

Executive Summary
Chapter 208 Underground Coal Mine Safety
(25 Pa. Code Chapter 208)

This is the first final-form rulemaking undertaken by the Commonwealth of Pennsylvania addressing underground coal mine safety. This rulemaking is authorized by the Bituminous Coal Mine Safety Act (52 P.S. §§ 690–101 to 690–708) (“Act”). This will be the first rulemaking promulgated by the Board of Coal Mine Safety (Board). This 7-member board consists of the Department of Environmental Protection’s (Department) Secretary as Chair and three members representing the viewpoint of mine workers and the viewpoint of underground bituminous coal mine operators respectively.

The final-form rulemakings establishes new sections in *25 Pa. Code* Chapter 208 (relating to underground coal mine safety) to read as set forth in Annex A. These regulations establish safety standards relating to belt conveyor flammability, the design and installation of mine seals, escapeways, emergency response, and self-contained self-rescue devices. They incorporate by reference safety standards adopted by the United States Department of Labor, Mine Safety and Health Administration (“MSHA”) found in 30 CFR Part 75 (relating to mandatory safety standards – underground coal mines). The MSHA regulations being incorporated by reference implement some of the requirements established by MSHA in accordance with the Mine Improvement and New Emergency Response (“MINER”) Act of 2006 (MINER Act) (Pub.L. 109–236, June 15, 2006, 120 Stat. 493)(30 U.S.C.A. § 826 and 963–965).

Mine operators must comply with both the MSHA requirements and the Department’s requirements. Incorporating MSHA regulations by reference, rather than by rewriting the safety standards, will enhance mine safety by minimizing the possibility of operators being confused as to the appropriate standards to satisfy. Furthermore, the Department’s regulations will remain consistent with any changes to the MSHA regulations because incorporation by reference includes all future revisions to the incorporated regulation. The Board still maintains its ability to amend current regulations or to adopt new regulations if the Board finds that a referenced MSHA regulation is inappropriate or will reduce the safety of miners.

Currently there are 38 underground bituminous coal mines in the Commonwealth of Pennsylvania. These mines employ approximately 4,420 persons. These regulations will reduce the possibility that individuals working at the mines will suffer a serious or fatal injury due to a mine fire, cave-in, or an inundation of a mine by gas or water. The belt conveyor fire-resistance and mine seal standards reduce the possibility of an explosion or a fire that could cause serious injury and/or loss of life and damage to a mine infrastructure.