



Testimony of

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Subcommittee on Labor, Health and Human Services,
Education
And Related Agencies

Of the

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Thank you Mr. Chairman. My name is Bruce Watzman, and I am the vice president of safety, health and human resources for the National Mining Association (NMA).

NMA and its member companies appreciate the opportunity to again discuss with the subcommittee the industry's progress in implementing the Mine Improvement and New Emergency Response (MINER) Act of 2006, the challenges that remain and voluntary steps we are initiating to exceed the expectations of the MINE Act.

Our objective remains, as it has been all along, to ensure that every miner returns home safely to their loved ones every day. It is this single purpose that has guided the actions of NMA as we strive to find and deploy the new technologies and techniques that will improve the protection of underground coal miners.

MINER Act

NMA supported the MINER Act and we continue to believe that its core requirements are sound. The requirements recognize the need for a forward-looking risk assessment, that good safety practices continually evolve based upon experience and technological development, and that every underground coal mine presents a unique environment and what may work in one may not be effective or desirable in another. As the Act's legislative history succinctly states:

The goals of optimizing safety and survivability must be unchanging, but the manner for doing so must be practical and sensible.

S. Rep. No. 109-365 p. 3.

We believe that this passage not only aptly captures the intent of the law, but also serves as a useful reminder to the industry and regulators that there is often more than one way to achieve our singular purpose to improve workplace safety.

The industry continues to make substantial investments in safety equipment and practices to meet the expectations of the MINER Act. Survey data of NMA members, representing about 65 percent of all underground coal production, indicate actual and planned investments in the following areas for 2007-2008:

- \$70 million to purchase 150,000 additional self-contained self-rescuers (SCSRs) and training units.
- \$55 million in communication and tracking systems.
- \$53 million for facilities to maintain trapped miners (752 in total)
- \$70 million to enhance the integrity of seals.

- \$19 million to establish and equip 45 new mine rescue teams.
- \$60 million for safety equipment, training, and manpower beyond the mandates of the MINER Act.

These numbers simply reflect one quantifiable measurement of our commitment to the MINER Act. All told we estimate that all of underground coal mining has committed more than \$500 million to comply with the MINER Act requirements. This is only the beginning, just as the MINER Act itself is not the end, but rather one means for reaching our desired goal to protect our nation's miners.

As we've previously testified, conflicting regulatory requirements imposed by MSHA and state governments present a difficult challenge. In fact, they are frustrating the introduction of technologies that could further enhance miner safety. The timeframes imposed by the MINER Act, especially where new technology must be developed, tested and approved for use in underground coal mines, are further hindered where conflicting requirements exist. In the interest of miner safety it is imperative that we embrace policies that encourage the broadest possible application of technology across all underground coal regions. This remains especially true where MSHA's interpretation of the Act's "wireless" communication requirement is hindering the introduction of proven, enhanced communication technology.

Voluntary Actions

Beyond the actions we've taken to comply with federal and state rules we have and continue to undertake several voluntary initiatives to enhance miner safety.

In 2006 NMA established the Mine Safety Technology and Training Commission (MSTTC) to undertake a study of new technologies, procedures and training techniques that can further enhance safety in the nation's underground coal mines.

The commission's report contains unanimously adopted 75 recommendations that address the areas of communications technology, emergency preparedness, response and rescue procedures, training, and escape and protection strategies. The central theme of the commission's recommendations focuses on a systematic and comprehensive risk assessment-based approach toward prevention.

The industry is currently implementing a number of the commission's near-term recommendations and is developing a blueprint for action on the more far-reaching items. For example, we are working with the National Institute for Occupational Safety and Health (NIOSH) to develop risk-based management tools and templates to assist us in implementing the central recommendation of the commission. The use of risk-analysis risk-management, while not a common practice throughout underground coal

mining the industry, is familiar to many of the larger companies. Our goal is to create operational tools that will help every company identify and address significant hazards before they create situations that threaten life or property. The effort builds upon a series of pilot projects undertaken last year to introduce and examine the use of risk assessment at 10 underground mines.

Risk assessment and management are well-established practices that are employed in many industrial settings. Our goal is to formalize this process for use throughout mining so that we can identify, eliminate and manage conditions or practices that have the greatest potential to cause injury. In so doing we hope to develop a system that recognizes the MSTTC objective to foster an approach that is "founded on the establishment of a value-based culture of prevention that focuses all employees on the prevention of all accidents and injuries."

Working with representatives of the Mine Safety and Health Administration (MSHA) and NIOSH, we initiated a review of existing mine rescue procedures to determine if existing practices and protocols remain operative given the structural changes that have occurred across the industry. This resulted in the development of a generic mine rescue handbook that can serve as a guide for those forming mine rescue teams and developing mine rescue protocols, as well as a review tool for those with established procedures in place. This document has been distributed throughout the mining industry to be used as a pre-event planning template that will expedite the delivery of mine rescue services in an efficient manner, should they be required.

Working with the industry's communication specialists and outside experts we have developed a protocol for communications with the media during a mining crisis. The protocol recognizes the important role of the media in keeping communities informed about the facts surrounding a mining accident or fatality and the obligation of mine operators to contribute to that understanding. The protocol provides a framework for effective communications and cooperation with MSHA, as envisioned by the MINER Act and is being widely disseminated throughout the industry.

These activities will be a focal point at MINExpo International®2008, which NMA will sponsor later this year. This quadrennial gathering of mining experts from around the world will showcase new safety technologies and the technical sessions and accompanying workshops will highlight new techniques and applications to expedite technology transfer.

CREATING A CULTURE OF PREVENTION

We have so far commented on technical improvements and these are clearly important. But perhaps the most important element in improving safety is the relentless focus on a "culture of prevention". For successful companies a culture of prevention exists at every level of the organization. In those

companies with outstanding safety performance accident prevention is emphasized at every meeting, at every shift at the mines and is an integral part of the business model. This is a common theme among the winners of the annual *Sentinels of Safety* award.

In its 2006 report, *Improving Mine Safety Technology and Training: Establishing U.S. Global Leadership*, the MSTT stated that:

Compliance is an important aspect of prevention, but it is more important to realize that it is only a starting point in a more comprehensive process of risk management.

A critical action to ensure success of the process for any company is the creation of a "culture of prevention" that focuses all employees on the prevention of all accidents and injuries... In essence the process moves the organization from a culture of reaction to a culture of prevention. Rather than responding to an accident or injury that has occurred, the company proactively addresses perceived potential problem areas before they occur.

To achieve these goals we will be working with recognized experts to develop a safety management system that encourages integration of safety and accident prevention into the entire suite of business management systems. Again, building upon pilot work cooperatively conducted with NIOSH, we will use MINExpo[®] to showcase the results of this work and to provide the tools for all companies to embrace this as part of their normal operating practice.

Our objective is prevention of accidents, injuries and illnesses and reinforcing a culture of prevention. Decisions will be based upon sound science, recognizing technologic limits, where they exist. By developing risk-based safety priorities we will identify and focus resources on conditions that most directly place miners in potential peril. Our goal is to foster industry-wide partnerships among coal companies and equipment and service supply providers for the research, development and commercialization of new practices and technology that will raise the performance bar industry-wide.

Conclusion

Mr. Chairman we have accomplished much but more work remains. With your help and the vital support you provide to the mining research program at NIOSH we will achieve our shared goal - to ensure that every miner returns home safely to their loved ones every day.

On behalf of the members of the National Mining Association, thank you for the opportunity to give our perspective on this vital public policy matter.

I would be happy to answer any questions.

Mine Safety Improvements: Progress Facts since Feb. 2006



	Progress
Self-contained self-rescuers	<ul style="list-style-type: none"> • More than 150,000 new SCSRs placed into service; • 45,000 additional units to be added.
SCSR training	<ul style="list-style-type: none"> • All underground coal miners have and will continue to receive quarterly training; • More than 20,000 training units have been delivered and more than 50,000 additional units are expected annually.
Emergency evacuation training	<ul style="list-style-type: none"> • All underground coal miners have received training on evacuation procedures.
Evacuation aids	<ul style="list-style-type: none"> • Underground coal mines have installed lifelines; • Additional SCSR caches have been placed at fixed distances in escapeways; • Emergency tethers provided to link miners together.
Locating trapped miners	<ul style="list-style-type: none"> • Underground coal mines have implemented systems to track miners while they are in the mine; • New systems are being tested and approved for in-mine installation; • Pre-accident tracking appears doable; more R&D needed on post-accident tracking systems.
Post accident communication	<ul style="list-style-type: none"> • Underground coal mines have installed redundant communication systems in separate entries; • Continuing research with NIOSH and manufacturers on the development and approval of wireless systems.
Sealing of abandoned areas	<ul style="list-style-type: none"> • Operators required to install seals more than double the strength of those previously installed. • Operators have evaluated existing seals and corrected any defects found. • Seals are being examined visually on a weekly basis.
Breathable air	<ul style="list-style-type: none"> • All mines have approved plans to provide post-accident breathable air to miners awaiting rescue. • 907 refuge facilities ordered and being delivered.
Rescue Teams	<ul style="list-style-type: none"> • 45 new underground coal mine rescue teams have been added or are planned.