
To: John Stefanko, Deputy Secretary, Office of Active and Abandoned Mine Operations
From: Will Dando, Director of Government Affairs, Pennsylvania Coal Alliance
Date: April 20, 2018
Subject: Reportable Accident Proposed Regulation

On behalf of PCA's representatives to the Pennsylvania Board of Coal Mine Safety (Board), below is a regulatory proposal that expands the list of reportable accidents in underground bituminous coal mines to include four additional unanticipated events. PCA's representatives respectfully request that this proposal be distributed to other Board members for consideration at the June meeting.

If adopted as submitted, the proposal commits PA coal operators to notify the Department of Environmental Protection (Department) within 15 minutes of discovery of any of these additional unanticipated events. The expanded reporting requirements in this proposal would exceed any existing enforceable state or federal mandate.

In summary, the proposal would require PA coal operators to notify the Department within 15 minutes of an accident that includes any of the following:

- i. An injury to an individual resulting in the injured being admitted to a hospital during the initial medical treatment after the accident.
- ii. An entrapment of an individual at a mine for more than 30 minutes.
- iii. An interruption to the mine ventilation system that results in withdrawal of all personnel from the mine.
- iv. An unplanned connection into an adjacent mine, abandoned workings in the same mine, or an unknown borehole, including unknown core holes.

The Pennsylvania Bituminous Coal Mine Safety Act (Act) under the definition of "accident" in Section 104 lists fourteen (14) unanticipated events that would already require a call to the Department within 15 minutes of discovery. This proposal by expanding that list by 4 additional enforceable reportable events, would enhance the safety of those individuals working underground, and fully complies with the requirements of Section 106.1(g) of the Act.

The proposed rulemaking is being offered by the PCA representatives to the Board to provide a clear, understandable and instance specific regulation that dictates when an accident must be reported within 15 minutes of discovery. More importantly, this proposal affords PA coal operators the opportunity to adequately train employees on the instances that in fact require such reporting to the Department.

Finally, please keep in mind that what the PA coal industry is proposing is not required by the federal government or any other state. This factor weighs in favor of taking a prudent and deliberate step forward by adopting this proposal to maximize the safety of those working underground and to provide clarity to persons at the mine who are attempting to address an unanticipated event and report it to the necessary parties at the federal, state and management levels within the extremely short time frames provided by regulation.

PCA's Board members are prepared to discuss the proposal in more detail at the next Board meeting.

PCA Reportable Accident Proposed Regulation

Chapter 208.XX - Reportable Accidents

- (b) An operator shall notify the Department no later than 15 minutes of discovery of an accident listed in this chapter. "Accident" under this chapter shall have the same meaning as in section 104 of the Act and include any of the following:
- i. An injury to an individual resulting in the injured being admitted to a hospital during the initial medical treatment after the accident
 - ii. An entrapment of an individual at a mine for more than 30 minutes
 - iii. An interruption to the mine ventilation system that results in withdrawal of all personnel from the mine
 - iv. An unplanned connection into an adjacent mine, abandoned workings in the same mine, or an unknown borehole, including unknown core holes
- (c) The Bureau of Mine Safety immediately after becoming aware of an accident shall notify the operator whether the accident is a reportable accident and if an investigation will be conducted.
- (d) The list of reportable accidents in the Act and this chapter and accident notification contact information shall be posted at all mines in appropriate locations.