

109TH CONGRESS
2^D SESSION

S. 2308

To amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2006

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

A BILL

To amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, 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 “Mine Safety and
5 Health Act of 2006”.

1 **SEC. 2. IMPROVED MANDATORY HEALTH AND SAFETY**
2 **STANDARDS.**

3 Section 101 of the Federal Mine Safety and Health
4 Act of 1977 (30 U.S.C. 811) is amended by adding at
5 the end the following:

6 “(f) ESTABLISHING IMPROVED MANDATORY HEALTH
7 AND SAFETY STANDARDS.—Notwithstanding any other
8 provision of this section regarding the promulgation of
9 mandatory health and safety standards, and in addition
10 to the requirements of any mandatory safety and health
11 standard promulgated under this Act, the following shall
12 be mandatory health and safety standards that apply to
13 all coal or other mines:

14 “(1) OXYGEN STATIONS.—An operator shall
15 strategically locate, within each area of an under-
16 ground coal or other mine where miners are work-
17 ing, not less than 1 oxygen station that can provide
18 the average number of miners expected to be work-
19 ing in such area with not less than a 4-day supply
20 of oxygen.

21 “(2) WIRELESS EMERGENCY TRACKING DE-
22 VICES.—An operator shall make available to each
23 miner a wireless emergency tracking device that will
24 enable rescuers to locate the miner in the event of
25 an accident or emergency.

1 “(3) WIRELESS COMMUNICATIONS DEVICES.—
2 An operator shall require that each miner working
3 in an underground coal or other mine carry a wire-
4 less text messaging or other wireless communications
5 device that will enable rescuers or mine operators to
6 communicate with the miner.

7 “(4) COMMUNICATIONS AMONG RESCUE WORK-
8 ERS.—In the event of a rescue operation, the oper-
9 ator of a coal or other mine shall ensure that com-
10 munications relating to the rescue are transmitted
11 only to the individuals participating in the rescue op-
12 eration.

13 “(5) SECONDARY TELEPHONE SERVICE.—For
14 each area within an underground coal or other mine
15 where a miner is working, an operator shall provide
16 secondary telephone service, or equivalent 2-way
17 communication facilities, between the surface and
18 the underground mine at an entry separate from the
19 location of existing telephone service or equivalent
20 facilities, in order to increase the likelihood of main-
21 taining communications between the miner and sur-
22 face or rescue personnel in the event of an accident
23 or emergency.”.

1 **SEC. 3. REPORTS, PLAN REVIEWS, AND CITATIONS.**

2 (a) ACCIDENT INVESTIGATIONS AND INTERNAL RE-
3 VIEWS.—Section 103 of the Federal Mine Safety and
4 Health Act of 1977 (30 U.S.C. 813) is amended—

5 (1) in subsection (a), by adding at the end the
6 following: “In the case of an investigation of an acci-
7 dent or other occurrence relating to health or safety
8 in a coal or other mine, the Secretary, or the author-
9 ized representative of the Secretary, shall conduct
10 interviews of the miners regarding the accident or
11 occurrence without having a representative of the
12 operator present.”; and

13 (2) in subsection (b), by adding at the end the
14 following: “The Secretary shall promulgate regula-
15 tions establishing rules for conducting an investiga-
16 tion of any accident relating to health or safety in
17 a coal or other mine and for holding hearings relat-
18 ing to such investigation. Not later than 30 days
19 after completing such investigation or a review re-
20 garding the Administration’s response to such acci-
21 dent, the Secretary shall submit the report regarding
22 the investigation or review to the Committee on Ap-
23 propriations and the Committee on Health, Edu-
24 cation, Labor, and Pensions of the Senate and the
25 Committee on Appropriations and the Committee on

1 Education and the Workforce of the House of Rep-
2 resentatives.”.

3 (b) QUARTERLY REVIEW OF CERTAIN PLANS.—Sec-
4 tion 103 of the Federal Mine Safety and Health Act of
5 1977 (30 U.S.C. 813) is amended by adding at the end
6 the following:

7 “(1) QUARTERLY REVIEW.—Notwithstanding any
8 mandatory safety and health standard promulgated under
9 this Act, the Secretary or the Secretary’s authorized rep-
10 resentative shall review the ventilation system and meth-
11 ane and dust control plan and the roof control plan of
12 an operator at least once every 3 months.”.

13 (c) PROGRESS CHECK.—Section 104(a) of the Fed-
14 eral Mine Safety and Health Act of 1977 (30 U.S.C.
15 814(a)) is amended by adding after the third sentence the
16 following: “Not later than 24 hours after an operator has
17 received a citation under this subsection, an authorized
18 representative of the Secretary shall contact the operator
19 to ensure that the operator is taking steps to abate the
20 violation in the reasonable time specified in the citation.”.

21 **SEC. 4. EMERGENCY CALL CENTER.**

22 Section 104 of the Federal Mine Safety and Health
23 Act of 1977 (30 U.S.C. 814) is amended by adding at
24 the end the following:

25 “(1) EMERGENCY CALL CENTER.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish, within the Administration, a central commu-
3 nications emergency call center for all coal and other
4 mine operations that shall be staffed and operated
5 24 hours a day, 7 days a week. All calls placed to
6 the emergency call center shall be answered by an
7 individual.

8 “(2) CONTACT LIST.—To assist in the oper-
9 ation of the emergency call center, the Secretary
10 shall provide the emergency call center with an
11 emergency contact list that contains the contact in-
12 formation for all coal or other mines subject to this
13 Act and shall update the contact list on a quarterly
14 basis.”.

15 **SEC. 5. PENALTIES.**

16 (a) INCREASED PENALTIES AND USER FEES.—Sec-
17 tion 110 of the Federal Mine Safety and Health Act of
18 1977 (30 U.S.C. 820) is amended—

19 (1) in subsection (a)—

20 (A) in the first sentence, by inserting be-
21 fore the period “, except that a flagrant viola-
22 tion may be assessed a civil penalty of not more
23 than \$500,000”;

1 (B) in the second sentence, by inserting “,
2 other than a flagrant violation,” after “safety
3 standard”; and

4 (C) by adding at the end the following: “In
5 this subsection, the term ‘flagrant violation’
6 means a reckless or repeated failure to make
7 reasonable efforts to eliminate a known viola-
8 tion of a mandatory health and safety standard
9 that substantially and proximately caused, or
10 reasonably could be expected to cause, death or
11 serious bodily injury.”;

12 (2) in subsection (b), by striking “\$5,000” and
13 inserting “\$55,000”;

14 (3) in subsection (d)—

15 (A) by inserting “knowingly exposes min-
16 ers to situations likely to cause death or serious
17 bodily injury,” after “operator who”;

18 (B) by striking “\$25,000” and inserting
19 “\$250,000”; and

20 (C) by striking “\$50,000” and inserting
21 “\$500,000”;

22 (4) in subsection (e), by striking “\$1,000” and
23 inserting “\$20,000”;

24 (5) in subsection (f), by striking “\$10,000” and
25 inserting “\$100,000”;

1 (6) by redesignating subsections (i) through (k)
2 and subsection (l) as subsections (j) through (l) and
3 subsection (o), respectively;

4 (7) by inserting after subsection (h) the fol-
5 lowing:

6 “(i) FAILURE TO INFORM.—Any operator who fails
7 to inform the Secretary of a disaster relating to a coal
8 or other mine within the 15-minute period following the
9 occurrence of the disaster shall be subject to a civil penalty
10 of not less than \$100,000. The Secretary may waive the
11 penalty under this subsection if the Secretary determines
12 that the failure to inform within the time period was
13 caused by circumstances outside the control of the oper-
14 ator.”; and

15 (8) by inserting after subsection (l) (as so re-
16 designated by paragraph (6)) the following:

17 “(m) MINIMUM FINE OR PENALTY.—

18 “(1) SERIOUS ILLNESS OR INJURY HAZARD.—A
19 fine or civil penalty assessed under this section for
20 a violation of a mandatory health or safety standard,
21 or other provision of this Act, that could cause seri-
22 ous illness or injury shall be in an amount of not
23 less than \$10,000.

24 “(2) HABITUAL VIOLATOR.—A fine or civil pen-
25 alty assessed under this section, to any operator of

1 a coal or other mine who habitually violates this Act,
2 for a violation of a mandatory health or safety
3 standard, or other provision of this Act, that could
4 significantly and substantially contribute to a safety
5 or health hazard shall be in an amount of not less
6 than \$20,000.

7 “(n) USER FEES.—An operator who incurs a civil
8 penalty or fine under this section shall, in addition to the
9 amount of such penalty or fine, be assessed a user fee
10 of \$100 for each such penalty or fine. Such fees shall be
11 collected by the Secretary to be deposited in an Adminis-
12 tration account and shall be used to augment the amounts
13 appropriated to the Administration for carrying out the
14 following activities:

15 “(1) To reimburse operators for the cost of
16 training, research and development, rescue teams,
17 safe rooms, or other supplies or equipment for miner
18 safety.

19 “(2) To enable the Administration to provide
20 technical support, educational policy and develop-
21 ment, and program evaluation and information ac-
22 tivities in accordance with this Act.”.

23 (b) NO REDUCTION OF CERTAIN FINES.—Section
24 105(d) of the Federal Mine Safety and Health Act of 1977
25 (30 U.S.C. 815(d)) is amended in the first sentence by

1 inserting “, except that the Commission shall not decrease
2 a civil penalty assessed for a flagrant violation, as defined
3 in section 110(a), or for a habitual violation” after “ap-
4 propriate relief”.

5 **SEC. 6. MANDATORY HEALTH AND SAFETY TRAINING.**

6 Section 115(a) of the Federal Mine Safety and
7 Health Act of 1977 (30 U.S.C. 825(a)) is amended—

8 (1) by redesignating paragraph (5) as para-
9 graph (7); and

10 (2) by inserting after paragraph (4) the fol-
11 lowing:

12 “(5) all miners shall receive initial training in
13 the proper usage of wireless communications devices
14 and shall receive refresher training courses on such
15 usage not less often than once each calendar year;

16 “(6) each rescue team for the mine shall par-
17 ticipate in a surprise, unannounced emergency res-
18 cue drill at an operating mine not less often than 2
19 times each calendar year; and”.

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