

Editorial Notes

REFERENCES IN TEXT

For the operative date of this subchapter, referred to in subsec. (f), see section 509 of Pub. L. 91-173, set out as an Effective Date note under section 801 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section operative 90 days after Dec. 30, 1969, except to the extent an earlier date is specifically provided for in Pub. L. 91-173, see section 509 of Pub. L. 91-173, set out as a note under section 801 of this title.

§ 875. Emergency shelters; construction; contents; implementation plans

The Secretary or an authorized representative of the Secretary may prescribe in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which persons may go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and such other equipment as the Secretary may require. A plan for the erection, maintenance, and revisions of such chambers and the training of the miners in their proper use shall be submitted by the operator to the Secretary for his approval.

(Pub. L. 91-173, title III, §315, Dec. 30, 1969, 83 Stat. 787.)

Editorial Notes

EFFECTIVE DATE

Section operative 90 days after Dec. 30, 1969, except to the extent an earlier date is specifically provided for in Pub. L. 91-173, see section 509 of Pub. L. 91-173, set out as a note under section 801 of this title.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 110-161, div. G, title I, §112(b), Dec. 26, 2007, 121 Stat. 2168, provided that: "Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969 [30 U.S.C. 875], consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109-236) [120 Stat. 504], requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008."

§ 876. Communication facilities; locations and emergency response plans**(a) In general**

Telephone service or equivalent two-way communication facilities, approved by the Secretary or his authorized representative, shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section of any coal mine that is more than one hundred feet from a portal.

(b) Accident preparedness and response**(1) In general**

Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

(2) Response and preparedness plan**(A) In general**

Not later than 60 days after June 15, 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

(B) Plan requirements

An accident response plan under subparagraph (A) shall—

- (i) provide for the evacuation of all individuals endangered by an emergency; and
- (ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

(C) Plan approval

The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

- (i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;
- (ii) reflect the most recent credible scientific research;
- (iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and
- (iv) reflect the improvements in mine safety gained from experience under this chapter and other worker safety and health laws.

(D) Plan review

The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

(E) Plan content-general requirements

To be approved under subparagraph (C), an accident response plan shall include the following:

(i) Post-accident communications

The plan shall provide for a redundant means of communication with the surface