

**Oral Statement
on
MSHA's Emergency Temporary Standard on Mine
Evacuations
RIN 1219-AB46**

**Michael J. Wright
Director of Health, Safety and Environment
United Steelworkers**

**Charleston, West Virginia
May 9, 2006**

Good morning. My name is Michael Wright. I'm the Director of Health, Safety and Environment for the United Steelworkers, a union representing 850,000 workers in North America, including the majority of unionized metal and nonmetal miners in both the United States and Canada. We also represent a significant number of coal miners in Canada.

This hearing is focused almost exclusively on coal mine safety and health. That's appropriate, given the tragedies at Sago and other coal mines so far this year. Our union does not represent coal miners in the United States. I'm here for three reasons:

First, to demonstrate our support for the families of the Sago miners and all the other victims, and for our sister union, the United Mineworkers of America.

Second, to strongly support the one part of the ETS that applies to metal and nonmetal mines, the requirement that MSHA be notified of accidents within 15 minutes.

Third, to urge MSHA not to forget about metal and nonmetal miners as it moves forward to develop stronger requirements for mine evacuations, rescue and refuge.

Let me start with immediate notification of mine accidents. I've been involved in too many rulemakings to be shocked by any arguments coming

from mine operators or other employers. But they had to reach pretty far to come up with objections to the 15-minute rule. For example: "Calling MSHA might interfere with the rescue." Well then, you better look at your rescue plan, if it's going to be disrupted by a single phone call. "There may be only one phone line, and we need it to call 911." OK, buy yourself a cell phone or a Blackberry. Or use the one you already have. And if you don't get a good signal, I'm sure your local service provider will be happy to install a second line. "We're not really sure there's been an accident until we investigate." Call anyway. You're not going to get cited because the situation turned out to be less serious than you first thought.

In short, the 15-minute rule makes very good sense, and MSHA should stick to it in the final rule.

And by the way, the miners' rep ought to be notified immediately as well, and the regulation should state that explicitly.

Let me now turn to other aspects of this ETS and other regulations that should be applied, not just in coal mines, but in all underground mines. But I want to make it clear that nothing the USW proposes is meant to delay effective action in coal mines. We are aware that MSHA would need additional rulemaking to extend other provisions of the ETS beyond coal. We urge the agency to finalize this rule as rapidly as possible, and then turn its attention to metal/nonmetal mines as part of a comprehensive regulatory process involving escape, rescue and refuge in all underground mines.

Most of the deaths this year have occurred in coal mines, and the ETS is especially concerned with coal mine fires. But we should remember that the worst mining disaster in the United States in the last 35 years happened in an underground metal mine – and it was a fire. Of course the fire was at the Sunshine silver mine near Kellogg, Idaho, on May 2, 1972. Ninety-one miners died, all from carbon monoxide poisoning. Sunshine was one factor leading to the Mine Safety and Health Act itself, and many of the regulations promulgated under it have made such fires far less likely. But 45% of the mine fires reported to MSHA between 1991 and 2000 occurred in metal/nonmetal mines.¹ There are plenty of combustible materials in metal/nonmetal mines – fuels for mobile equipment and mobile equipment

¹ Ronald S. Conti, "Responders to Underground Mine Fires," NIOSH Pittsburgh Research Laboratory

itself,² old timbers,³ belts, methane, combustible ores like gilsonite, and other materials. The January fire in a Saskatchewan potash mine, which forced 72 miners into a refuge chamber for 28 hours because of toxic gases and smoke, started in some plastic piping. And there are plenty of ignition sources – electrical sparking, belt friction, cutting and welding, even spontaneous combustion. And, of course, there are reasons other than fire for evacuating a mine, for example flooding.

There is no good reason why the lifelines required for underground coal mines should not also be required in metal/nonmetal mines. And there was certainly no good reason to not even give notice on the issue in the *Federal Register*, thereby making it impossible for MSHA to require them without new rulemaking.

Obviously, the provisions for extra self-contained self-rescuers will not apply, since SCSRs are not required in metal/nonmetal mines in the first place. However, they should be required in at least some metal/nonmetal mines. There was a proposal to do just that on MSHA's Regulatory Agenda in 2001. SCSRs would have been required in certain high-risk mines, chiefly gassy mines. That proposal was withdrawn by the current Administration. It should be reinstated immediately.

That concludes my comments. Thank you for the opportunity to testify.

² Forty-six percent of metal/nonmetal fires in the study cited above involved mobile equipment.

³ A February 8, 2001 fire at the Homestake Gold Mine in Lead, SD, required the evacuation of 37 miners. The cause was old timbers in an abandoned stope.