed itself to any timeline that would mandate the use of refuge chambers.**

**And it refuses to reconsider its rules, even temporarily, governing the use of belt-air ventilation – which is the subject of legislation I introduced, H.R. 576, that is pending before this committee.**

**When it comes to introducing new technologies, coal miners will undoubtedly benefit from a deliberative, well-researched process.**

**But it would be shameful if that process were used as an excuse for further delay and inaction.**

**I said well before its passage that the MINER Act was a good solid start. It set deadlines for improvements in emergency breathing and communications, lifelines, seals, and rescue teams.**

**With the new funding that the Congress has provided to NIOSH to expedite improvements in safety technology -- and I emphasize this point, Mr. Chairman -- federal research can produce emergency breathing and communications equipment and refuge chambers that go beyond anything that is being required in West Virginia today.**

**But the new technologies approved in my State are an advanced generation that we all hope will spawn even greater advances in the years ahead. We should all view mine safety as an ever-changing, always-improving progression.**

**So while my state is pressing operators to invest millions to deploy specified technologies, it is also asking for assurances from MSHA that those investments are not being made in vain.**

**We are anxious for MSHA to eventually catch up. We are, as well, hoping for cooperation so that when MSHA *does* catch up with its own regulations and technology approvals, good actors will not be penalized for acting sooner rather than later.**

**Mr. Chairman, our responsibility today is oversight. The Congress must continue to demand that MSHA do its job, and that it do it aggressively.**

**And when the cameras are turned off and the media attention goes elsewhere, the Congress must continue to demand that MSHA do its job.**

**One-third of coal mines still do not have at least two SCSRs for every miner underground.**

**Truly wireless communications and tracking is still not available.**

**Emergency response plans are still not fully approved by MSHA.**

**Evacuation drills and training remain inadequate.**

**Pre-shift examinations are too often incomplete.**

**There are still too few mine rescue teams.**

**What is MSHA doing to correct these deficiencies, and when will coal miners begin to see the differences underground?**

**These are the questions that merit answers. I thank you again, Mr. Chairman, for affording me this courtesy and I look forward to finding the answers to these questions and continuing to work together for the benefit of miners and their families.**