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**LEGISLATION SUMMARY ATTACHED

MILLER, RAHALL, AND KENNEDY ANNOUNCE MINE SAFETY AND HEALTH INITIATIVE

WASHINGTON, D.C. – Rep. George Miller (D-CA), Rep. Nick Rahall (D-WV) and Sen. Edward Kennedy (D-MA) today announced a new package of legislation to help improve health and safety in U.S. mines.

The legislation would improve mine emergency response plans, strengthen the ability of the federal Mine Safety and Health Administration to enforce health and safety regulations, strengthen rescue, recovery and accident investigation practices, and update the 35-year old standard that is not effectively preventing today's miners from developing black lung disease.

The initiative builds upon legislation passed by Congress one year ago, the MINER Act, which responded to the immediate concerns of mine safety and emergency preparedness after a deadly 2006 in which 47 miners' lives were lost, making it the most dangerous year for coal miners in a decade.

"The MINER Act was an important first step towards fixing years of backsliding and complacency when it comes to the health and safety of miners," said Miller, the chairman of the House Education and Labor Committee. "While important progress has been made, we now have clear evidence that more can and must be done. Enactment of this legislation is essential if we are to ensure that our miners and their families no longer have to fear for their lives or those of their loved ones in producing the coal this nation needs."

"I am pleased to join my colleague, George Miller, in keeping the health and safety needs of our coal miners at the forefront of our nation's conscience," said Rahall, the chairman of the House Natural Resources Committee. "The mine tragedies of last year are the result of a government and a nation that let down its guard. That should never have happened. The provisions in this new legislative package build upon the solid groundwork provided by the MINER Act and could result in life-saving advances for years to come."

Kennedy, one of the key authors of the MINER Act, said: "The MINER Act was a key step forward, but there is still much to be done to safeguard the health and safety of our nation's miners. We must build upon the advances we have already made and eliminate the many hazards these workers face every day. America's miners and their families deserve no less."

The legislation introduced in the House and Senate would establish an independent ombudsman to ensure proper attention to miner complaints of unsafe conditions and to protect whistleblowers from retaliation. Coal miners and family members who lost loved ones in mining accidents testified before the committee in March that they faced blacklisting or retaliation if they spoke up about unsafe working conditions.

In addition, the bills would:

- Require underground mines to move quickly to install proven technologies to help prevent emergencies and protect miners' lives if accidents occur;
- Prevent witness coercion and conflict of interests during accident investigations;
- Allow supplemental investigations by the independent Chemical Safety Board if requested by representatives of miners or families;
- Enhance penalties not adjusted by MINER Act;
- Ban the practice of ventilating mines with intake air run over conveyor belts; and

- Update the 40-year-old exposure limits for hundreds of toxic substances and set improved requirements to protect miners from asbestos exposure.

SUMMARY OF NEW MINE HEALTH AND SAFETY INITIATIVE

Legislation introduced in the House (H.R. XXXX, H.R. XXXX) and Senate (S. XXXX) today consists of the following provisions to improve health and safety in the nation's coal mines.

Use proven technology to help prevent underground emergencies and protect miners' lives after accidents

- Ban the practice of ventilating mines with belt air and require the half-century old standard on conveyor belt flammability to be updated
- Require the installation of underground gas and smoke monitoring systems, and require miners working alone to carry multi-gas detectors to protect them from otherwise undetectable toxic atmospheres they may encounter
- Require a study by the National Academy of Sciences of the technology needed to help protect underground miners from the harmful potential consequences of lightning above the mine
- Speed up the dates by which mine operators must install improved underground communication systems and refuge chambers

Enhance MSHA's enforcement authority

- Clarify the authority of mine inspectors to be free of interference and to issue withdrawal orders in emergencies
- Enhance penalties for a "pattern of violations" and for retaliation against miners who report safety or health violations
- Provide MSHA with subpoena power equivalent to that of other agencies
- Establish an independent ombudsman to ensure proper attention to miner complaints of unsafe conditions and to protect whistleblowers from retaliation

Improve rescue, recovery and accident investigation authority

- Establish a national call center to respond to emergencies
- Require timely reporting of near misses to MSHA
- Require the procedures for accident investigations to be standardized
- Ensure witness coercion and conflict of interests during investigations are avoided
- Allow supplemental investigations by the independent Chemical Safety Board, if requested by miners, or their representatives or families

Reduce miners' exposure to coal dust

- Reduce the amount of coal dust to which miners can be exposed in accordance with NIOSH recommendations

- Require miners be equipped with the new personal dust monitors developed and certified by NIOSH, and authorize miners to adjust their activities to avoid overexposure
- Set an independent standard for silica exposure in accordance with NIOSH recommendations

Address other critical hazards in the mines

- Require MSHA to use the existing asbestos exposure standard applicable to most American workers rather than the weaker standard for asbestos now applicable to miners
- Require MSHA to use the original hazard communication standard issued in October 2000, which was later weakened by the Bush administration, in order to provide mine workers the most recent scientific information on workplace health risks
- Require MSHA to update the list of permissible exposure limits in its air contaminants standard to reflect the recommended exposure limits established by NIOSH

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