

## GROWING & STRENGTHENING AMERICA'S MIDDLE CLASS

### VOTE YES ON THE S-MINER ACT TO PROTECT MINERS' SAFETY & HEALTH



*Family members of miners killed in mining accidents in West Virginia in 2006 and in Alabama in 2001 testified about a lack of communication equipment and other avoidable dangers facing mine workers at a February 2006 congressional forum on mine safety.*

### 110<sup>TH</sup> CONGRESS

THE HONORABLE GEORGE MILLER  
CHAIRMAN  
COMMITTEE ON EDUCATION AND LABOR  
UNITED STATES HOUSE OF REPRESENTATIVES

January 2008

### *The S-MINER Act (H.R. 2768)*

The S-MINER Act makes critical improvements to mine safety and health. While some urgent problems have been addressed since the Sago disaster in early 2006, many other equally serious problems remain and require Congressional action. **Congress should act now and not leave miners at unnecessary risk of death, illness or injury.** Highlights of the bill include:

- ✓ *Boosting disaster prevention efforts*
- ✓ *Improving emergency response*
- ✓ *Reducing health risks*

### **Key Amendments**

**Manager's Amendment:** Provides the mining industry more time to install a new generation of fire-resistant conveyor belts. Provides funds for MSHA to purchase a new generation of dust monitoring devices to limit black lung disease, and ensure that breathable air requirements of the MINER Act of 2006 are properly implemented. Requires the Secretary of Labor to study policies designed to deal with miner substance abuse, with input from all interested parties, and based on such study, authorizes Secretary to establish a substance abuse testing and rehabilitation/treatment program.

**Boucher Amendment:** Authorizes \$10,000,000 in grants for rehabilitation services to current and former miners suffering from mental health impairments which may have been caused or exacerbated by their work as miners.

**Ellsworth Amendment:** Provides an exception to the escrow rule for responsible employers and allows penalties imposed under the law to be used for mine safety inspections and investigations.

## **Boosting Disaster Prevention Efforts**

*The United States continues to witness mining incidents that claim the lives of miners. The first goal of the S-MINER Act is to eliminate known problems that could contribute to such disasters. The bill:*

- ➔ **Requires MSHA to more closely review retreat mining plans before approving them.** Crandall Canyon highlighted the risky nature of retreat mining and the poor oversight of retreat mining plans by the Mine Safety and Health Administration (MSHA).
- ➔ **Requires strong standards for seals that block off an abandoned portion of an underground mine** to avoid explosions like those at the 2006 Sago and Darby tragedies. Requires strong standards for other mine structures that could fail in an explosion.
- ➔ **Requires better fire protection** through flame-resistant conveyor belt technology, and by imposing reasonable restrictions on the use of risky conveyor belt practices in underground coal mines (“belt air”). The use of flammable conveyor belts and belt air without restriction pose unnecessary fire hazards for underground miners.
- ➔ **Enhances penalties for mine operators who ignore the law, and provides for independent accident investigations.** Under current law, MSHA ends up investigating its own actions following an accident.
- ➔ **Ensures miner safety and health complaints are properly addressed.**

## **Improving Emergency Response**

*In the event that disasters do strike, it is critical that MSHA improve its emergency response. The S-MINER Act includes a number of common-sense proposals for better equipping MSHA to respond to emergencies. The bill:*

- ➔ **Ensures MSHA has control of the rescue site, has better communications with families, and has its own emergency response plan,** to avoid problems like those at Crandall Canyon.
- ➔ **Requires underground coal mines to start installing advanced communication and tracking technology,** now scheduled for June 2009.



*Family members of miners who died at the Crandall Canyon mine tragedy appeared before the Committee on October 3, 2007.*

## Reducing Health Risks

*The threat of a catastrophic incident is not the only kind of threat facing miners. Miners also continue to face long-term health risks from hazards like exposure to coal dust, silica, and asbestos. The S-MINER Act updates outdated standards meant to guard against such health risks. The bill:*

➔ **Requires new rules to reduce black lung disease, silicosis and asbestos-related diseases in miners.**



➔ **Permits MSHA to update 40 year old health exposure limits** by relying upon the scientific recommendations of the National Institute for Occupational Safety and Health, while retaining legal requirements that any rule be feasible to implement.

*“As public health scientists, physicians, and practitioners, we realize that most Members of Congress are aware of the safety hazards faced by surface and underground mine workers. We recognize, however, that many of the health hazards faced by these workers are less visible, but still significant and deserving of legislative attention. We are writing, therefore, to express our strong support for the occupational health provisions contained in H.R. 2768, the S-MINER Act, which addresses some of the important hazards that have previously been neglected.”*

*-- 19 university public health scientists, physicians, practitioners, and professors*

## Support for S-MINER Act

“This bill offers the nation’s miners important health and safety protections that are designed to *prevent* crippling diseases and work-related injuries... Whereas the MINER Act focused on the post-accident setting, H.R. 2768 is designed to *prevent accidents and illnesses* from arising in the first place. This is an excellent bill and will provide much-needed protections for coal miners.”

*-- Cecil E. Roberts, President  
United Mine Workers of America International*

“The S-MINER Act is a comprehensive bill that builds on the foundation set in the MINER Act. It will further improve emergency response and put in place much-needed protections to prevent disasters and protect workers from crippling injuries and diseases.”

*-- William Samuel, Director, Government Affairs Dept, AFL-CIO*

“We strongly believe that passage of H.R. 2768, the S-MINER Act, will make our nation’s coal mines as well as the metal/non-metal mines a safer place to work.”

*-- Leo W. Gerard, International President, United Steelworkers*

“We are widows, parents, adult children and other family members of coal miners who have been killed while working in Kentucky’s underground mines, as well as working coal miners and our family members. ... Unfortunately, America’s coal mining families and communities continue to experience tragedies that could easily have been prevented. That is why we support your efforts, through H.R. 2768, the S-Miner Act, to strengthen the federal mine safety law.”

*-- Family members of Kentucky coal miners killed on the job*

“As family members of the miners killed in Utah’s Crandall Canyon Mine disaster last August, we thank you for leading the way to improving miners’ health and safety. HR 2768, the S-MINER Act, will address mining practices that caused our loved ones to be trapped underground, where they remain entombed to this day, and led to still more deaths of the brave men who tried to rescue them.”

*-- Family members of Crandall Canyon miners killed on the job*

“Whereas the MINER Act focused on emergency response, H.R. 2768 is designed to *prevent* fatal events, injuries and illnesses. The need for this legislation is clearly shown by the fact that, since the Sago disaster of January 2, 2006, eighty-one coal miners have been killed on the job.”

*-- Alan Reuther, Legislative Director, UAW*

## ***Background on Mine Safety & Health Legislation***

Most work-related deaths – of miners or other workers – occur with one or two deaths at a time. Sadly, these deaths are so commonplace that they often go unnoticed by the news media. In 2006, however, there were three multiple-death tragedies in the underground coal mining sector that drew public attention to the overall problem – at the Sago and Aracoma Alma mines in West Virginia, and the Darby mine in Kentucky. Congress initially responded in 2006 with the MINER Act. This law was designed to improve the chances for survival and rescue after underground coal mine accidents, authorized the study of new technologies that could help, and provided funds to hire more coal mine inspectors.



During 2007, the Committee held the first comprehensive oversight hearings on mine safety and health in many years, and determined that MSHA is progressing too slowly in enacting important life-saving provisions of the MINER Act and is not addressing many other critical hazards that threaten miners' health and safety across the industry. The need for action was driven home to the whole nation in August with the collapse of the Crandall Canyon mine in Utah. After holding a hearing on the latest tragedy and extensive discussions with those in the industry, the Committee approved legislation designed to deal with these problems in a comprehensive manner.



***Representative George Miller (D-CA)***

***CHAIRMAN  
Committee on Education and Labor***

To contact the Committee on Education and Labor, please call (202) 225-3725 or write us:

Committee on Education and Labor  
2181 Rayburn House Office Building  
Washington, D.C. 20515

***TO SIGN UP FOR E-MAIL ALERTS AND  
UPDATES FROM THE EDUCATION AND  
LABOR COMMITTEE DEMOCRATS PLEASE  
VISIT:***

**[EDLABOR.HOUSE.GOV](http://EDLABOR.HOUSE.GOV)**