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New mining bill premature

By Rick Honaker

Eliminating coal-mine accidents is an achievable goal. In recent years we have seen a dramatic decline in fatalities at the nation's 550 underground mines, though the tragic accident earlier this year at a mine in Utah underscores some of the serious problems we still face.

But Congress has gotten ahead of itself. However well-intentioned, it is considering new legislation before the industry has been able to implement and assess the effectiveness of a major mine-safety law passed last year.

The 2006 Mine Improvement and New Emergency Response Act, known as MINER, is a landmark law. Adopted with strong bipartisan support in Congress, it requires mines to take practical steps to improve mine rescue, safety technology and safety training. It calls for immediate adoption of some safety measures, with additional measures and safety technologies to be implemented once test results are in and new equipment becomes available.

The provisions are right on the mark. They require mines to provide more emergency supplies of breathable air along escape routes; make available two rescue teams capable of a one-hour response time; and provide wireless two-way communications and electronic tracking systems for miners within three years. And government was authorized to shut down mines in cases where the operator has refused to pay safety fines.

But now it seems very strange, almost incomprehensible, that a move is afoot in Congress to impose an entirely new set of requirements on coal-mine operators and mine inspectors even before there has been an opportunity to comply with the far-reaching provisions of the MINER Act. It threatens to disrupt the all-important emergency rescue provisions of the law.

This is a prescription for confusion among the federal and state agencies, safety professionals and miners who are trying to implement the law. Regrettably, it has led to the exodus of some experienced inspectors, mine managers and supervisors, making an already critical shortage of mining industry personnel even more acute.

Simply put, additional legislation now serves no useful purpose. It not only undermines the efforts of those trying to implement the law but also jeopardizes voluntary measures to improve mine safety that companies launched two years ago that go beyond the level prescribed by the MINER Act. But without full implementation of the MINER Act requirements, it will be doubly difficult to make needed changes.

Is the MINER Act the last word on mine safety? Experience in implementing its provisions may yet show the need for further change. It's possible that different mining practices, equipment and training procedures would be better than those being used. But we will have no way of knowing for sure unless and until we have had an opportunity to implement the MINER Act and assess its effectiveness.

Inculcating the necessary safety culture in mines is the key. It is imperative that each miner takes thorough precautions to address existing or potential safety risks.

To achieve this, mine safety professionals and federal and state inspectors will need to take the lead in imparting a deeper culture of accident prevention and better ways of assessing and managing risks.

That process will require more work from the coal community, not more laws from Congress. Rather than leap into an abyss with new legislation, let's give mine safety and health experts an opportunity to implement the existing law.

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