

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 483 Session of
2007

INTRODUCED BY BASTIAN, BELFANTI, BOYD, CALTAGIRONE, CAPPELLI,
CAUSER, CREIGHTON, DALEY, DENLINGER, DeWEESE, FABRIZIO,
FAIRCHILD, FLECK, FREEMAN, GEIST, GEORGE, GOODMAN, GRUCELA,
HALUSKA, HENNESSEY, HESS, M. KELLER, KENNEY, KULA, MANN,
MARKOSEK, McILHATTAN, MUNDY, MUSTIO, MYERS, NAILOR, O'NEILL,
PICKETT, PYLE, RAPP, READSHAW, REED, SOLOBAY, STABACK, STERN,
R. STEVENSON, SURRA, WATSON, WOJNAROSKI, YOUNGBLOOD,
YUDICHAK, COX AND W. KELLER, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 26, 2007

AN ACT

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

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

8 Section 1. Short title.

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

11 Section 2. Legislative findings.

12 The General Assembly finds and declares as follows:

13 (1) Since this Commonwealth began regular reporting in
14 1870, over 51,504 miners have died in Pennsylvania's
15 anthracite and bituminous mines, specifically, 31,116 in
16 anthracite mines and 20,388 in bituminous mines.

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

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

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

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

29 Section 3. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Department." The Department of Environmental Protection of
4 the Commonwealth.

5 "Mine Emergency Response Program." The program established
6 in the Department of Environmental Protection to ensure the
7 safety of underground miners as authorized by the act of July
8 17, 1961 (P.L.659, No.339), known as the Pennsylvania Bituminous
9 Coal Mine Act, and the act of November 10, 1965 (P.L.721,
10 No.346), known as the Pennsylvania Anthracite Coal Mine Act.
11 Section 4. Mine Families First Program.

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

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

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

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

30 (3) Security provisions to ensure the privacy of mine

1 families at the location designated for mine emergency
2 briefings for families.

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

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

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

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

19 (c) Public review process.--

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

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

28 Section 5. Family first liaison.

29 (a) Designation.--The department shall designate a person to
30 serve as mine families first liaison for each mine emergency,

1 whose duties shall include, at a minimum:

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

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

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

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

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

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

23 Section 6. Advisory council.

24 (a) Establishment.--The department shall establish the Mine
25 Families First Response and Communications Advisory Council. The
26 council shall be comprised of at least the following members:

27 (1) One member representing mine owners.

28 (2) One member representing mine labor unions.

29 (3) One member representing local emergency response
30 professionals.

1 (4) One member representing mental health professionals.

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

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

6 Each member shall be appointed by the Governor, with the
7 exception of the two at-large members, one of whom shall be
8 appointed by the President pro tempore of the Senate and the
9 other of whom shall be appointed by the Speaker of the House of
10 Representatives. All members must be residents of this
11 Commonwealth. One alternate member shall be appointed for each
12 member and shall take the place of the respective member
13 whenever that member is unable to attend an official meeting.

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

17 (c) Duties.--The advisory council shall assist the
18 department in developing the initial mine families first
19 response and communications plan and provide assistance in
20 periodic review and updating of the plan. The advisory council
21 shall assist in reviewing how the plan was used in the event of
22 an actual mine emergency and offer recommendations to the
23 department for any needed changes to the plan resulting from its
24 review.

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

30 (e) Meetings.--All actions of the advisory council shall be

1 by majority vote of the members or alternates present. A quorum
2 shall be at least one more than half the number of the advisory
3 council members; however, vacancies shall not be counted when
4 calculating the number needed for a quorum. The advisory council
5 shall elect a chairperson from among its members. The advisory
6 council shall meet upon the call of the chairperson, after a
7 mine emergency, or at least annually.

8 Section 7. Interagency coordination.

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

14 Section 8. Effective date.

15 This act shall take effect immediately.