

Proposed Coal Mine Safety Rules

As modified after Advisory Council work group meetings on October 14 and October 21, 2009

Explanation: *Administrative rules for the Labor Commission's Division of Boilers, Elevators and Coal Mine Safety are designated at "R616" in the Utah Administrative Code. The Division's rules on coal miner certification are located in R616-1; the Division's rules on boilers and pressure vessels are in R616-2; and the Division's rules on elevators are in R616-3.*

The following proposal is for an entirely new rule to be designated as R616-4 and to include all Commission rules on the subject of coal mine safety. The Commission anticipates that other provisions may be added to this rule over time. For that reason, this proposal includes definitions taken from the Utah Mine Safety Act and from federal MSHA regulations that may be helpful in the future.

The concepts embodied in these rules were first discussed at the June 22, 2009, meeting of the Coal Mine Safety Technical Advisory Council. A first draft was discussed at the Council's meeting in Price, Utah, on September 15, 2009. Three subcommittees from the Council reviewed specific parts of the draft rules on October 14, 2009, in Salt Lake City, and on October 21, 2009, in Price. This draft reflects the consensus recommendations of those subcommittees.

(Note: language to be deleted from the original draft is struck through; added language is underlined.)

Utah Administrative Code R616-4. Labor Commission Boiler, Elevator and Coal Mine Safety.

Rule R616-4. Coal Mine Safety.

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R616-4-1. Authority and purpose.

This rule is established pursuant to authority granted the Commission by 40-2-104 and 40-2-301(2) for the purpose of improving coal mine safety, preventing coal mine accidents, and improving coal mine accident response consistent with the Coal Mine Safety Act.

R616-4-2. Definitions.

- (1) As used in this rule, the terms listed below shall have the same definition as set forth in the Coal Mine Safety Act, as follows.
- (2) "Adverse action" means to take any of the following actions against a person in a manner that affects the person's employment or contractual relationships:
 - (a) discharge the person;
 - (b) threaten the person;
 - (c) coerce the person;
 - (d) intimidate the person; or
 - (e) discriminate against the person, including to discriminate in:
 - (i) compensation;
 - (ii) terms;

- (iii) conditions;
- (iv) location;
- (v) rights;
- (vi) immunities;
- (vii) promotions; or
- (viii) privileges.
- (2) "Coal mine" means:
 - (a) the following used in extracting coal from its natural deposits in the earth by any means or method:
 - (i) the land;
 - (ii) a structure;
 - (iii) a facility;
 - (iv) machinery;
 - (v) a tool;
 - (vi) equipment;
 - (vii) a shaft;
 - (viii) a slope;
 - (ix) a tunnel;
 - (x) an excavation; and
 - (xi) other property; and
 - (b) the work of preparing extracted coal, including a coal preparation facility.
- (3) "Commission" means the Labor Commission created in [34A-1-103](#).
- (4) "Commissioner" means the commissioner appointed under [34A-1-201](#).
- (5) "Council" means the Mine Safety Technical Advisory Council created in [40-2-203](#).
- (6) "Director" means the Director of the Utah Office of Coal Mine Safety appointed under [40-2-202](#).
- (7) "Major coal mine accident" means any of the following (but not limited too) at a coal mine located in Utah:
 - (a) a mine explosion;
 - (b) a mine fire;
 - (c) the flooding of a mine;
 - (d) a mine collapse; or
 - (e) the accidental death of an individual at a mine.
- (8) "Mine Safety and Health Administration" and "MSHA" means the federal Mine Safety and Health Administration within the United States Department of Labor.
- (9) "Office" means the Utah Office of Coal Mine Safety created in [40-2-201](#).
- (10) "Unsafe condition" means a danger that reasonably could be expected to cause serious harm to a person or property.

R616-4-3. Examining coal mines.

- (1) Pursuant to 34A-1-406 and other provisions of Utah Law, representatives of the Utah Labor Commission are authorized to enter places of employment, including coal mines, for purposes of "examining the provisions made for the health and safety of the employees in the place of employment."
- (2) If the Director of the Office of Coal Mine Safety determines that the safety of an employee is or will be endangered by activities or conditions in a coal mine, the Director ~~shall~~ may:
 - (a) notify the employee and mine management of the danger and specify actions necessary to remedy the danger;
 - (b) notify the Mine Safety and Health Administration of the danger;
 - (c) notify other appropriate federal, state, and local government agencies; and
 - (d) take such other action as authorized by law to eliminate or mitigate the danger.

R616-4-4. Accident notification requirements.

(1) ~~A~~ After the occurrence of any coal mine accident that is required by MSHA statutes or rules to be reported to MSHA, a coal mine operator shall first notify MSHA of the accident. Immediately after completing its report to MSHA, the coal mine operator shall then report every the accident to the Office of Coal Mine Safety at telephone number 1-888-988-6463 within 15 minutes after the operator knows or should have known that the accident has occurred.

2) For purposes of this section, “accident” includes any of the following events:

- (a) A death of an individual at a mine;
- (b) An injury to an individual at a mine which has a reasonable potential to cause death;
- (c) An entrapment of an individual for more than 30 minutes or which has a reasonable potential to cause death;
- (d) An unplanned inundation of a mine by a liquid or gas;
- (e) An unplanned ignition or explosion of gas or dust;
- (f) In underground mines, an unplanned fire not extinguished within 10 minutes of discovery; in surface mines and surface areas of underground mines, an unplanned fire not extinguished within 30 minutes of discovery;
- (g) An unplanned ignition or explosion of a blasting agent or an explosive;
- (h) An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use; or, an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage;
- (i) A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour;
- (j) An unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile, or culm bank;
- (k) Damage to hoisting equipment in a shaft or slope which endangers an individual or which interferes with use of the equipment for more than thirty minutes; and
- (l) An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs.

R616-4-5. Emergency response training.

(1) Beginning with the 2010 calendar year, a each coal mine operator shall ~~undergo emergency response training with the Office of Coal Mine Safety at least once each calendar year~~ hold an in-person meeting with law enforcement, public safety and health care providers for the purpose of reviewing and refining coal mine emergency response plans. The Office of Coal Mine Safety shall arrange to participate in each such meeting, but the inability of the Office or any local, state, and federal emergency response personnel to attend such a meeting shall not prevent the operator from proceeding with the meeting as scheduled.

~~(2) The Office of Coal Mine Safety shall establish policies and training schedules for such emergency response training.~~

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