



News Release

Connect with DOL at
<http://social.dol.gov!>



U.S. Department of Labor
Office of Public Affairs
Washington, D.C.
Release Number: 12-627-NAT

For Immediate Release

April 3, 2012

Contact: Amy Louviere

Phone: 202-693-9423

Email: louviere.amy@dol.gov

MSHA publishes final rule on examinations in underground coal mines *Rule will lead to enhanced protection of miners' health and safety*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration today announced that the final rule "Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards" will be published in the April 6 issue of the Federal Register. The rule will enhance miners' health and safety by requiring mine operators to identify and correct hazardous conditions and violations of nine health and safety standards that pose the greatest risk to miners, including the kinds of conditions that led to the explosion at the Upper Big Branch Mine.

"Many of the same types of violations of mandatory health and safety standards are repeatedly found by MSHA inspectors in underground coal mines every year," said Joseph A. Main, assistant secretary of labor for mine safety and health. "It is critically important for mine operators to take ownership of health and safety. By expanding the existing requirement that operators identify and correct hazardous conditions to include violations of these nine standards, a number of fatalities and injuries may be prevented."

The nine standards address ventilation, methane, roof control, combustible materials, rock dust, equipment guarding and other safeguards. They are consistent with the standards emphasized in MSHA's "Rules to Live By" initiative and the types of violations cited in MSHA's accident investigation report on the Upper Big Branch Mine explosion as contributing to the cause of that deadly accident.

The rule requires that, during pre-shift, supplemental, on-shift and weekly examinations, underground coal mine operators must, in addition to examining for hazardous conditions as in the existing regulations, record the actions taken to correct the conditions and violations. Operators also must review with mine examiners, on a quarterly basis, citations and orders issued in areas where pre-shift, supplemental, on-shift and weekly examinations are required. The rule was proposed in December 2010, and five public hearings were held in June and July 2011. Mine operators are currently required by law to conduct these examinations; the final rule will ensure that such examinations are maximally effective in preventing injuries and fatalities by requiring operators to examine and fix violations of those standards that represent the greatest risk to underground coal miners.

"As we've said so many times before, MSHA cannot be at every mine every day," Main added. "This rule places mine operators in a proactive – rather than reactive – role by requiring them to conduct examinations to identify a potentially hazardous condition before it results in a danger to miners."

In 2010, MSHA cited approximately 173,000 violations, of which approximately 80,000 were attributable to underground coal mines, even though these mines represent just 4 percent of all mines.

MSHA launched Rules to Live By, an outreach and enforcement program designed to strengthen efforts to prevent mining fatalities, in February 2010. The first phase was focused on spotlighting the safety and health standards most frequently cited during fatal accident investigations. Rules to Live By II, which began in November 2010, reviewed accidents that resulted in five or more fatalities, as well as incidents caused by fires or explosions that had the potential to result in more fatalities. Rules to Live By III, initiated this past January, focuses on 14 safety standards associated with violations contributing to at least five mining accidents and at least five deaths during a recent 10-year period.

###

U.S. Department of Labor news materials are accessible at <http://www.dol.gov>. The information above is available in large print, Braille or CD from the COAST office upon request by calling 202-693-7828 or TTY 202-693-7755.