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SENATE BILL NO. 1366

Offered January 20, 2015

A *BILL to amend and reenact §§ 45.1-161.67 through 45.1-161.70, 45.1-161.72, 45.1-161.74, 45.1-161.75, 45.1-161.76, 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia and to repeal § 45.1-161.71 of the Code of Virginia, relating to coal mine safety.*

Patron—Chafin

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-161.67 through 45.1-161.70, 45.1-161.72, 45.1-161.74, 45.1-161.75, 45.1-161.76, 45.1-161.174, 45.1-161.193, 45.1-161.200, 45.1-161.249, and 45.1-161.258 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-161.67. Mine rescue and first aid stations.

The Director is hereby authorized to *enter into agreements with mining operations to provide for mine rescue services as he may determine necessary. The Director is hereby authorized to purchase, equip and, or operate for the use of the Department,* such mine rescue and first aid stations as he may determine necessary for the adequate provision of mine rescue and recovery services at all mines in the Commonwealth.

§ 45.1-161.68. Mine rescue teams.

The Director is hereby authorized to have trained and employed at the mine rescue and first aid stations operated by the Department within the Commonwealth mine rescue ~~erews team members~~ as he may determine necessary. Each member of a mine rescue crew shall devote four hours each month for training purposes and shall be available at all times to assist in rescue work. Members shall receive compensation for services at a rate set by the Director, to be determined annually based on prevailing wage rates within the industry. For the purposes of workers' compensation coverage during training periods, such ~~erew team~~ members shall be deemed to be within the scope of their regular employment. The Director shall certify to the Comptroller of the Commonwealth that such crew members have performed the required service. Upon such certification the Comptroller shall issue a warrant upon the state treasury for their compensation. The Director may remove any crew member at any time.

§ 45.1-161.69. Duty to train teams; qualifications for team membership.

A. It shall be the duty and responsibility of the Department to see that all ~~erews members of teams operated by the Department~~ be properly trained by a qualified instructor of the Department or such other persons who have a certificate of training from the Department or the Mine Safety and Health Administration.

B. *To qualify for membership in a mine rescue team operated by the Department, an applicant shall be an experienced miner and shall pass a physical examination by a licensed physician, physician assistant, or licensed nurse practitioner. A team member shall pass such an examination at least annually. A record of the fact that an applicant or team member took such an examination shall be furnished to the Director.*

§ 45.1-161.70. Direction of mine rescue teams.

A. To qualify for membership in mine rescue crews an applicant shall be an experienced miner and shall pass a physical examination by a licensed physician, physician assistant, or licensed nurse practitioner at least annually. A record that such examination was taken shall be kept on file by the operator who employs the crew members and a copy shall be furnished to the Director.

B. All rescue or recovery work performed by these ~~erews mine rescue teams~~ shall be under the jurisdiction of the Department. The Department shall consult with company officials, representatives of the Mine Safety and Health Administration, and representatives of the miners, and all should be in reasonable agreement as far as possible on the proper procedure for rescue and recovery; however, the Chief in his discretion may take full responsibility in directing such work. Procedures for use of apparatus or equipment shall be guided by the mine rescue apparatus and auxiliary equipment manuals.

§ 45.1-161.72. Requirements of recovery work.

A. During recovery work and prior to entering any mine, all mine rescue ~~erews teams~~ conducting recovery work shall be properly informed of existing conditions by the operator or his agent in charge.

B. Each mine rescue ~~erew team~~ performing rescue or recovery work with breathing apparatus shall be provided with a backup ~~erew team~~ of equal strength, stationed at each fresh air base. *A mine rescue team performing rescue or recovery work may comprise as many team members as can perform the*

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59 *work effectively and are approved by the Chief.*

60 C. For every two ~~crews teams~~ performing work underground, one ~~six-member crew team of equal~~
61 *strength* shall be stationed at the mine portal *when feasible*.

62 D. Two-way communication, life lines, or their equivalent shall be provided by the fresh air base to
63 all ~~crews teams~~, and no ~~crew team~~ member shall be permitted to advance beyond such communication
64 system.

65 E. A mine rescue ~~crew team~~ shall immediately return to the fresh air base should any ~~crew team~~
66 member's breathing apparatus malfunction or the atmospheric pressure of any apparatus ~~deplete to sixty~~
67 *atmospheres be depleted to unsafe levels*.

68 F. The ~~Director Chief~~ may also assign rescue and recovery work to inspectors, instructors, or other
69 qualified employees of the Department as the ~~Director Chief~~ may determine desirable.

70 **§ 45.1-161.74. Mine Rescue Fund.**

71 The Mine Rescue Fund is created as a special fund in the office of the State Treasurer. All moneys
72 collected from operators pursuant to agreements entered into by the Director shall be paid into the Mine
73 Rescue Fund. Moneys in the Mine Rescue Fund shall be used only for mine rescue services under ~~such~~
74 *agreements the jurisdiction of the Department*. No moneys in the Mine Rescue Fund shall revert to the
75 general fund.

76 **§ 45.1-161.75. Mine rescue team requirements; inspections; Mine Rescue Coordinators.**

77 A. The ~~Director Chief~~ shall (i) inspect, or cause to be inspected, the rescue station of each
78 ~~state-designated~~ mine rescue team ~~four times a year under the jurisdiction of the Department annually~~,
79 (ii) ensure that all rescue stations are adequately equipped, and (iii) ensure that all team members are
80 adequately trained.

81 B. The ~~Director Chief~~ shall designate an employee *or employees* of the Department as ~~the~~ Mine
82 Rescue ~~Coordinator~~ *Coordinators*, who shall perform the duties assigned to ~~him~~ *them* by the Director.

83 **§ 45.1-161.76. Workers' compensation; liability.**

84 A. For the purpose of workers' compensation coverage, during any mine disaster to which a
85 ~~state-designated~~ any mine rescue team responds under the provisions of this article or during any
86 training exercise for a ~~state-designated~~ mine rescue team, members of the ~~state-designated~~ team shall be
87 deemed to be within the employment of the operator of the mine at which the disaster occurred or the
88 training exercise is conducted. Additionally, for purposes of workers' compensation coverage, travel by
89 members of a ~~state-designated~~ mine rescue team to and from the mine disaster or training exercise shall
90 be deemed to be within the employment of the operator of the mine at which the disaster occurred or
91 the training exercise is to be or was conducted.

92 B. ~~Any~~ Every member of a mine rescue team that is acting under the jurisdiction of the Department
93 and engaged in rescue or recovery work during an emergency at a mine shall be deemed to be within
94 the employment of the operator of the mine where the emergency exists and shall be compensated by the
95 operator at the rate established in the area for such work. In no event shall this rate be less than the
96 prevailing wage rate in the industry for the most skilled class in inside mine labor.

97 C. No member of a ~~state-designated~~ mine rescue team engaging in rescue work at a mine shall ~~not~~
98 be liable for civil damages for acts or omissions resulting from the rendering of such rescue work unless
99 the act or omission was the result of gross negligence or willful misconduct.

100 ~~Any~~ D. No operator providing personnel to a ~~state-designated~~ mine rescue team to engage in
101 rescue work at a mine not owned or operated by the operator shall ~~not~~ be liable for any civil damages
102 for acts or omissions resulting from the rendering of such rescue work.

103 **§ 45.1-161.174. Checking system; tracking system.**

104 A. Each mine shall have a personnel checking system containing the following:

105 1. Every person underground shall have on his person means of positive identification bearing a
106 number recorded by the operator;

107 2. An accurate record of the persons in the mine shall be kept on the surface in a place that will not
108 be affected by an explosion;

109 3. The record shall consist of a written record, check board, lamp check, or time-clock record; and

110 4. The record shall bear a number identical to that carried by the person underground.

111 B. Mine-wide tracking systems shall be maintained in useable and operative conditions.

112 **§ 45.1-161.193. Electric equipment.**

113 A. Electric equipment taken into or used in by the last open crosscut or in other than intake air shall
114 be permissible equipment.

115 B. Permissible equipment used in areas specified in subsection A shall be maintained in permissible
116 condition.

117 C. Electric equipment shall not be taken into or operated in any place where a methane level of one
118 percent or more is detected.

119 D. Voltage limitations for underground installations of electric equipment using direct or alternating
120 current shall conform to the voltages provided in 30 C.F.R. § 18.47.

E. Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

F. Electric conductors and cables installed in or by the last open crosscut, or within 150 feet of pillar workings or longwall faces, shall be:

1. Shielded high-voltage cables supplying power to permissible longwall and other equipment;
2. Interconnecting conductors and cables of permissible longwall equipment;
3. Conductors and cables of intrinsically safe circuits; or
4. Cables and conductors supplying power to low and medium voltage permissible equipment.

G. Electric equipment shall be maintained in safe operating condition at all times while it is being used, and any unsafe condition shall be corrected promptly or the equipment shall be removed from service.

§ 45.1-161.200. Firefighting equipment; fire prevention.

A. Each mine shall be provided with suitable ~~fire-fighting~~ *firefighting* equipment, adequate for the size of the mine.

B. The following equipment, at a minimum, shall be immediately available at each mine:

1. A water car filled with water and provided with hose and pump, or waterlines and necessary hoses;
2. At least three 20-pound dry chemical fire extinguishers;
3. Ten 50-pound bags of rock dust, available at doors or other strategic places;
4. Bolt cutters which may be used to cut trolley wire in an emergency;
5. One pair of rubber gloves to be used with bolt cutters when cutting trolley wire;
6. Two sledge hammers; and
7. Five hundred square feet of brattice cloth, nails and hammer.

C. Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station, such as substations, transformer stations and permanent pump stations, so as to be out of the smoke in case of a fire in the station.

D. Suitable fire extinguishers shall be provided at all (i) electrical stations, such as substations, transformer stations, and permanent pump stations; (ii) self-propelled mobile equipment; (iii) belt heads and at the inby end of belts; (iv) areas used for the storage of flammable materials; (v) fueling stations; and (vi) other areas that may constitute a fire hazard, so as to be on the fresh air side in case of a fire.

E. All ~~fire-fighting~~ *firefighting* equipment *and fire sensor systems* shall be maintained in a useable and operative condition. Chemical extinguishers shall be examined every six months and the date of the examination shall be indicated on a tag attached to the extinguishers.

F. A sufficient number of approved one-hour self-contained self-rescuers shall be readily available, not more than 100 feet away, for the persons involved in the moving or transporting of any unit of off-track mining equipment.

§ 45.1-161.249. Duties of mine foreman.

A. The mine foreman shall see that the requirements of this Act that pertain to his duties and to the health and safety of the miners are fully complied with at all times.

B. The mine foreman shall see that every miner employed to work in such mine before beginning work therein, is aware of all hazardous conditions incident to his work in such mine. ~~The mine foreman shall also see that every miner employed in such mine shall be furnished with copies of this Act and the printed rules pertaining to such mine.~~ Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

§ 45.1-161.258. Areas with safety or health hazards; duties of surface mine foreman.

A. Any hazardous condition shall be corrected promptly or the affected area shall be barricaded or posted with warning signs specifying the hazard and proper safety procedures. Any imminent danger that cannot be removed within a reasonable time shall be reported to the Chief by the quickest available means.

B. The surface mine foreman shall see that the requirements of this Act pertaining to his duties and to the health and safety of the miners are fully complied with at all times.

C. The surface mine foreman shall see that every miner employed to work at the mine, before beginning work therein, is aware of all hazardous conditions incident to his work at the mine.

2. That § 45.1-161.71 of the Code of Virginia is repealed.