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**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

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Press Office, 202-226-0853

**Chairman Miller Statement at Committee Hearing On “Evaluating the Effectiveness of MSHA’s Mine Safety and Health Programs”**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “Evaluating the Effectiveness of MSHA’s Mine Safety and Health Programs”*

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Good morning.

At a hearing on March 28, this Committee heard some very strong criticism of the U.S. Department of Labor and its Mine Safety and Health Administration. We heard from those directly impacted by MSHA’s work that, despite its sweeping authority, the agency moves at a glacial pace – and often simply fails or outright refuses to enact meaningful and effective safety standards.

Debbie Hamner spoke of her husband Junior, who was killed at the Sago mine: “If I knew then what I know today, I would have begged my husband not to work at Sago....Congress mandated explosion-proof seals, yet MSHA approved the use of omega blocks at Sago...MSHA approved a ventilation plan at Sago that did not push the air away from the seals. Therefore when our miners tried to escape...they could not.”

Scott Howard, a miner, told us that in his 28-year experience in mines, he hasn’t seen any evidence that he is safer despite the more robust laws passed by Congress. He said: “Outside [of the mine], safety is first. When you go underground, coal is all that matters.”

It is obvious from that hearing that MSHA must regain the trust of the people who rely on the agency every day – miners and their families. It appears that MSHA is not acting quickly enough to implement the Mine Improvement and New Emergency Response Act that Congress passed last year. In today’s hearing, we intend to examine why this is the case.

In many ways, it seems that MSHA has chosen to move at a snail’s pace when it could be acting far more aggressively.

For example, MSHA has yet to require mine operators to install emergency rescue shelters in all underground mines. Just an hour ago, I toured one of these shelters right here on the grounds of the U.S. Capitol. The shelter can safely hold 35 miners for up to 96 hours, with breathable air, potable water, and food.

The shelter I toured is one of one a half dozen such shelters which the State of West Virginia has approved as safe for underground coal mines. The National Institute for Occupational Safety

and Health (NIOSH) has advised us they also consider these shelters safe and have no plans to ask West Virginia to stop deployment or alter their requirements.

If these shelters can help miners in West Virginia, then they can help miners in Kentucky, Illinois, Alabama, or any other mining state. These shelters are just one example of how states have acted more swiftly than has MSHA to improve mine safety.

Congress established MSHA to protect the safety and health of miners. Congress gave the agency a lot of discretion to do that, and the courts have upheld that discretion time and again.

Yet under the current Administration, we have seen plenty of examples where MSHA has not used its authority to aggressively protect miners.

It's clear that MSHA sometimes needs a push from Congress. Last year's MINER Act was one such push. It did not address all of the lessons we learned and continue to learn from the tragedies at Sago, Aracoma Alma, and Darby. But it was a push in the right direction.

In today's hearing, we want to hear about the progress MSHA is making in implementing that Act of Congress, whether MSHA is being sufficiently pro-active in improving mine safety even beyond the MINER Act, and what tools MSHA may need to better carry out its mission to properly regulate and enforce the law.

I look forward to hearing the testimony.

Thank you.

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