

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 622 Session of
2005

INTRODUCED BY KASUNIC, M. WHITE, COSTA, LAVALLE, RAFFERTY,
LOGAN, TARTAGLIONE AND KITCHEN, APRIL 18, 2005

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 18, 2005

AN ACT

1 Amending the act of July 17, 1961 (P.L.659, No.339), entitled
2 "An act relating to bituminous coal mines; amending,
3 revising, consolidating and changing the laws relating
4 thereto; providing for the health and safety of persons
5 employed in and about the bituminous coal mines of
6 Pennsylvania and for the protection and preservation of
7 property connected therewith; prescribing powers and duties
8 in connection therewith; prescribing penalties; and repealing
9 existing laws," further providing for duties of mine
10 inspectors.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 228 of the act of July 17, 1961 (P.L.659,
14 No.339), known as the Pennsylvania Bituminous Coal Mine Act, is
15 amended to read:

16 Section 228. Duties of Mine Examiners.--(a) In a gassy
17 mine, within three hours immediately preceding the beginning of
18 a coal-producing shift, and before any workmen in such shift,
19 other than those who may be designated to make the examinations
20 prescribed in this section, enter the underground areas of such
21 mine, certified persons designated by the mine foreman of such
22 mine to do so shall make an examination, as prescribed in this

1 section, of such areas. Each person designated to act as such a
2 mine examiner shall be directed to examine a definite
3 underground area of such mine, and in making his examination,
4 such mine examiner shall inspect every active working place and
5 places immediately adjacent thereto in such area and make tests
6 therein with an approved safety lamp for accumulations of
7 methane and oxygen-deficiency in the air therein. While
8 performing the duties of a mine examiner, the mine examiner may
9 use an approved electric cap lamp or flashlight provided it is
10 turned out while making an examination for gas. The mine
11 examiner shall examine seals and doors to determine whether they
12 are functioning properly; inspect and test the roof, face, and
13 rib conditions in the working places; inspect active roadways,
14 every unfenced roadway, travelways, approaches to abandoned
15 workings, and accessible falls in active sections for explosive
16 gas and other hazards; and inspect to determine whether the air
17 in each split is traveling in its proper course and in normal
18 volume. Such mine examiner shall place his initials and the date
19 at or near the face of each place he examines. If such mine
20 examiner in making his examination, finds a condition which he
21 considers to be dangerous to persons who may enter or be in such
22 area, he shall indicate such dangerous place by posting a
23 "danger" sign conspicuously at a point which persons entering
24 such dangerous place would be required to pass. No person, other
25 than Federal or State mine inspectors, or the mine foreman or
26 his assistant, or persons authorized by the mine foreman or his
27 assistant to enter such place for the purpose of eliminating the
28 dangerous condition therein, shall enter such place while such
29 sign is posted.

30 Within three hours immediately preceding the beginning of any

1 shift during which a conveyor belt is scheduled to operate
2 whether or not workmen are scheduled to work in the vicinity of
3 the conveyor belt or the conveyor belt entry, examinations shall
4 be conducted of all components of the conveyor belt and all
5 components of the conveyor belt entry.

6 During shifts on which a conveyor belt is not being operated,
7 but is scheduled to be operated on following shifts whether or
8 not workmen are scheduled to work in the vicinity of the
9 conveyor belt or the conveyor belt entry, the pre-shift
10 examination shall be conducted in its entirety prior to the
11 start of the conveyor belt.

12 A suitable record book shall be kept at the mine office, on
13 the surface, of every mine wherein mine examiners are employed,
14 and immediately after the examination of such mine or any
15 portion thereof by a mine examiner, whose duty it is to make
16 such examination, he shall enter in said book, with ink, a
17 record of such examination, and sign same. This record shall
18 show the time taken in making the examination, and also clearly
19 state the nature and location of any danger that may have been
20 discovered in any room or entry or other place in the mine, and
21 if any danger or dangers have been discovered, the mine
22 examiners shall immediately report the location thereof to the
23 mine foreman. No person shall enter the mine until the mine
24 examiners return to the mine office on the surface, or to a
25 station located in the intake entry of the mine (where a record
26 book as provided for in this section shall be kept in a fire-
27 proof vault and signed by the person making the examination),
28 and report to the mine foreman or the assistant mine foreman, by
29 telephone or otherwise, and a written report made thereof by the
30 person receiving the report, that the mine is in safe condition

1 for the men to enter. When a station is located in any mine, it
2 shall be the duty of the mine examiners to sign also the report
3 entered in the record book in the mine office on the surface.
4 The record books of the mine examiners shall at all times during
5 working hours be accessible to the mine inspector, any person
6 working in said mine and authorized representatives of the
7 employes of the mine.

8 A second examination by the same or other mine examiner shall
9 be made during working hours of every working place where men
10 are employed, and a report of said examination shall be made in
11 the mine examiner report book in the same manner as the first
12 examination. No person on a non-coal producing shift (other than
13 a certified person designated under this paragraph) shall enter
14 any underground area in a gassy mine, unless such area, which
15 shall include all places on that particular split of air, has
16 been examined as prescribed in this subsection within three
17 hours immediately preceding his entrance into such area.

18 (b) In non-gassy mines, a pre-shift examination shall be
19 made each day during which coal is produced, and a report of
20 said examination shall be made in a report book provided for
21 that purpose. Such examination shall be made within three hours
22 immediately preceding the beginning of the first coal-producing
23 shift on such day.

24 Within three hours immediately preceding the beginning of any
25 shift during which a conveyor belt is scheduled to operate
26 whether or not workmen are scheduled to work in the vicinity of
27 the conveyor belt or the conveyor belt entry, examinations shall
28 be conducted of all components of the conveyor belt and all
29 components of the conveyor belt entry.

30 During shifts on which a conveyor belt is not being operated,

1 but is scheduled to be operated on following shifts whether or
2 not workmen are scheduled to work in the vicinity of the
3 conveyor belt or the conveyor belt entry, the pre-shift
4 examination shall be conducted in its entirety prior to the
5 start of the conveyor belt.

6 (c) For purposes of pre-shift examinations, the shifts shall
7 be a period of not greater than eight hours.

8 Section 2. This act shall take effect in 60 days.