

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Thursday, July 26, 2007  
Press Office, 202-226-0853

**Chairwoman Woolsey Statement at Subcommittee Hearing On “The S-MINER Act (H.R. 2768) and the Miner Health Enhancement Act of 2007 (H.R. 2769)”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Lynn Woolsey(D-CA), chairwoman of the Subcommittee on Workforce Protections, for a subcommittee hearing on “The S-MINER Act (H.R. 2768) and the Miner Health Enhancement Act of 2007 (H.R. 2769)”*

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Thank you all for coming today for this hearing on H.R. 2768, the S-Miner Act and H.R. 2769, the Miner Health Enhancement Act.

Our Republican colleagues and the mining industry have requested this hearing and we are glad to accommodate them.

As all members of this Subcommittee are aware, we have previously held 2 hearings on this very important issue and have heard not only from miners, their families and their representatives, but from MSHA and industry as well.

I have met with industry representatives myself and my staff has been working with industry, MSHA and other interested parties to try to come with a consensus on this particular legislation.

Because the health and safety of our miners are too important to ignore or delay.

I am proud to be a sponsor of this legislation, along with our Chairman, Representative Miller, Representative Rahall, and many members of this Subcommittee.

This legislation makes it crystal clear to MSHA what Congress expects that agency to do.

Nearly 40 years ago Congress first passed health and safety legislation for miners.

While mining is inherently dangerous, we recognized then that there was much government could do to reduce fatalities due to accidents and work-related illnesses, such as black lung.

Things have improved over the years, but not enough.

And recently we have had a wake up call.

In 2006, there were 3 serious mine accidents---at Sago, Aracoma Alma and Darby--- killing 19 miners.

By the time the year was over, 47 miners were killed in work-related accidents. This was over twice the number of miners who lost their lives the year before.

And sadly, these accidents could have been prevented had mine operators followed the law and had MSHA vigorously enforced the law and its own regulations.

Congress did act swiftly in 2006 by passing the MINER Act.

But over a year and a half later, MSHA has not done much to implement the mandates of the law.

The miners' widows who testified before the Full Committee this spring made that clear.

And Cecil Roberts, President of the United Mine Workers also gave us a sober assessment.

He testified that "The reality is that if Sago, Alma or Darby happened today, the results would very likely be the same. The men who should have escaped those tragedies over a year ago still could not do so today because very little progress has been made."

The bills that we are examining today put teeth into the MINER Act by tightening and supplementing current law with regard to detailed emergency response plans mine operators are required to put in place, the rescue, recovery and incident investigation authority of MSHA, and penalties for those owners who break the law.

But the MINER Act when it was passed in 2006 did not go far enough to provide for the health and safety of miners, and we knew we would need to do more.

These additional issues were more fully explored at the hearings the Chairman held this spring.

For example, miners and miners' widows told us that miners are afraid to complain about unsafe conditions because they don't want to lose their jobs and then be blacklisted.

In mining areas in West Virginia and Kentucky and other states, coal is king, and if a miner loses his job, he loses the ability to make a living in his community.

This legislation establishes an independent ombudsman to ensure proper attention to miner complaints of unsafe conditions and to protect whistleblowers from retaliation

In addition, we heard testimony that black lung disease is on the rise and is showing up in younger workers.

We thought we were on the way to eradicating this disabling and often fatal disease, since black lung is entirely preventable if coal mine dust is properly controlled.

Other countries have managed to do just that.

Obviously we have to get a handle on this immediately.

Today's bills revise critical health standards to respond to this alarming rise in black lung and requires MSHA to adopt the lower exposure limit recommended by the National Institute of Occupational Safety and Health.

The S-Miner Act and the Miner Health Enhancement Act are critical to protect our miners and this hearing is very important.

We have a very distinguished and knowledgeable panel of witnesses today who will elaborate on these very important bills, and I look forward to their testimony.

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