

No. 2007-57

AN ACT

HB 483

Establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or awaiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Mine Families First Act.

Section 2. Legislative findings.

The General Assembly finds and declares as follows:

(1) Since this Commonwealth began regular reporting in 1870, over 51,504 miners have died in Pennsylvania's anthracite and bituminous mines, specifically, 31,116 in anthracite mines and 20,388 in bituminous mines.

(2) As a result of mine accidents like the Darr Mine Disaster in Westmoreland County that claimed 239 lives in 1907 and the Knox Mine accident in Luzerne County in 1959, where the Susquehanna River broke through an anthracite mine and killed 12 miners, Pennsylvania adopted some of the first mine safety statutes in the United States, starting in 1869 with a law requiring ventilation in anthracite mines.

(3) The Commonwealth's current mine safety laws, the act of July 17, 1961 (P.L.659, No.339), known as the Pennsylvania Bituminous Coal Mine Act, and the act of November 10, 1965 (P.L.721, No.346), known as the Pennsylvania Anthracite Coal Mine Act, establish the framework for ensuring the safety of workers in bituminous, anthracite and other underground industrial mineral mines, but they do not include provisions for caring for the families of miners trapped, injured or awaiting rescue.

(4) The Quecreek Mine accident that occurred in Somerset County during July 2002, where nine miners were rescued after being trapped as water flooded into the mine, provided a model for how to care for the needs of families of miners during a mine emergency.

(5) It is the policy of the Commonwealth to treat the families of miners trapped, injured or awaiting rescue during a mine emergency with the dignity and respect they deserve and to make sure the families are provided updated information on rescue efforts before the public or the media and that their needs and questions are attended to during a mine emergency.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Environmental Protection of the Commonwealth.

“Mine Emergency Response Program.” The program established in the Department of Environmental Protection to ensure the safety of underground miners as authorized by the act of July 17, 1961 (P.L.659, No.339), known as the Pennsylvania Bituminous Coal Mine Act, and the act of November 10, 1965 (P.L.721, No.346), known as the Pennsylvania Anthracite Coal Mine Act.

Section 4. Mine Families First Program.

(a) Establishment.—The department shall establish the Mine Families First Program as part of the Mine Emergency Response Program to ensure two-way communication between those persons in command of a mine emergency response operation and the families of miners trapped, injured or awaiting rescue.

(b) Mine families first response and communication plan.—Within 90 days of the effective date of this section, the department shall develop a mine families first response and communication plan to outline the steps that shall be taken by the department and mine owners and operators to communicate with families of miners involved in a mine emergency. The plan shall at a minimum contain the following:

(1) Procedures for the immediate notification of mine family members in the event of a mine emergency through individuals previously designated by mine workers.

(2) Designation of and, if necessary, transportation to a physical location for mine families to gather to obtain information about the mine emergency and rescue operations.

(3) Security provisions to ensure the privacy of mine families at the location designated for mine emergency briefings for families.

(4) Procedures to ensure mine families are briefed regularly, before the news media, about the progress of the mine emergency response.

(5) Designation of a mine family first liaison staff for each incident to serve as a 24-hour point of contact for mine families to provide a two-way conduit for information about the mine emergency and rescue operations.

(6) Procedures and a process for involving and coordinating the participation of not-for-profit and public social service organizations to provide counseling and other social services mine families may need during a mine emergency.

(7) Procedures and a process for notification and, if needed, transportation of mine families to medical facilities where miners extricated from mines are given follow-up medical care.

(c) Public review process.—

(1) The department shall, within 30 days of completing the initial mine families first response and communication plan, submit the plan for public review and comment.

(2) After completion of the review and comment period, the department shall make the necessary revisions to the mine families first response and communication plan and develop a final plan for use as part of a mine emergency response program.

Section 5. Family first liaison.

(a) Designation.—The department shall designate a person to serve as mine families first liaison for each mine emergency, whose duties shall include, at a minimum:

(1) Provide miners' families with briefings on the progress of mine emergency response operations in a timely and effective manner.

(2) Receive and act on comments, concerns and needs of the miners' families during and immediately after the response to the mine emergency.

(3) Coordinate with the appropriate social service, disaster aid and other public and not-for-profit agencies and organizations to provide assistance needed by mine families.

(4) Assure information about the mine emergency response is communicated to miners' families before information is released to the public or media.

(5) Ensure the wishes of the miners' families are honored with respect to the granting of interviews and access by the news media.

(b) Training program.—The department shall develop a training program for mine families first liaisons to provide a basic level of competency in handling emergency situations, in effective communications techniques and in understanding the psychological factors experienced by miners' families during mine emergency situations.

Section 6. Advisory council.

(a) Establishment.—The department shall establish the Mine Families First Response and Communication Advisory Council. The council shall be comprised of at least the following members:

(1) One member representing mine owners.

(2) One member representing mine labor unions.

(3) One member representing local emergency response professionals.

(4) One member representing mental health professionals.

(5) One member from the Pennsylvania Emergency Management Agency.

(6) Two at-large members selected from the general public.

Each member shall be appointed by the Governor, with the exception of the two at-large members, one of whom shall be appointed by the President pro tempore of the Senate and the other of whom shall be appointed by the Speaker of the House of Representatives. All members must be residents of this Commonwealth. One alternate member shall be appointed for each

member and shall take the place of the respective member whenever that member is unable to attend an official meeting.

(b) Terms.—Each member shall serve for a period of three years. A member upon expiration of that member's term shall continue to serve until a successor is appointed.

(c) Duties.—The advisory council shall assist the department in developing the initial mine families first response and communication plan and provide assistance in periodic review and updating of the plan. The advisory council shall assist in reviewing how the plan was used in the event of an actual mine emergency and offer recommendations to the department for any needed changes to the plan resulting from its review.

(d) Expenses.—Advisory council members shall not receive a salary but shall be reimbursed for all necessary expenses incurred in the performance of their duties. An alternate may not be reimbursed unless the alternate serves in place of the appointed member.

(e) Meetings.—All actions of the advisory council shall be by majority vote of the members or alternates present. A quorum shall be at least one more than half the number of the advisory council members; however, vacancies shall not be counted when calculating the number needed for a quorum. The advisory council shall elect a chairperson from among its members. The advisory council shall meet upon the call of the chairperson, after a mine emergency, or at least annually.

Section 7. Interagency coordination.

The department shall coordinate the development of the mine families first response and communication plan and the mine families first liaison program with the Pennsylvania Emergency Management Agency to ensure consistency with overall emergency response procedures and protocols.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 4th day of October, A.D. 2007.

EDWARD G. RENDELL