

Executive Summary **25 Pa. Code, Chapter 209A**

These proposed regulations to amend *25 Pa. Code Chapter 209* (relating to Coal Mines) will modernize the existing surface coal mine safety regulations and include safety regulations for industrial mineral surface mines. To provide consistency, these regulations adopt the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) rules by reference.

The Department of Environmental Protection's goal is to provide the most improved safety at Pennsylvania's surface mines in the most cost effective and the least intrusive manner. The provisions of the MSHA regulations that are adopted by these regulations relate to conditions that pose the most significant risk. In addition, they relate to conditions that occur in areas that are readily accessible to the Department inspectors. Department inspectors are on the sites up to 12 times each year making environmental inspections. This will provide a more frequent "look" at safety issues without any additional burden to the mining industry. The more frequent inspection while DEP inspectors are on site for a different role will help correct unsafe practices. These inspections will prevent accidents by raising the profile of safety.

These regulations are primarily for protection of the employees and others working or visiting a Pennsylvania surface mine. However some of the proposed regulations will also protect persons and property outside the permit area as well as persons at the mine site. They address issues such as:

- Failure to maintain machinery or equipment in safe operation condition
- Operation of equipment, which is not in a safe operating condition
- Neglect in housekeeping
- Fire hazards and failure to maintain fire-fighting equipment

These are the same issues identified by Pennsylvania State University in a 1999 report on surface mine safety. PSU identified these issues as the major groupings of MSHA violations and the categories where most lost-time and fatal accidents occurred.

We used this document to verify that the Bureau of District Mining Operations (DMO) staff had selected the appropriate areas to emphasis for safety improvement.

The Department met with mine operators and union representatives to discuss their concerns. These concerns are addressed in the proposed regulations.

At its meeting of January 25, 2007, the Mining and Reclamation Advisory Board ("MRAB") considered this proposed rulemaking, as it applies to surface coal mining. The MRAB unanimously recommended that the Department move forward with the regulations.