

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2231

To direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. BYRD (for himself, Mr. ROCKEFELLER, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Mine Safety  
5       and Health Act of 2006”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that the Mine Safety and  
8       Health Administration should strictly enforce mine health

1 and safety standards as required under the Federal Mine  
2 Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

3 **SEC. 3. ENHANCED UNDERGROUND COAL MINE SAFETY**  
4 **STANDARDS.**

5 (a) NOTIFICATION.—Not later than 90 days after the  
6 date of enactment of this Act, the Secretary of Labor shall  
7 revise the regulations prescribed pursuant to section 101  
8 of the Federal Mine Safety and Health Act of 1977 (30  
9 U.S.C. 811) to require that the operator of each coal mine  
10 expeditiously provide notification of any accident where  
11 rescue and recovery work is necessary. The Secretary shall  
12 take such steps as are necessary to ensure that a system  
13 is in place within the Mine Health and Safety Administra-  
14 tion to immediately receive such notification.

15 (b) RAPID EMERGENCY RESPONSE.—Not later than  
16 90 days after the date of enactment of this Act, the Sec-  
17 retary of Labor shall revise the regulations prescribed pur-  
18 suant to section 115(e) of the Federal Mine Safety and  
19 Health Act of 1977 (30 U.S.C. 825(e)) regarding mine  
20 rescue teams. Such regulations—

21 (1) shall address the efficacy and adequacy of—  
22 (A) training and qualifications for rescue  
23 team members;

1 (B) the equipment and technology used in  
2 mine rescue, including refuge chambers and  
3 other rescue alternatives;

4 (C) the structure and organization of res-  
5 cue teams, including the number of team mem-  
6 bers and the procedural rules for the use of  
7 teams, including contractor teams; and

8 (D) the guidelines addressing the potential  
9 liability of and insurance issues relating to res-  
10 cue teams; and

11 (2) shall require—

12 (A) that the operator of each coal mine  
13 maintain mine rescue teams whose members—

14 (i) are employed by such operator and  
15 who are familiar with the workings of such  
16 coal mine; and

17 (ii) shall be available at such coal  
18 mine for rescue and recovery work to pro-  
19 vide an immediate and rapid response to  
20 an emergency; and

21 (B) that the operator of each coal mine  
22 have in place a plan for coordination and com-  
23 munication between the operator and mine res-  
24 cue teams and local emergency response per-  
25 sonnel, and that such local personnel be eligible

1           to receive appropriate training in order to be fa-  
2           miliar with mine rescue and recovery work.

3           (c) EMERGENCY AIR AND COMMUNICATIONS EQUIP-  
4 MENT.—Not later than 90 days after the date of enact-  
5 ment of this Act, the Secretary of Labor shall prescribe  
6 regulations as authorized by section 315 of the Federal  
7 Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)).  
8 Such regulations shall require that each coal mine main-  
9 tain at strategic locations within each mine, the following:

10           (1) Emergency supplies of air and self-con-  
11 tained breathing equipment for persons awaiting res-  
12 cue due to an emergency within the mine. Such  
13 equipment shall be sufficient to maintain such per-  
14 sons for a sustained period of time and shall be in  
15 addition to the self-rescue devices referred to in sec-  
16 tion 317 of that Act (30 U.S.C. 877(n)).

17           (2) Independent means of communication with  
18 the surface for persons awaiting rescue at such loca-  
19 tions, including secondary telephone or equivalent  
20 two-way communications facilities to the surface.

21           (d) EMERGENCY TRACKING AND COMMUNICATIONS  
22 EQUIPMENT.—Not later than 90 days after the date of  
23 enactment of this Act, the Secretary of Labor shall pre-  
24 scribe regulations to require each operator of a coal mine  
25 to implement a communication and electronic tracking

1 system to assist in rescue and recovery work of persons  
2 awaiting rescue due to an emergency within the coal mine.  
3 Such regulations shall require that each person who enters  
4 a coal mine to be equipped with—

5 (1) a portable communications device calibrated  
6 to communicate with both the surface and to rescue  
7 personnel; and

8 (2) an electronic tracking device permitting per-  
9 sons on the surface and rescue personnel to deter-  
10 mine the exact location of each such person within  
11 the mine.

12 (e) PROHIBITED PRACTICES.—Not later than 90  
13 days after the date of enactment of this Act, the Secretary  
14 of Labor shall revise the regulations prescribed pursuant  
15 to section 303(y) of the Federal Mine Safety and Health  
16 Act of 1977 (30 U.S.C. 863(y)) to require, in any coal  
17 mine, regardless of the date on which it was opened, that  
18 belt haulage entries not be used to ventilate active working  
19 places.

20 **SEC. 4. INCREASED PENALTIES FOR HABITUAL VIOLATORS.**

21 Not later than 90 days after the date of enactment  
22 of this Act, the Secretary of Labor shall prescribe regula-  
23 tions—

24 (1) to establish that no civil penalty less than  
25 \$10,000 shall be assessed pursuant to section 110 of

1 the Federal Mine Safety and Health Act of 1977  
2 (30 U.S.C. 820) for a violation which occurs of a  
3 mandatory health or safety standard where the oper-  
4 ator displays negligence or reckless disregard of such  
5 standard; and

6 (2) to provide for a civil penalty of up to  
7 \$100,000 for an operator who fails to comply with  
8 section 3(a) of this Act.

9 **SEC. 5. TECHNOLOGICAL TRANSFER AND APPLICATION.**

10 (a) OFFICE OF SCIENCE AND TECHNOLOGY TRANS-  
11 FER.—The Secretary of Labor shall establish within the  
12 Mine Safety and Health Administration an Office of  
13 Science and Technology Transfer for the purposes of con-  
14 ducting research and development to apply advancing  
15 sciences and technologies to underground coal mine and  
16 coal miner health and safety. Such Office shall consult  
17 with other Federal agencies, as appropriate and on a reg-  
18 ular basis, in order to stay informed of the latest tech-  
19 nologies that are available to ensure coal miner health and  
20 safety.

21 (b) PERIODIC REVIEW AND APPLICATION.—The Sec-  
22 retary of Labor shall, on a periodic basis, review the un-  
23 derground coal mine health and safety standards for pos-  
24 sible revision with regard to advancing sciences and tech-

1 nologies, and shall, on a periodic basis, revise such stand-  
2 ards to require the implementation of such technologies.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated such sums as may be nec-  
5 essary for the purposes of implementing this section.

6 **SEC. 6. MINER OMBUDSMAN.**

7 (a) ESTABLISHMENT.—There shall be established  
8 within the Office of the Inspector General of the Depart-  
9 ment of Labor the position of Miner Ombudsman. The  
10 President, by and with the advice and consent of the Sen-  
11 ate, shall appoint an individual with expertise in mine  
12 safety and health to serve as the Miner Ombudsman.

13 (b) DUTIES.—The Miner Ombudsman shall—

14 (1) be responsible for ensuring the safety of  
15 mines through information collection and sharing;

16 (2) establish a toll-free telephone number and  
17 appropriate Internet website to permit individual  
18 miners to confidentially report mine safety and  
19 health violations;

20 (3) forward information collected concerning  
21 mine safety and health violations to the appropriate  
22 officials of the Mine Safety and Health Administra-  
23 tion for investigation; and

24 (4) carry out other activities to improve the  
25 safety of mines.

1 **SEC. 7. DEFINITIONS.**

2       As used in this Act, the terms “coal mine” and “oper-  
3 ator” have the meanings given such terms in section 3  
4 of the Federal Mine Safety and Health Act of 1977 (30  
5 U.S.C. 802).

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