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PROGRAM POLICY LETTER NO. P19-V-01

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SUBJECT: Implementation of Section 2 of the Mine Improvement and  
New Emergency Response Act of 2006

**Scope**

This Program Policy Letter (PPL) is intended for underground coal mine operators, miners and miners' representatives, independent contractors, Mine Safety and Health Administration (MSHA) enforcement personnel, and other interested parties working in underground coal mines.

**Purpose**

Section 2 of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), which amended the Federal Mine Safety and Health Act of 1977 (Mine Act), requires underground coal mine operators to follow an approved Emergency Response Plan (ERP). This PPL provides policy and guidance to underground coal mine operators to facilitate the development of their ERPs. This PPL supersedes PPL P16-V-1.

**Policy**

The MINER Act addresses both the evacuation of miners endangered by an emergency and the maintenance of miners trapped underground. MSHA emphasizes that every effort must be made by miners to evacuate the mine in the event of a mine emergency.

Refuge alternatives are shelters of last resort and should be used only when evacuation is not possible. Lifelines, tethers, Self-Contained Self-Rescuers (SCSRs), and proper training provide essential tools for miners to evacuate through smoke and irrespirable atmosphere.

Post-accident wireless communications are critical to inform miners of the nature of the

emergency so that the best evacuation and survival strategies may be utilized. Electronic tracking helps the responsible person direct evacuation efforts and provides vital information for mine rescue efforts.

In accordance with the MINER Act, underground coal mine operators must develop, adopt, and submit an ERP to the appropriate MSHA District Manager. The MINER Act requires that ERPs address both the evacuation of miners endangered by an emergency and maintenance of miners trapped underground. These plans must:

- a. Afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;
- b. Reflect the most recent credible scientific research;
- c. Be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and
- d. Reflect the improvements in mine safety gained from experience under the MINER Act and other worker safety and health laws.

In accordance with the MINER Act, MSHA will review the ERP at least once every six months. Operators must periodically update ERPs to incorporate changes in operations or conditions in the mine; such as changes in mining systems, alterations in mine layout, relocation of escapeways, advances in technology, or other relevant considerations. All operators of existing, new, or reactivated mines must have an approved ERP before miners start work underground.

### ***Emergency Response Plan – Content***

#### *Post-accident Communication*

ERPs must comply with § 2 of the MINER Act, which added §§ 316(b)(2)(E)(i) and 316(b)(2)(F)(ii) to the Mine Act. MSHA provided guidance on systems that can comply with these provisions in PPL P14-V-01, on wireless two-way communications systems or alternatives, and in Questions and Answers on the scope of the PPL.

#### *Post-accident Tracking*

ERPs must comply with §§ 316(b)(2)(E)(ii) and 316(b)(2)(F)(ii) of the Mine Act. MSHA provided guidance on systems that can comply with these provisions in PPL P14-V-01, on electronic tracking systems or alternatives, and in Questions and Answers on the scope of the PPL.

### *Post-accident Breathable Air*

#### 1. SCSRs

SCSRs that may be needed for an emergency mine evacuation are addressed in 30 CFR 75.1714-4. There is no need to approve these prescriptive requirements in the ERP. In addition to plotting SCSR storage locations on mine maps, as required by § 75.1714-5, operators should list the types of SCSRs stored in those locations. However, mine operators should include a statement in the ERP that “X Mine is in compliance with 30 CFR § 75.1714-4.” The ERP should contain a provision adopting manufacturers’ recommendations for SCSR maintenance, routine examinations, storage, and retirement. The ERP should also address SCSR performance by specifying a schedule for opening, initiating the breathing cycle, and establishing operational reliability for a representative number of SCSR units on an annual basis. Units at the end of their service life, if available, may be used for this purpose.

The ERP should also provide for replacement of retired SCSRs with more technologically advanced SCSRs as they become commercially available and are approved for use in underground coal mines.

#### 2. Refuge Alternatives

ERP requirements for refuge alternatives are listed in § 75.1507. There is no need to list these prescriptive requirements in the ERP.

### *Post-accident Lifelines*

Post-accident lifelines are addressed in §§ 75.380(d)(7) and 75.381(c)(5). There is no need to list these prescriptive requirements in the ERP.

### *Training*

Training for post-accident evacuation is addressed in §§ 75.1502 and 75.1504. Training for examining, maintaining and repairing refuge alternatives is addressed in § 75.1508. There is no need to list these prescriptive requirements in the ERP.

### *Local Coordination*

Consistent with the MINER Act, the plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local mine rescue personnel with surface functions that may be required in the course of mine rescue work.

During the next periodic review, the operator should revise its ERPs to ensure that the information in the ERP is consistent with the contact listing and phone numbers already posted at the mine site pursuant to 30 C.F.R. §§ 75.1713, 75.1713-1, and 75.1713-2.

An operator may also reference 911 and appropriate Federal and State officials. Calling 911, a universally accepted practice for notifying emergency responders in the United States, will alert local emergency responders (i.e., ambulance, police, and firefighters), and can place hospitals and doctors on alert as appropriate.

### ***Emergency Response Plan - Approval Procedure***

Mine operators must develop and follow an ERP approved by the District Manager. The plan must be designed to safely and expeditiously evacuate miners in the event of an emergency or, if evacuation is not possible, provide refuge alternatives that are capable of sustaining trapped miners for at least 96 hours, or for 48 hours if advance arrangements are made. The ERP must be suitable for the conditions and mining systems at the mine. Proposed plans and any proposed revision to an approved plan must be submitted in writing to the District Manager.

The District Manager will notify the operator in writing of the approval or denial of a proposed ERP or revision. No proposed ERP or revision may be implemented before it is approved by the District Manager. A copy of the approval/denial will be sent to the representative of miners by the District Manager. Training on the ERP or revisions should be completed within thirty days of approval and before the ERP is implemented.

Section 316(b)(2)(B)(i) of the Mine Act requires that the ERP “shall provide for the evacuation of all individuals endangered by an emergency.” The individuals covered by this provision do not include properly trained and equipped persons essential to respond to a mine emergency, as permitted in 30 CFR § 75.1501(b).

In considering comments from the miners or their representatives as specified in §§ 316(b)(2)(C) and (D) of the Mine Act, MSHA will follow the procedure outlined for submission and approval of ventilation plans in 30 CFR § 75.370.

### **Background**

On June 15, 2006, the MINER Act became effective. Section 2 of the MINER Act amends § 316 of the Federal Mine Safety and Health Act of 1977 to address emergency response plans. Paragraph (b)(2) of § 316 requires each underground coal mine operator to develop and adopt a written emergency response plan that provides for the evacuation of all individuals endangered by an emergency and the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

MSHA issued PPL P06-V-9 on August 4, 2006, to address § 2 of the MINER Act. This PPL was superseded by P06-V-10 on October 24, 2006. On December 8, 2006, MSHA issued a final Emergency Evacuation rule to address the evacuation training, post-accident lifelines and SCSR requirements of § 2 of the MINER Act. On December 31, 2008, MSHA issued a final rule on Refuge Alternatives in response to § 13 of the MINER Act. On April 28, 2011, MSHA issued PPL P11-V-13 on post-accident two-way communications and electronic tracking requirements to provide guidance that addresses these provisions in § 2 of the MINER Act, and on May 24, 2011, MSHA posted Questions and Answers on the scope and application of the PPL. On March 27, 2014 MSHA issued PPL P14-V-01 which superseded PPL P11-V-13.

On January 25, 2010, MSHA issued PPL P10-V-1 which superseded PPL P06-V-10. On January 11, 2013, MSHA issued PPL P13-V-1 which superseded PPL P10-V-1. On April 21, 2016, MSHA issued PPL P16-V-01. This PPL replaces PPL P16-V-01.

### **Authority**

The Federal Mine Safety and Health Act of 1977, 30 USC. 801 as amended by the MINER Act, Pub. L. No. 109-236, June 15, 2006, 120 Stat. 493.

### **Internet Availability**

This program policy letter may be viewed on the Internet accessing MSHA's [homepage](#) and then choosing "Regulations," "Policy and Procedures" and selecting "Program Policy Letters." In addition, there are tools currently available on MSHA's MINER Act Page that operators can use when developing their ERPs and that also clarify when mine operators should submit an ERP and whether mine operators can exclude certain information from the ERP. The MINER Act Page can be accessed from MSHA's [homepage](#) by choosing "Regulations," "Laws" and then selecting "2006 Mine Improvement and New Emergency Response Act (MINER Act)."

### **Issuing Office and Contact Person**

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### **Distribution**

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