Mine Improvement and New Emergency Response Act of 2006 (Miner Act), USA

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Mine Improvement and New Emergency Response Act of 2006 (Miner Act)

The Miner Act in the United States of America came into effect as an amendment to the Federal Mine Safety and Health Act of 1977 (Parent Act). Its main objective is to improve the safety of Mines and Mining. It came into effect on 15th June 2006. Some of the important provisions of this amendment are:

- **Emergency Response Plans**

The concept of ‘Emergency Response Plans’ is introduced with the amendment of section 316 of the Parent Act. Accordingly, each underground coal mine operator is required to carry out a program on a continuous basis to improve their accident preparedness and response at each mine. In order to comply with this requirement, the underground coal mine operator needs to develop and adopt a written accident response plan for all the mines. He has to periodically update such plans in order to reflect the day to day developments in the mines with enhanced intervention in respect to science & technology and to confer with all other relevant considerations.

Any plans prepared or developed under this Parent Act shall not be approved if it in any way reduces the protection afforded to miners in any of the existing mandatory health or safety standards. (Section 2 of the Miner Act)

- **Limitation on Certain Liability for Rescue Operations**

According to Section 3 of the Miner Act, Section 116 of the Parent Act is supplemented with an amendment that clearly provides that no action can be brought against any covered individual or his or her regular employer for property damage or an injury (or death) sustained during the carrying of the rescue operations. This non-actionable clause is exempted when there exists gross negligence, reckless conduct, or illegal conduct or where the regular employer is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers compensation laws. This provision is introduced as an amendment to the title 1 of the Federal Mine Safety and Health Act of 1977.

- **Mine Rescue Teams**

Section 115(e) of the Parent Act is amended and the new provision (Section 4 of the Miner Act) includes the provisions regulating mine rescue teams. Some of the amendments are,

- The secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect it should not be later than 18 months after the date of enactment of the Miner Act. These regulations shall not be construed to waive operator-training requirements applicable to existing mine rescue teams.
- The Mine Safety and Health Administration shall establish and update every five years thereafter, criteria to certify the qualifications of mine rescue teams.
- The operator of each underground coal mine with more than 36 employees shall have an employee knowledgeable in mine emergency response who is employed at the mine on each shift in every underground mine and make two certified mine rescue teams available for the relief.
- The mine rescue teams constitutes with the members who are familiar with the operations of such coal mine, participate at least annually in two local mine rescue contests, mine rescue training at the underground coal mine covered by the mine rescue team and they are to be made available at the mine within one hour of ground travel time from the mine rescue station.
The operator shall employ one team among the options available for employment under the Miner Act. The options available are an individual mine site mine rescue team, a multi-employer composite team, a commercial mine rescue team or a State sponsored team. The multi-employer composite team is the team made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine. A commercial mine rescue team is the team provided by contract through a third-party vendor or mine rescue team provided by another coal company. A State-sponsored team is the team made up of State employees.

- **Prompt Incident Notification**

As per Section 5 of the Miner Act, in course of employment, if an individual faces death or incurs injury or is entrapped in the mine, which has a reasonable potential to cause death, then the same shall be notified by the Operator to the Secretary within fifteen minutes of the happening. In case if the above provision is contravened, the Secretary, basing on his assessment, can levy a civil penalty on the operator with a fine not less than $5000 and not exceeding $60,000. This provision is introduced as an amendment to the Section 103(j) of the Federal Mine Safety and Health Act of 1977.

- **Office of Mine Safety and Health**

Section 6 of the Miner Act provides for the establishment of the National Institute for Occupational Safety and Health (NIOSH). Within this institute, an office of Mine Safety and Health is to be constituted. The office will be administered by the Associate Director, who is appointed by the Director of the National Institute for Occupational Safety and Health. This office will be responsible for enhancement of mine safety and health of the mining employees through making research and development, and testing of technologies and equipment in the relevant areas. This is introduced as an amendment to section 22 of the Occupational Safety and Health Act of 1970.

- **Family Liaisons**

Keeping in view the families of the victims who come under the provisions of this Act, Section 7 of the Miner Act empowers the Secretary to frame policies on

- temporary assignment of an individual department of labor official to be a liaison between the department and the families of victims of mine tragedies involving multiple deaths;
- Mine Safety and Health Administration to act as the primary communicator with the operator, miners families, the press and the public.

- **Penalties**

Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued as a final decision under this title shall upon conviction be punished with a fine of not more than $250,000 or by imprisonment for not more than one year, or by both. Two exceptions are provided under this section. They are

- an order incorporated in a decision under paragraph (1) of Section 8 of the Miner Act and section 105( c) of the Parent Act are outside the purview of this provision and
➢ the conviction for a violation committed after the first conviction of the operator under
the Parent Act, the subsequent convictions shall be with a fine of not more than $500,000
or by imprisonment for not more than five years or by both.

The minimum penalty for any citation or order issued under section 104(d)(1) of the Parent Act
shall be $2000 and for any order issued under section 104(d)(2) of the Parent Act shall be $4000.

The operator on being aggrieved with the penalties levied can apply for review of the order.

However, as per Section 8 of the Miner Act, the Secretary of Labor is authorized to promulgate
final regulations with respect to the penalties within 30th December 2006.

- Sealing of Abandoned Areas

According to Section 10 of the Miner Act, the Secretary of Labor shall finalize mandatory health
and safety standards relating to the sealing of abandoned areas in underground coal mines.
However, this should not be later than 18 months after the issuance by the Mine Safety and
Health Administration of a final report on the Sago Mine accident or the date of enactment of the
Parent Act. The health and safety standards shall provide for an increase in the 20 psi standard
that is currently set forth in the Code of Federal Regulations.

- Technical Study Panel

Technical Study Panel (the Panel) is established through amendment of Title V of the Parent Act.
Accordingly, under Section 514 of the Parent Act, the panel shall provide independent, scientific
and engineering review and make recommendations with respect to the utilization of belt air and
the composition and fire retardant properties of belt materials in underground coal mining.
(Section 11 of the Miner Act)

- Scholarships

The award of scholarships is introduced through amendment of Title V of the Parent Act.
Accordingly under Section 515 of the Parent Act, Scholarships are awarded to the eligible
individuals to increase their skilled workforce for private sector coal mine operators and, mine
safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.
The scholarships are decided by the Secretary of Education in consultation with the Secretary of
labor and the Secretary of Health and Human Services. The types of Scholarships awardable are
Fundamental Skills Scholarships, Mine Safety Inspector Scholarships and Advanced Research
Scholarships. (Section 12 of the Miner Act)

- Research Concerning Refuge Alternatives

The NIOS&H shall provide for the conduct of research, including field tests, concerning the
utility, practicality, survivability, and cost of various refuge alternatives in underground coal
mines including commercially-available portable refuge chambers. (Section 13 of the Miner Act)

- Brookwood-Sago Mine Safety Grants

Under Section 14 of the Miner Act, the Secretary is entitled to award competitive grants for
education and training, known as Brookwood-Sago Mine Safety Grants. The purpose of awarding
these grants is to provide funds for education and training programs to the mining employees and to create awareness among them to identify, avoid and prevent unsafe working conditions in and around mines. In awarding grants, preference is given to those programs and materials that are targeted for the workers in smaller mines, and for funding of pilot and demonstration projects that ensures mine safety in a broader way. One percent of the total funds available under these grants are utilized for evaluation of the projects funded under the guise of these grants.

Notes

The latest amendment to The Mine Improvement and New Emergency Response Act 2006 in U.S.A. has been brought out to minimize the mine mishaps. The amendment has certain provisions as preventive and precautionary measures that need to be taken up by the concerned officers. It is an amendment, which is technically well-framed to avoid major causalities in mines. It also provides some guidelines to plan for preventing the mine disasters.

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