

***COMPREHENSIVE REPORT OF THE
STATUS OF COAL MINE SAFETY IN UTAH
CALENDAR YEAR 2011***

**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, 2012

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 fourth 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	Mine	Accident or Emergency
1/18/2011	Skyline Mine	A water leak was being investigated in the old mine 2 West Mains. When the source of the leak was found it was due to a roof fall at crosscut 81 in the old belt line.
3/21/2011	Horizon Mine	There was a roof fall located at crosscut 11 entry 4 in first right. The area had been "dangered off" and cribs had been set on all four sides of the intersection before the roof fall occurred.
7/13/2011	West Ridge Mine	There was a non-injury coal dust ignition on 7/13/2011 on the left hand side of the cutter head on the continuous miner located in the #1 area face area of 17 th West. The miner was grading bottom approximately 12 feet out by the face. The flames were extinguished in approximately 3 minutes.
7/20/2011	Horizon	There was a roof fall in #6 entry between XCT 10 and XCT 11 in 1 st right. This area had been working on the 17 th of July and the area was cribbed and "dangered off".

9/7/2011	Sufco Mine	A roof fall occurred in 1 Right 2 South (MMU 000-2-0) continuous miner section at x-cut 3 between #1 & 2 entries. The fall occurred near the variable frequency belt controller, but did not strike them. The fall did not impede passage of persons or block an escape way. The fall measured approximately 5'H X 18'W & 18' L. There was no fault near fall. The entire area was bolted with 5' bolts mats and wire mesh.
9/13/2011	Skyline	There was a roof fall in the intersection at cross cut #65 in the North in the North Mains #4 entry.
11/14/2011	Sufco Mine	A roof fall above the anchor zone occurred in the "B" entry of the West Lease continuous miner section (MMU 005-0). An attempt was made to mine this entry to the surface and the surface area fell onto the head of the continuous miner. The continuous miner became stuck, but no injuries were reported.
12/1/2011	Emery Mine	A roof fall was found at X-Cut #20 between #3 and #4 entries in the 2 nd right section. The fall is a continuation of an area that had been cribbed and "dangered off", and later fell. The new area of the fall is 20' W x 20' L x 6' high and had fallen over a return/intake stopping and a single row of timbers. The fall was above the roof bolt anchorage and affected ventilation.
12/9/2011	Emery Mine	A roof fall was reported on 12/1/2011. After further investigation of "dangered off" areas, 5 roof falls were reported. All the falls had been "dangered off" with a physical barrier and were assumed to be inactive areas.

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. In March 2010, the Director 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

During 2011, budgeting constraints prevented the Labor Commission from filling the position of Director of the Office of Coal Mine Safety. 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. Since July 2011, the position continues to be 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.

CONCLUSION

During calendar year 2011, the Office of Coal Mine Safety was only staffed as a part time position. During that time, only minimal calls and/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.