

***COMPREHENSIVE REPORT OF THE
STATUS OF COAL MINE SAFETY IN UTAH
CALENDAR YEAR 2010***

**REPORT TO
GOVERNOR GARY R. HERBERT
AND
THE UTAH STATE LEGISLATURE**

Submitted by:

**UTAH LABOR COMMISSION

UTAH OFFICE OF COAL MINE SAFETY

MINE SAFETY TECHNICAL ADVISORY COUNCIL**

October 1, 2011

The Honorable Gary R. Herbert
Governor of the State of Utah

The Honorable Michael Waddoups
President, Utah State Senate

The Honorable Rebecca D Lockhart
Speaker, Utah House of Representatives

Dear Governor Herbert, President Waddoups and Speaker Lockhart:

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, its Office of Coal Mine Safety, and the Mine Safety Technical Advisory Council to submit to the Governor and Legislature by October 1 of each year “a comprehensive report of the status of coal mine safety within the state for the immediately preceding calendar year.” This is the third such report since the Legislature enacted the Coal Mine Safety Act in 2008.

As noted in our first report, coal mining holds an important place in Utah’s history, culture, and economy. It provides a good living to coal miners and their families, but it can also place the health and safety of coal miners at risk. That risk became a reality during August 2007, at the Crandall Canyon mine disaster in Emery County, Utah. It was underscored again on April 5, 2010, when 29 miners lost their lives in West Virginia’s Upper Big Branch coal mine.

The Crandall Canyon disaster led to appointment of a blue-ribbon Utah Mine Safety Commission to review the role of the State of Utah in the areas of mine safety, accident prevention, and accident response. As you examine this report you will note that many recommendations of the Coal Mine Safety Commission have been implemented. Others require additional Legislative consideration and support. The Labor Commission welcomes your questions and attention on these important issues.

Sincerely,

Sherrie Hayashi
Utah Labor Commissioner

INTRODUCTION

Section 40-2-303 of the Utah Coal Mine Safety Act directs the Utah Labor Commission, with its Office of Coal Mine Safety and Mine Safety Technical Advisory Council, to submit to the Governor and Legislature by October 1 of each year a comprehensive report regarding coal mine safety in Utah for the preceding calendar year. The statute requires that report include: 1) a compilation of major coal mine accidents or other coal mine emergencies within the state during the calendar year; 2) a statement of actions by the commission, office, or council to implement this chapter; 3) without a breach in confidentiality, a summary of reports of alleged unsafe conditions received by the office, with a statement of the office's responses; 4) recommendations for additional action to promote coal mine safety; and 5) any other items the commission, office, and council consider appropriate.

Each of these items is discussed below.

I. SUMMARY OF COAL MINE ACCIDENTS/EMERGENCIES

Date	Accident or Emergency
2/3/2010	Roof Fall: While rehabilitating a crosscut in the bleeder system, the center of the crosscut fell above roof bolt anchor.
4/29/2010	Fire: Elevated CO levels were detected in a sealed area of the mine. The mine was evacuated. Inert gases were pumped into the sealed area to extinguish the fire and the area was resealed.
6/22/2010	Inundation: High CO levels were discovered in the tail gate of the long wall behind shield No.155. The mine was evacuated. Added ventilation was used and the CO level dissipated.
8/2/2010	Roof Fall: Weekly examiner discovered a roof fall located between XC 24 and 25 in the return entry of A-West. The roof fall closed off the escape way used by the Main West section.
8/10/2010	Inundation: A water line broke in the Pace-X over main return air course, adjacent to a return sump. The broken line blocked off a return air course. The mine was not mining at the time; therefore, it was not hazardous. Water was pumped down.
8/11/2010	Roof Fall: A supervisor found a roof fall in the #6 intake entry of the Mill Fork Mains. The entry was not normally traveled. The roof fall was approximately 20 feet wide, 60 feet long and 5 feet high. The roof fall was reported to MSHA and it was planned to rehabilitate.

11/21/2010	Roof Fall: A fire boss on a pre-shift examination found a roof fall measuring 100ft long by 20ft wide by 6ft high in the 5 th West 8 th South connection #1 x-cut 3 Entry. The roof fall did not affect escape ways or air courses.
11/28/2010	Roof Fall: There was an unintentional roof fall in #3 entry XC 23 3 rd West.
12/14/2010	Roof Fall: There was an unintentional roof fall in 3 rd West. It was in entry #4 and in by XC 24. The area was not a working section and the fall did not affect ventilation or escape ways.

II. IMPLEMENTATION OF THE COAL MINE SAFETY ACT

The 2008 Utah Legislature enacted the Utah Coal Mine Safety Act, Title 40, Chapter 2, Utah Code Annotated, effective May 5, 2008.

From July 2008 to March 2010, the position of the Director of the Office of Coal Mine Safety was filled as a full-time position by Garth Nielsen. In March 2010, Mr. Nielsen resigned for other employment. Because of budget constraints, the Labor Commission left the position vacant until such time as the Commission received funding sufficient to allow for replacement of the position or received some other directive from the Governor or Legislature. Existing staff within the Division of Boiler, Elevator and Coal Mine Safety absorbed the mandatory duties specified in the Coal Mine Safety Act.

III. SUMMARY OF REPORTS OF ALLEGED UNSAFE CONDITIONS

There were no reports of alleged unsafe conditions reported to the Office of Coal Mine Safety although; the office maintained its 24 hour hotline and office. The information reported in Section I, Summary of Coal Mine Accidents/Emergencies above was provided by the U.S. Mine Safety and Health Administration (MSHA) – District 9 Office.

IV RECOMMENDATIONS FOR ADDITIONAL ACTION TO PROMOTE COAL MINE SAFETY

Without any personnel devoted to the issue of coal mine safety, the Commission cannot adequately fulfill the Coal Mine Safety Act. Although minimal mandatory statutory requirements were absorbed by existing personnel within the Division of Boiler, Elevator and Coal Mine Safety, the state cannot effectively promote coal mine safety without at least one full-time staff person. Currently, the position is filled as a part-time position, without benefits. The recommendation of the Labor Commission and the Mine Safety Technical Advisory Council is that stable funding be provided for a full-time Director in the Office of Coal Mine Safety.

V. OTHER ITEMS

In May 2011, relying on savings from other programs and organizational efficiencies, the Labor Commission was able to fill the position of the Director of the Office of Coal Safety as a half-time position, without benefits.

CONCLUSION

During the majority of the calendar year 2010, the Office of Coal Mine Safety was only minimally staffed. During that time, no calls or complaints of unsafe conditions came in through the Coal Mine Safety Hotline. In order to effectively carry out the Coal Mine Safety Act, the Office must have at least one full-time staff person.

The Labor Commission will continue to work with the Governor, the Utah Legislature, and other sources to allocate sufficient resources to support a full-time Director.