

## SECTION 6—ENHANCING THE INVESTIGATION OF MINE ACCIDENTS

This section directs the Secretary of Labor to issue regulations on an expedited basis concerning the investigation of mine accidents. No such regulations currently exist, and so each investigation is ad hoc.

The Secretary is directed to consult widely in developing these regulations—including directly contacting family members who can be identified of any miner who perished in a mining accident of any type in the last 10 years. Miner families are authorized to be involved in all aspects of the investigation, and an advocate is to be appointed to facilitate their participation.

The regulations are to require public hearings be held in connection with any fatal accident or any accident which could have resulted in multiple fatalities.

This section would also authorize a majority of the families of any miners killed in an accident, or an authorized miner representative, to request that an additional investigation be conducted by the Chemical Safety Board or other appropriate federal agency. This would permit a more independent review of major accidents in which MSHA's own conduct may be an issue.

## SECTION 7—ENHANCING OPERATOR AND OWNER INCENTIVES TO AVOID SERIOUS RISKS TO MINERS

The bill would direct the Secretary to revise the regulations which layout the process for citing operators who engage in a "pattern of violations." Such a penalty has never been assessed by MSHA despite the number of scoff-laws that have been identified. The changes required by the legislation would ensure that MSHA is required to make decisions on these situations in a timely way, and the Secretary is authorized to withdraw miners from the entire mine until a pattern of violations is corrected. The bill would also significantly increase the penalties for a "pattern of violations" up to \$1 million, and bar the Review Commission from reducing such penalties.

The bill also takes strong action to ensure operators pay their assessed penalties. The bill would forbid operators from contesting citations unless the assessed penalties are placed in escrow, and it would add criminal penalties for failure to pay.

The bill would also establish a minimum penalty of \$500 and a maximum penalty of \$250,000 for other violations. However, if the Secretary determines that the violation could have significantly and substantially contributed to a hazard, the bill would establish the minimum penalty as \$1000 and the maximum penalty as \$500,000. In addition, the bill establishes a penalty of between \$60,000 and \$100,000 for the failure to provide timely notification of accidents. The bill eliminates the requirement of current law that the size of the mine and the impact on an operator's ability to continue in business must be considered in assessing penalties.

## SECTION 8—ENHANCING THE WILLINGNESS OF MINERS AND OTHERS TO REPORT SERIOUS PROBLEMS BEFORE ACCIDENTS OCCUR

This would establish a Miner Ombudsman in the Office of the Inspector General in DOL to take safety and health complaints from miners. The purpose of this provision is to help assure miners that their identities will not be compromised if they report mine safety and health problems to the Department.

## SECTION 9—ENHANCING SPECIFIC PROTECTIONS FOR UNDERGROUND COAL MINES

This section would require the Secretary to expeditiously revise three existing standards to enhance the protection of underground coal miners.

(a) Conveyor belts and ventilation ("belt-air" rule). The belts that carry coal out of a

mine can ignite a fire or explosion due to friction. The legislation requires MSHA to expeditiously revise its regulations to adopt long-standing recommendations of the National Institute for Occupational Safety and Health that conveyor belts be designed to minimize flammability. Until the revised rules go into effect, the legislation suspends rules adopted in 2004 that generally permitted increased airflow over these conveyor belts. During this time, MSHA would, however, be permitted to return to its pre-2004 practice of permitting such additional airflow on a mine by mine basis following a public hearing on a request for such a modification.

(b) Seals. Seals are walls constructed in underground coal mines to enclose abandoned areas that they do not want to ventilate. Sealed areas can become highly explosive due to methane gas, and hence the seals have to meet prescribed standards. The bill would require MSHA to expeditiously adopt more protective standards. In addition to requiring seals to withstand more pressure than under the current rules, the Secretary is directed to consider whether it should inspect all seals during construction to be sure they are built according to plan. In addition to requiring an improved standard, the bill would require the Secretary to promptly conduct a special inspection of all current seals in underground coal mines composed on non-traditional materials to ensure they are properly constructed.

(c) Respirable (coal) dust. Black lung continues to be diagnosed among younger coal miners. To eliminate this disease forever, the bill requires the Secretary to expeditiously revise the current standard to reduce the allowable level of respirable dust to that recommended by the National Institute for Occupational Safety and Health. Consistent with other findings by NIOSH, the bill would eliminate the current requirement that several samples be averaged before a citation can be issued, and requires compliance samples to be taken by the Secretary or by placing personal dust monitors on at least 3 miners per shift.

## SECTION 10—TRANSITION TO A NEW GENERATION OF INSPECTORS

It takes 18 months to train a new inspector; and government personnel ceilings and retirement rules mean there may be a critical gap in mine safety and health inspectors over the next few years even if there is money appropriated in sufficient quantities to take on new staff. The bill provides that for a 5-year period, MSHA inspector staffing is exempted from personnel ceilings (only funding governs) and from certain pension reductions that make it difficult to use retired inspectors as necessary to fill the gap.

An additional problem for MSHA is to simultaneously provide both enforcement and compliance assistance, particularly for small mine operators. The bill would provide that for a 5-year period, government resources be used exclusively for enforcement, while compliance assistance to the industry be funded exclusively through a user fee. The user fee would be \$100 for every penalty assessed on any mine operator. This money would be used exclusively to provide the industry with technical support and advice, and priority would be given to requests for small mines (those with less than 20 miners).

Because of the unusual nature of these provisions, special monitoring by the Congress is appropriate, and an annual report would be required each of the five years that these requirements would be in effect.

## SECTION 11—TECHNOLOGY RESEARCH PRIORITIES

The legislation requires that in implementing its research activities in the next five years, the National Institute for Occupa-

tional Safety and Health give due consideration to new technologies, and existing technologies that could be adopted for use in underground mines, which could facilitate the survival of miners in an emergency.

The bill notes that such technologies include, but are not limited to:

- Longer lasting self-rescuers;
- Two-way communication devices;
- Improved battery capacity and specifications to handle multiple devices;
- Improved technology to determine underground conditions during an emergency situation; and
- Improved technology for mine rescue crews.

## RECOGNIZING PAUL REDMAN

## HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2006*

Mr. TIBERI. Mr. Speaker, I rise today to recognize and pay tribute to Paul Redman, an individual who has contributed his time and effort to the central Ohio community for over a decade. Paul's talent has made the Franklin Park Conservatory one of the signature cultural sites in Columbus.

The Franklin Park Conservatory provides an important service to Ohioans. It provides not only a showcase for the beauty of nature but serves as a vital educational source on botanical and ecological matters. The extensive facilities allow thousands of individuals throughout the region to participate in the study and appreciation of nature and various nature-based art.

Paul's professionalism has drawn the premier artists of our day to display their work at the conservatory. His tireless efforts to provide the best exhibits and value for the community have served to enhance central Ohio's reputation for quality people and superior work. His contributions to the civic and cultural landscape of central Ohio will continue to impact generations to come. His exemplary leadership and service have added to central Ohio's growing fame as one of the most vibrant areas in America.

I am pleased to recognize Paul's commitment to central Ohio and his outstanding tenure as Executive Director of the Franklin Park Conservatory. I'm proud to echo the sentiments expressed by so many prestigious voices across the country, and I wish him all the best in his future endeavors.

## TRIBUTE TO CHRISTINE BURROUGHS

## HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2006*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in gratitude to recognize the continued extraordinary achievements, community leadership and contributions of Christine Burroughs, Director of InnVision the Way Home. InnVision is a leading provider of services for homeless and low-income individuals and families in Santa Clara County.

Ms. Burroughs has successfully led InnVision the Way Home since 1991. During