

HR 5788

Mine Safety Accountability and Improved Protection Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Jul 20, 2010

Current Status: Referred to the Subcommittee on Workforce Protections.

Latest Action: Referred to the Subcommittee on Workforce Protections. (Oct 13, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/5788>

Sponsor

Name: Rep. Capito, Shelley Moore [R-WV-2]

Party: Republican • **State:** WV • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Oct 13, 2010

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
111 HR 6495	Related bill	Dec 8, 2010: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 214 - 193 (Roll no. 616). (text: CR H8131-8140)
111 HR 5663	Related bill	Jul 29, 2010: Placed on the Union Calendar, Calendar No. 334.
111 S 3671	Related bill	Jul 29, 2010: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Mine Safety Accountability and Improved Protection Act - Amends the Federal Mine Safety and Health Act of 1977 to establish an independent National Mine Safety Board, which shall conduct an independent investigation of any coal or other mine accident involving three or more deaths.

Allows the closest relative of a miner who is entrapped or otherwise prevented by an accident to designate a representative for the miner to participate in a mine inspection. Requires mine inspections to be conducted during various shifts and days of the week when miners are normally present.

Prohibits an attorney from representing both a mine operator and miner during an inspection, investigation, or litigation, unless such miner willfully waives all possible conflicts of interest.

Requires the Secretary of Labor to issue regulations establishing certain criteria for determining whether to place a mine on pattern (of violation) status. Requires a numerical Safe Performance Index to be determined for each mine. Prescribes remediation requirements for mine operators having a pattern of recurring accidents, citations, and withdrawal orders.

Establishes in the Treasury the Mines in Pattern Status Inspection Fund for deposit of fees collected from mines in pattern status for the costs of additional inspections.

Requires the Secretary to: (1) revoke the approval of mine operator plans or programs based on certain criteria; and (2) provide the operator with a detailed explanation of the reasons approval was revoked.

Prescribes a process for the Secretary's approval of proposed operator programs, plans, or plan revisions.

Revises civil and criminal penalties and related administrative procedures.

Grants an operator who has been issued a citation or order during an inspection the right to a review with a designated Conference Litigation Representative of the Secretary prior to the assessment of any penalty. Establishes a process for requesting a conference review.

Revises certain miner protections against discrimination. Prohibits discriminating against a miner or other employee of a mine operator for refusing to perform duties out of a good-faith and reasonable belief that performing such duties would pose a safety or health hazard.

Entitles a miner to full compensation by a mine operator at the regular rate of pay for the remainder of the current shift and the next eight hour shift for which the miner is idled because of a Secretary's withdrawal order. (Under current law, miners are entitled to full compensation only for the balance of their shift, and up to four hours of the next working shift if an order is not terminated beforehand.)

Requires each underground coal mine operator to implement a communication program to ensure that each miner entering a mine is made aware, at the start of a shift, of current mine conditions.

Prescribes additional requirements for the monitoring of coal dust in underground mines.

Requires the Director of the National Institute for Occupational Safety and Health (NIOSH), acting through the Office of Mine Safety and Health Research, to issue recommendations to the Secretary regarding the use of atmospheric monitoring systems in the underground coal mining industry.

Revises mine operator health and safety training program requirements. Increases from 8 to 9 the minimum number of hours of refresher training all miners must receive at least once every 12 months, including 1 hour of training on miners statutory rights and responsibilities.

Requires the Secretary to order a mine operator to provide additional training to miners if a serious or fatal accident has occurred at a mine or it has experienced above-average accident and injury rates, citations, or withdrawal orders.

Requires the Secretary to issue mandatory standards to establish certification requirements and procedures for persons authorized by a coal mine operator to perform duties or provide training under such Act. Establishes in the Treasury a Mine Safety and Health Certification Fund for deposit of operator fees to fund the certification program.

Authorizes the Secretary to make grants to states to assist them in developing and implementing miner certification programs.

Revises eligibility requirements for scholarships to eligible individuals enrolled at community colleges or other universities to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration. Repeals requirements for a minimum length of full-time employment in mining or mining-related activities.

Directs the Secretary to require each mine inspector to receive a full week of training in addition to the training required before enactment of this Act.

Actions Timeline

- **Oct 13, 2010:** Referred to the Subcommittee on Workforce Protections.
- **Jul 20, 2010:** Introduced in House
- **Jul 20, 2010:** Referred to the House Committee on Education and Labor.