

1 SB362  
2 116830-1  
3 By Senators Smitherman, Means, Coleman, Denton, Dunn, Little  
4 (Z), Penn, Preuitt, Benefield, Singleton, Sanders, and Bedford  
5 RFD: Business and Labor  
6 First Read: 02-FEB-10

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8 SYNOPSIS: This bill revises extensively the state  
9 mining laws relating to safety provisions,  
10 inspections, and enforcement, to conform state law  
11 to federal mining safety laws and to update the  
12 language of the state law.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to the Alabama Coal Mine Safety Law of  
19 1975, Articles 1 through 17, Chapter 9, Title 22, Code of  
20 Alabama 1975; to extensively amend Chapter 9 to modernize the  
21 state law, conform the state law to federal mine safety laws,  
22 and to enhance mining safety, inspection, and enforcement  
23 provisions; to amend Sections 25-9-7, 25-9-9, 25-9-20,  
24 25-9-22, 25-9-24, 25-9-40, 25-9-60, 25-9-61, 25-9-67, 25-9-80,  
25 25-9-81, 25-9-82, 25-9-83, 25-9-86, 25-9-88, 25-9-131,  
26 25-9-132, 25-9-133, 25-9-210, 25-9-216, 25-9-273, 25-9-276,  
27 25-9-277, 25-9-278, 25-9-279, 25-9-280, 25-9-282, 25-9-360,

1 and 25-9-361, Code of Alabama 1975; to repeal Sections 25-9-87  
2 and 25-9-153, Code of Alabama 1975; to add new Sections  
3 25-9-31, 25-9-32, and 25-9-217 to the Code of Alabama 1975;  
4 and to add a new Article 18, Section 25-9-380 and a new  
5 Article 19, Sections 25-9-400 to 25-9-407, inclusive, to the  
6 Code of Alabama 1975, relating to independent contractor  
7 registering, mine safety technology, and communication and  
8 tracking.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 25-9-7, 25-9-9, 25-9-20,  
11 25-9-22, 25-9-24, 25-9-40, 25-9-60, 25-9-61, 25-9-67, 25-9-80,  
12 25-9-81, 25-9-82, 25-9-83, 25-9-86, 25-9-88, 25-9-131,  
13 25-9-132, 25-9-133, 25-9-210, 25-9-216, 25-9-273, 25-9-276,  
14 25-9-277, 25-9-278, 25-9-279, 25-9-280, 25-9-282, 25-9-360,  
15 and 25-9-361, Code of Alabama 1975, are hereby amended to read  
16 as follows:

17 "§25-9-7.

18 "The duties of mine inspectors are to make  
19 examinations of mines to see that all the requirements of this  
20 chapter are strictly observed and carried out. They shall  
21 examine the equipment, works, and machinery connected with  
22 said mines; examine into the state of coal mines as to  
23 transportation, ventilation, circulation, and conditions of  
24 air, electricity, explosives, timbering, drainage, practices,  
25 and general security and perform such other duties as are  
26 required by the director. At the commencement of any  
27 inspection of a coal mine as provided herein, the authorized

1 representative of the miners at the mine at the time of such  
2 inspection shall ~~be given an opportunity to~~ accompany the mine  
3 inspectors on any such inspection with no loss of pay. The  
4 mine inspectors shall make a record of all examinations of  
5 coal mines, showing the date when made, the condition in which  
6 the coal mines are found, the extent to which the laws  
7 relating to coal mines and mining are observed or violated,  
8 the progress made in the improvements and security of life and  
9 health sought to be secured by the provisions of this chapter,  
10 the number of accidents, injuries received, or deaths in or  
11 about the coal mines, the number of persons employed in or by  
12 each coal mine, together with all such other facts and  
13 information of public interest concerning the condition of  
14 coal mines, development, and progress of coal mining in this  
15 state as they may think useful and proper, and so much thereof  
16 as may be of public interest to be included in their reports.  
17 A comprehensive report of each inspection of each coal mine  
18 shall promptly be made by the chief to the operator,  
19 superintendent, and mine foreman of ~~said the~~ coal mine, and  
20 ~~said the~~ report shall be posted in a conspicuous place at the  
21 mine. This report shall be on a form provided for that purpose  
22 and compiled by the ~~said~~ chief. The form may be changed by the  
23 chief from time to time, as may seem desirable.

24 "§25-9-9.

25 "There shall be appointed by the Governor a board of  
26 examiners, to be known as the Board of Miner Training,  
27 Education, and Certification, all of whom shall hold Alabama

1 mine foreman's certificates, consisting of the chief or the  
2 head mine inspector, as the director may designate, together  
3 with three active practical miners, three operators of coal  
4 mines, and one practicing mining engineer. The members of this  
5 board shall be appointed by the Governor and shall hold office  
6 for three years and until their successors are appointed and  
7 qualified, and, as nearly as possible, two members shall be  
8 appointed one year and three the succeeding year. No member of  
9 the board shall serve more than two consecutive terms of  
10 office. The chief or the head mine inspector shall be ex  
11 officio ~~chairman~~ chair of the board. The ~~chairman~~ chair shall  
12 vote only in the case of a tie vote, and, in the absence of  
13 one member of the board, a majority of whom shall act. In the  
14 event of the failure to have a quorum, the ~~chairman~~ chair  
15 shall have the authority to select a qualified person or  
16 persons. There shall be paid to each member of the board,  
17 except the ex officio ~~chairman~~ chair, who shall serve without  
18 extra pay, ~~\$10.00~~ ten dollars (\$10) per day and pending  
19 approval by the chief for such services, the highest  
20 prevailing hourly wage rate in the industry. Each board member  
21 shall also be entitled to the same per diem and travel  
22 allowance as is provided by law for state employees for each  
23 day's attendance at meetings of the board. Said board of  
24 examiners shall meet every six months at the office of the  
25 chief and shall remain in session not longer than eight days,  
26 and special meetings may be called by the ~~chairman~~ chair or a  
27 majority of the members of ~~said~~ the board. The department

1 shall preserve in its office a record of the meetings and  
2 transactions of the board and all certificates issued and  
3 revoked.

4 "§25-9-20.

5 "(a) Mines shall be given one complete inspection  
6 every ~~45 days~~ quarter, and more often if necessary. Special or  
7 partial or complete inspections shall be made when deemed  
8 necessary by the chief.

9 "(b) Inspections shall include all working sections  
10 and long walls, all set up and pull out of sections and long  
11 walls, returns, belts, seals, construction sites, and other  
12 areas as deemed by the Chief of the Division of Safety and  
13 Inspections of the Department of Industrial Relations.

14 "§25-9-22.

15 "(a) The chief has the authority to administer oaths  
16 and to issue subpoenas requiring the attendance of witnesses  
17 to testify under oath in any proceeding and to require  
18 witnesses to answer all questions propounded to them. The  
19 sheriff or constable in the county in which such witnesses may  
20 reside or be found shall execute subpoenas issued as above  
21 provided, and they shall each receive for their services in  
22 executing such subpoenas the same fees as are allowed them  
23 respectively for executing subpoenas in other cases. Any  
24 witnesses summoned as above mentioned shall be entitled to the  
25 same mileage and per diem as is now allowed by law to such  
26 witnesses attending trials in the circuit court.

1           "(b) If any witness subpoenaed as above mentioned  
2 shall fail to attend without good excuse, in accordance with  
3 the subpoena served on him or her, or shall fail to testify  
4 when attending, the chief before whom said proceedings are  
5 being had shall certify to the failure of any witness to  
6 attend and testify to a judge of the circuit court in the  
7 county where such proceeding is being held. The judge to whom  
8 such certificate is made shall cause such witness to appear  
9 before him or her at a time fixed by ~~said~~ the judge to show  
10 cause why he or she should not be punished for contempt and  
11 shall fine or imprison such witness as such judge may deem  
12 proper in case he or she is found guilty of contempt in the  
13 premises.

14           "(c) The Division of Safety and Inspection of the  
15 Department of Industrial Relations shall have subpoena power  
16 to investigate allegations of unsafe working conditions even  
17 if no accident or injury has occurred.

18           "§25-9-24.

19           "(a) Unsafe conditions, known to any persons  
20 underground, that cannot be corrected by them in the course of  
21 their normal duties, shall be promptly reported to the mine  
22 foreman or direct supervisor. The supervisor to whom unsafe  
23 conditions are reported or who detects them in the course of  
24 his or her duties shall be responsible for seeing that they  
25 are corrected promptly and that exposure to danger of any  
26 person is prevented except as necessary in correcting the  
27 condition.

1           "(b) If any miner or any authorized representative  
2 of a miner has reason to believe, at any time, that dangerous  
3 conditions exist or that the law is not being complied with,  
4 the person or persons may anonymously request the Chief of the  
5 Division of Safety and Inspection of the Department of  
6 Industrial Relations to have an immediate investigation made.  
7 Within 30 days of the effective date of this act, the chief  
8 shall install a toll free telephone number for such purpose.

9           "\$25-9-40.

10           "(a) Welders and helpers shall use proper shields or  
11 goggles to protect their eyes.

12           "(b) Employees engaged in haulage operations and  
13 other persons employed around moving equipment on the surface  
14 and underground shall wear snug-fitting clothing.

15           "(c) Protective gloves shall be worn when material  
16 which may injure the hands is handled, but gloves with  
17 gauntleted cuffs shall not be worn around moving equipment.

18           "(d) Men exposed for short periods to gas, dust,  
19 fume, and mist inhalation hazards shall wear permissible  
20 respiratory equipment. When the exposure is for prolonged  
21 periods, other measures to protect workmen or to reduce the  
22 hazard shall be taken.

23           "(e) Any person or persons traveling or working in  
24 returns, bleeders, old works, seal lines, or any area of the  
25 mine that they may encounter low oxygen, shall be required to  
26 have and wear an oxygen badge furnished by the employer.

27           "\$25-9-60.



1           ~~"(a) Each mine shall have an adequate supply of~~  
2     ~~first aid equipment to be used only in case of injury to~~  
3     ~~employees or on the job sickness. These supplies shall be~~  
4     ~~located at points on the surface, at the bottom of main shafts~~  
5     ~~and main slopes, if over 1,000 feet from the surface, and at~~  
6     ~~other suitable locations convenient to each working section.~~  
7     ~~One stretcher and one broken-back board (or a splint-stretcher~~  
8     ~~combination), 24 triangular bandages (or 15, if a~~  
9     ~~splint-stretcher combination is used), eight four-inch bandage~~  
10    ~~compresses, 12 one-inch adhesive compresses, an adequate~~  
11    ~~approved burn remedy, two cloth blankets, one rubber blanket~~  
12    ~~or equivalent substitute, two tourniquets, one one-ounce~~  
13    ~~bottle of aromatic spirits of ammonia or one dozen ammonia~~  
14    ~~ampules and necessary complements of arm and leg splints or~~  
15    ~~two each inflatable plastic arm and leg splints shall be kept~~  
16    ~~at each location designated and shall be accessible to the~~  
17    ~~miners. Each mine shall have an adequate supply of first aid~~  
18    ~~emergency medical equipment approved by the chief to be used~~  
19    ~~in case of injury to employees or on the job sickness. These~~  
20    ~~supplies shall be located at points on the surface, at the~~  
21    ~~bottom of main shafts and main slopes if over 1,000 feet from~~  
22    ~~the surface, and other suitable locations convenient to each~~  
23    ~~working section. Each shift where coal is being mined or~~  
24    ~~equipment is being installed or removed must have available a~~  
25    ~~sufficient number of selected personnel trained in advanced~~  
26    ~~first aid emergency medical procedures approved by the chief.~~

1           "(b) No person shall tamper with or remove any first  
2 aid supplies other than for use in caring for injured persons  
3 and those who become sick while in the mine.

4           "~~(c) When an injury occurs, prompt first aid shall~~  
5 ~~be given, and, if immediate medical attention is indicated, a~~  
6 ~~doctor shall be notified and the injured person brought to the~~  
7 ~~surface without delay other than the time needed for rendering~~  
8 ~~first aid. Any person injured sufficiently to deprive him of~~  
9 ~~complete control of his faculties or limbs will be adequately~~  
10 ~~attended by designated persons until he is brought to the~~  
11 ~~surface and turned over to a doctor. When an injury occurs,~~  
12 ~~prompt emergency medical care shall be given, and if immediate~~  
13 ~~medical attention is indicated, the Emergency Medical Services~~  
14 ~~System shall be activated and the injured person brought to~~  
15 ~~the surface without delay other than the time needed for~~  
16 ~~rendering first aid. Any person injured sufficiently to~~  
17 ~~deprive him or her of complete control of his or her~~  
18 ~~facilities or limbs will be adequately attended by designated~~  
19 ~~persons trained in advanced emergency medical treatment~~  
20 ~~approved by the chief until arriving at the surface and turned~~  
21 ~~over to an emergency medical services provider.~~

22           "(d) Each employee shall promptly notify his or her  
23 supervisor of all injuries.

24           "(e) An updated first aid materials list approved by  
25 the chief shall be posted at or near every mine for employee  
26 review. The first aid supplies must be maintained with all  
27 updated materials.

1           "(f) After the effective date of the amendatory act  
2 adding this subsection, the term "emergency medical service  
3 personnel" means any person certified by the State Health  
4 Officer, or authorities recognized and approved by the State  
5 Health Officer, to provide emergency medical services,  
6 including an emergency medical technician.

7           "(g) At least one emergency medical service  
8 personnel shall be employed at each mine for every 20  
9 employees or any part thereof who are engaged at any time in  
10 the extraction, production, or preparation of coal.

11           "(h) Emergency medical service personnel shall be  
12 employed on each shift at each mine that: (i) Employs more  
13 than 10 employees and has more than eight persons present on  
14 the shift employed at their regular duties at a central  
15 location, or (ii) when more than one emergency medical service  
16 personnel is required pursuant to subsection (g) to be present  
17 at locations convenient for quick response to emergencies.

18           "(i) A training course designed specifically for  
19 certification of emergency medical technicians shall be  
20 developed at the earliest practicable time as approved by the  
21 State Health Officer. The training course for initial  
22 certification shall not be less than 60 hours, which shall  
23 include, but is not limited to, mast trouser application,  
24 basic life support skills, and emergency room observation or  
25 other equivalent practical exposure to emergencies as  
26 prescribed by the State Health Officer.

1           "(j) The maintenance of a valid emergency medical  
2 technician-mining certificate may be accomplished without  
3 taking a three-year recertification examination; provided,  
4 that a certified emergency medical technician-mining personnel  
5 completes an eight-hour annual retraining and testing program  
6 prescribed or approved by the State Health Officer in  
7 consultation with the Board of Miner Training, Education, and  
8 Certification.

9           "(k) (1) Each coal mine operator shall provide every  
10 new employee within six months of the date of employment with  
11 the opportunity for first aid training unless such employee  
12 has previously received such training.

13           "(2) Each coal mine employee shall be required to  
14 take refresher first aid training of not less than eight hours  
15 within each 12 months of employment. The employee shall be  
16 paid regular wages, or overtime pay if applicable, for all  
17 periods of first aid training.

18           "\$25-9-61.

19           "(a) Each operator shall report promptly to the  
20 chief of the division the occurrence at any mine of any fatal  
21 accident or accident involving serious personal injury to any  
22 person or persons, whether employed or not. The scene of the  
23 accident shall not be disturbed pending an investigation  
24 except to prevent suspension of use of a slope, entry, or  
25 facility vital to the operation of a section of a mine. In  
26 cases where reasonable doubt exists as to whether to leave the

1 scene unchanged, the operator shall secure prior approval from  
2 the chief before any changes are made.

3 "(b) The chief shall go personally or dispatch one  
4 or more mine inspectors to the scene of the accident or  
5 accidents, investigate causes, and issue such orders as may be  
6 needed to insure safety of other persons.

7 "(c) Representatives of the operator shall render  
8 such assistance as may be needed and shall act in a consulting  
9 capacity at the investigation. An employee designated by the  
10 employees of the mine shall be notified and as many as three  
11 employees designated as representatives of the employees may  
12 be present at the investigation in a consulting capacity.

13 "(d) The division shall render a complete report of  
14 circumstances and causes of each accident investigated and  
15 shall make recommendations for prevention of similar  
16 accidents. The division shall furnish one copy of the report  
17 to the operator and one copy to the employee representative  
18 when he or she has been present at the investigation. The  
19 chief of the division shall maintain a complete file of all  
20 accident reports and may give such further publicity as  
21 ordered by the director in an effort to prevent coal mine  
22 accidents.

23 "(e) The state must provide a full-time family  
24 liaison who is trained in mining and grief counseling to work  
25 with family members of injured or dead miners during an  
26 accident investigation.

27 "§25-9-67.

1           "Members of ~~said~~ the crews shall have one year  
2 underground experience, ~~be less than 50 years of age~~ and pass  
3 a physical examination by a licensed physician annually. A  
4 record that such examination was taken shall be kept on file  
5 by the operator who employs the crew members and a copy shall  
6 be furnished to the chief.

7           "§25-9-80.

8           "(a) All main fans shall be installed on the  
9 surface, in fireproof housings, the fan situated not less than  
10 30 feet from its air shaft or air course and on one side of  
11 the line of such opening so that the fan will not be in direct  
12 line of the force of a blast or explosion. The air duct  
13 connecting the fan with the mine opening shall be fireproof  
14 and provided with self-closing explosion doors.

15           "(b) In mines ventilated with multiple fans, each  
16 main fan shall be equipped with fireproof doors automatically  
17 closing in the event of a fan failure to prevent air reversal  
18 through the fan.

19           "(c) Every main fan installed after August 12, 1949,  
20 ventilating a mine classed as gassy, must have an auxiliary  
21 drive mechanism that will operate the fan at not less than 80  
22 percent of its regular volume. Dual fan installations,  
23 independently powered so that one is operative at 80 percent  
24 of regular volume during electrical failures, meet this  
25 requirement.

26           "(d) All main fans are required to be provided with  
27 a pressure-recording gauge, or water gauge, and, unless

1 attended constantly, an automatic device to give alarm when  
2 the fan slows down or stops. This device shall be placed so  
3 that its alarm will be seen or heard by a responsible person.

4 "(e) Each main fan ventilating all or part of a mine  
5 shall be on a separate power circuit, independent of the  
6 underground circuit.

7 "(f) Main fan installations shall be protected from  
8 wood fire, grass fire, and rubbish fire for at least 100 feet  
9 in all directions from the fan installations, where physical  
10 conditions permit.

11 "(g) The main fan shall be inspected daily and a  
12 record kept of the inspection. This inspection may be made by  
13 any competent person so designated.

14 "(h) In mines, when the main fan fails or stops,  
15 immediate action shall be taken to cut off power from the mine  
16 or the area of the mine ventilated by that main fan, and the  
17 ~~men~~ miners shall be withdrawn from the face regions. If  
18 ventilation is restored ~~in a reasonable time~~ within 15  
19 minutes, the face regions and other places where methane is  
20 likely to accumulate shall be reexamined by certified persons,  
21 and, if found to be free from explosive gas, power may be  
22 restored and work resumed. If the interruption continues for  
23 an indefinite or extended period, all underground employees  
24 shall be required to leave the mine or the part of the mine  
25 ventilated by the main fan that is out of operation. Mines  
26 ventilated by more than one main fan shall be considered as  
27 having only one fan in the application of this section unless

1 all returns to the fans are entirely separated and escapeways  
2 to the surface are available from the areas ventilated by  
3 other fans without necessity for any person passing through  
4 any area not properly ventilated.

5 "(i) Main fans ventilating mines shall be operated  
6 continuously, except when the mine is shut down with all power  
7 underground cut off and with all ~~men~~ miners out of the mine.  
8 When the fan is started again, the mine shall be examined for  
9 gas and other hazards by certified persons and declared safe  
10 before underground power may be restored and ~~men~~ persons other  
11 than the examiners permitted to enter the mine.

12 "\$25-9-81.

13 "(a) Methane detectors used for examining in coal  
14 mines shall be permissible. When not in use, they shall be in  
15 the care of certified officials or other competent designated  
16 persons, who shall examine, clean, and deliver them in a safe  
17 condition to their users before they enter the mine.

18 "(b) Permissible methane detectors shall be  
19 entrusted for use only to certified persons or to approved  
20 competent persons who have been accredited as users of methane  
21 detectors.

22 "(c) An individual knowing his or her methane  
23 detector to be injured or defective shall immediately report  
24 its condition to his or her supervisor, mine foreman or to the  
25 designated attendant.

26 "(d) (1) Multi-gas detectors must be provided to all  
27 outby belt workers and to any group of two or more miners



1 working in close proximity, including, but not limited to,  
2 twin headed roof bolting machines; in addition, the mine  
3 operator must provide one additional detector for the use of  
4 any miner on the working sections.

5 "(2) Any person who willfully or intentionally  
6 disables or turns off a gas detector because of excessive  
7 readings or alarms, shall be deemed guilty of a felony and  
8 upon conviction thereof shall be imprisoned in a state  
9 correctional facility for not less than one year and one day  
10 nor more than 10 years or fined not less than ten thousand  
11 dollars (\$10,000) nor more than one hundred thousand dollars  
12 (\$100,000), or both.

13 "§25-9-82.

14 "(a) Air in which ~~men~~ miners work or travel must  
15 promptly be improved if it contains less than 19.5 percent  
16 oxygen, more than one percent carbon dioxide, or is  
17 contaminated with noxious or poisonous gases.

18 "(b) If the air immediately returning from a split  
19 that ventilates any active workings contains more than one  
20 percent methane or more, the ventilation shall be improved,  
21 and, if it contains 1.5 percent or more of methane, the power  
22 shall be cut off from the portion of the mine affected, and  
23 the employees shall be required to withdraw until ventilation  
24 is improved.

25 ~~"(c) Face work must be stopped, power to face~~  
26 ~~equipment cut off, and the employees ordered and required to~~  
27 ~~withdraw until ventilation is improved, whenever one percent~~

1 ~~or more of methane can be detected on an approved type methane~~  
2 ~~detector or whenever gas can be detected on a permissible~~  
3 ~~flame safety lamp at any point not less than 12 inches from~~  
4 ~~the roof, face, or rib. This does not apply to other faces in~~  
5 ~~the entry or slope in which work can be safely continued. (1)~~  
6 Before equipment is energized, taken in by the last open  
7 crosscut, or operated in a working place, an adequate test for  
8 methane shall be made and at 20-minute intervals thereafter or  
9 more often if necessary to ensure that methane levels are less  
10 than one percent. Methane testing shall be made at a point 12  
11 inches from the face, roof, and rib.

12 "(2) Face work must be stopped, power to face  
13 equipment must be cut off, and the employees must be ordered  
14 and required to withdraw until ventilation is improved,  
15 whenever one percent or more methane can be detected on an  
16 approved type methane detector at a point 12 inches from the  
17 roof, face, and rib. This subdivision (2) does not apply to  
18 other faces in the entry or slope in which work can be safely  
19 continued.

20 "(d) When entries or faces are stopped on account of  
21 gas for ventilation to be improved, only employees designated  
22 to work on improving the ventilation under competent direction  
23 may be permitted in the affected area. Power shall not be  
24 restored until ventilation is improved.

25 "§25-9-83.

26 "Sufficient air must be circulated and conducted  
27 through all entries, slopes, travelways, working places, air

1 courses, and open abandoned areas to dilute, render harmless,  
2 and carry off noxious and explosive gases emitted in the mine,  
3 including smoke from blasting, and shall be not less than 150  
4 cubic feet per man per minute. ~~If mules or horses are used in~~  
5 ~~a mine, 500 cubic feet per animal per minute must be provided~~  
6 ~~in addition to the minimum volume specified for men.~~

7 "§25-9-86.

8 "(a) Operators of mines are required to employ one  
9 or more certified fire bosses and to have a preshift  
10 examination made. The duties of the fire boss are to examine  
11 for dangerous conditions all manways, slopes, and entries used  
12 by men in traveling to and from work and to examine for gas  
13 and other dangerous conditions all working places, adjoining  
14 abandoned places, and accessible pillar falls for accumulation  
15 of gas. The fire boss will ascertain that the air is traveling  
16 in its proper course and that all ventilation appliances are  
17 in good condition and working effectively. The fire boss will  
18 indicate his examination of working and abandoned places,  
19 pillar falls, and ventilating appliances by marking his  
20 initial and the date conspicuously in or on such places. Any  
21 person or persons traveling or working in returns, bleeders,  
22 old works, seal lines, or any area of the mine that they may  
23 encounter low oxygen, shall be required to have and wear an  
24 oxygen badge furnished by the employer.

25 "(b) Whenever gas is detected or danger exists to  
26 men entering any place, the fire boss shall leave at each  
27 entrance to the place a conspicuous DANGER sign.

1           "(c) Examination of the first working place in mines  
2 shall take place not more than three hours before the men are  
3 permitted to enter the mine or to pass a designated station  
4 underground.

5           "(d) The fire boss shall meet the oncoming shift at  
6 the point or station designated and inform each man as to the  
7 condition of his working place or the place in which his  
8 machine is parked. Each face boss and direct supervisor shall  
9 be informed by the fire boss as to the condition of all places  
10 under his direction or control. When man trip schedules or  
11 other compelling factors make it impractical for the fire boss  
12 to check each man, the fire boss will furnish to responsible  
13 supervisors written signed reports of his inspection and these  
14 supervisors will be responsible for informing each man as to  
15 the condition of his working place.

16           "(e) In multiple shift operations, certified  
17 supervisors may be used to make the fire boss examination for  
18 the next or succeeding shift. Responsible supervisors of the  
19 next or succeeding shift may be used to inform each man as to  
20 the condition of his working place and may be held  
21 responsible, provided the certified supervisors who made the  
22 examination furnish a written, signed report as to condition  
23 of each working place.

24           "(f) The fire boss shall record the results of his  
25 inspection in ink or indelible pencil in a book kept on the  
26 surface for that purpose. Similar records may be kept at  
27 designated stations or offices underground. This book shall be

1 countersigned daily by the mine foreman. The mine  
2 superintendent or his assistant shall also read and  
3 countersign the reports.

4 "(g) Idle and abandoned parts of any mine shall be  
5 examined by a certified person immediately before employees  
6 are permitted to enter or work in such areas.

7 "(h) Examination for gas and other dangerous  
8 conditions shall be made by a certified official or approved  
9 competent person before taking loading or cutting machines in  
10 by the open breakthrough nearest the face or before applying  
11 power to machinery that remains at or near the face at not  
12 more than 20-minute intervals during cutting, drilling, or  
13 mechanical loading, before drilling with electric drills,  
14 before blasting, after blasting, and before other work is  
15 resumed and at such other times as may be necessary or  
16 designated by the operator or mine inspector for adequate  
17 safety.

18 "(i) All persons underground shall use only  
19 permissible electric cap lamps for portable illumination that  
20 is worn on the person. This does not preclude the use of other  
21 types of permissible electric lamps, permissible flashlights,  
22 permissible safety lamps, or any other portable illumination  
23 classed as permissible.

24 "(j) Open cap lights and smoking and smokers'  
25 articles, including matches, are prohibited in underground  
26 mines.

27 "§25-9-88.

1           "(a) The operator of each coal mine shall send to  
2 the division a report monthly, or more often if necessary,  
3 showing the amount of ventilation and methane content at the  
4 inlet and outlet, the amount of ventilation and the methane  
5 content of return air at or near the last crosscut in each  
6 working entry, the number of splits and the number of ~~men and~~  
7 ~~animals~~ miners on each split and the places gas ~~has~~ have been  
8 detected in old workings. The report shall include a record of  
9 the pressure gauge readings at the fan.

10           "(b) A prompt report, by the quickest available  
11 means, must be made by the operator to the division upon  
12 detection of any dangerous accumulation of methane in any coal  
13 mine, whether accompanied by explosion or not. This report  
14 shall state precautions taken to safeguard employees and  
15 action taken or planned to remove the dangerous accumulation.  
16 The division shall issue such supplementary orders as may be  
17 indicated and dispatch one or more inspectors promptly to the  
18 mine if the circumstances warrant.

19           "(c) A report shall be made by the operator to the  
20 division prior to opening any new or reopening any abandoned  
21 coal mine or abandoning any coal mine.

22           "(d) A report shall be made by the operator to the  
23 division when the workings of any coal mine are approaching an  
24 abandoned coal mine, shaft, or other underground passages that  
25 are known to contain or may contain dangerous accumulations of  
26 water or gas.

1           "(e) A report shall be made by the operator to the  
2 division upon the accidental closing or prior to the intended  
3 abandonment or closing of any passageway to an escapement  
4 outlet.

5           "(f) A report shall be made by the operator to the  
6 division before breaking through any opening into a coal mine  
7 whether from or to the surface or through other mine shafts or  
8 other passages.

9           "§25-9-131.

10          "(a) Separate surface magazines shall be provided  
11 for the storage of explosives and detonators and shall be kept  
12 in good repair.

13          "(b) Magazines shall be constructed of or covered  
14 with fire and weather resistant material, shall be reasonably  
15 bullet proof and shall have no metal or sparking material  
16 exposed inside the magazine. When a magazine is used for more  
17 than one type of explosive, each type shall be stored  
18 separately.

19          "(c) The only openings shall be doors for entrance,  
20 which shall be securely locked when unattended, and properly  
21 screened vents.

22          "(d) If artificial light is needed, only an electric  
23 flashlight, electric lantern, or electric cap lamp shall be  
24 used. Smoking, carrying of smokers' articles, or open flame  
25 are prohibited in or within 25 feet of any magazine.  
26 Combustible materials, including rubbish and dry grass, shall

1 be kept clear of any magazine for a distance of 25 feet in all  
2 directions.

3 "(e) Other material shall not be stored with  
4 explosives or detonators and metallic tools shall not be used  
5 for opening containers of explosives.

6 "(f) Distributing magazines, constructed of two inch  
7 hardwood, or metal lined with nonsparking material or an  
8 equivalent may be used for storage or distribution of not more  
9 than 125 pounds of explosives or 5,000 detonators. No magazine  
10 shall be placed in a building containing any highly flammable  
11 material or waste and shall be at least 20 feet from a stove,  
12 furnace, open fire, or flame.

13 "(g) All magazines shall be not less than 200 feet  
14 from any mine opening, unless effectively barricaded, and  
15 suitable danger signs shall be placed near all magazines.

16 "(h) All provisions in this section shall comply  
17 with federal regulations prescribed by the Bureau of Alcohol,  
18 Tobacco, and Firearms administered by the U.S. Department of  
19 Justice and U.S. Department of the Treasury.

20 "\$25-9-132.

21 "(a) Individual containers used to carry permissible  
22 explosives or detonators shall be constructed of substantial,  
23 nonconductive material, kept closed and maintained in good  
24 condition.

25 "(b) When explosives or detonators are transported  
26 underground by locomotive, rope, or shuttle car they shall be  
27 in covered cars or in special containers.



1           "(1) The bodies and covers of special cars and  
2 containers shall be constructed of nonconductive material.

3           "(2) If explosives and detonators are hauled in the  
4 same explosives car or in the same special containers, they  
5 shall be separated by at least a four-inch substantially  
6 fastened hardwood partition or the equivalent.

7           "(3) Where quantities of explosives and detonators  
8 are transported in special cars or in special containers in  
9 cars, they shall be hauled on a special trip not connected to  
10 any other trip, and shall not be hauled into or out of a mine  
11 within five minutes preceding or following a man-trip or any  
12 other trip.

13           "(4) Explosives or detonators shall not be  
14 transported on the same trip with ~~workmen~~ workers other than  
15 those required in the transportation of the explosives or  
16 detonators.

17           "(c) Explosives and detonators shall be transported  
18 underground by belt only under the following conditions:

19           "(1) In the original and unopened case, in special  
20 closed cases constructed of nonconductive material or in  
21 suitable individual containers.

22           "(2) Clearance requirements shall be the same as  
23 those for transporting ~~men~~ miners on belts.

24           "(3) Suitable loading and unloading stations shall  
25 be provided.

26           "(4) There shall be an attendant at loading and  
27 unloading points and stop controls at these points.

1           "(d) Explosives or detonators shall not be  
2 transported on flight or shaker conveyors or by scraper or  
3 mechanical loading machines.

4           "(e) All provisions in this section shall comply  
5 with federal regulations prescribed by the Bureau of Alcohol,  
6 Tobacco, and Firearms administered by the U.S. Department of  
7 Justice and U.S. Department of the Treasury.

8           "§25-9-133.

9           "(a) Underground section boxes or magazines shall be  
10 constructed of substantial nonsparking material and shall be  
11 placed in a crosscut or idle room neck at least 25 feet from  
12 roadways, trolley wires, or power lines, at least 75 feet from  
13 any working face and in a reasonably dry and well rock dusted  
14 place, free of oil, grease, or other debris.

15           "(b) Explosives and detonators shall be stored  
16 separately and at least five feet apart. Not more than a  
17 48-hour supply of explosives and detonators, including any  
18 surplus remaining from the previous day, shall be stored  
19 underground in section boxes or magazines. This maximum  
20 48-hour supply will include supplies in individual or face  
21 boxes where used.

22           "(c) A one day's supply of explosives and detonators  
23 may be kept in individual or face boxes. Those boxes shall be  
24 wooden with hinged lids and shall be kept not less than 15  
25 feet from roadways, trolley wires, or power lines; provided,  
26 that 15 feet may be reduced to five feet when the boxes are  
27 kept in a niche in the rib at least 75 feet from any working

1 face and in a location out of line of blast where they will  
2 not likely be subjected to shock. Separate boxes, kept at  
3 least five feet apart, shall be used for explosives and  
4 detonators.

5 "(d) Explosives and detonators shall be kept in  
6 their containers until removed for use at the working faces.

7 "(e) Care shall be exercised to use the oldest  
8 explosives from storage before new supplies are used so that  
9 explosives will not remain in underground storage long enough  
10 to deteriorate.

11 "(f) All provisions in this section shall comply  
12 with federal regulations prescribed by the Bureau of Alcohol,  
13 Tobacco, and Firearms administered by the U.S. Department of  
14 Justice and U.S. Department of the Treasury.

15 "\$25-9-210.

16 "(a) Only competent engineers shall be placed in  
17 charge of or permitted to operate any engine used for  
18 conveying into and hoisting out of any coal mine. When ~~men~~  
19 miners are being lowered or hoisted, an additional engineer  
20 competent to act in emergencies shall be present at the hoist  
21 controls. At all times when ~~men~~ miners are in the mine, a  
22 competent hoist engineer shall be available to receive notice  
23 or signals requiring his or her presence at the hoist engine  
24 controls. ~~No engineer shall be required for automatically~~  
25 ~~operated cages, elevators, or platforms.~~

26 "(1) Only authorized persons shall enter the hoist  
27 engine room and no person shall interfere with or intimidate

1 the hoist engineer in the discharge of his or her duties. No  
2 person shall speak to the hoist engineer while the engine is  
3 in motion, except to give signals to him or her. This  
4 subdivision shall be posted on the door of each hoist engine  
5 house.

6 "(2) Assigned and relief hoist engineers shall be  
7 given and required to take annual physical examinations to  
8 ascertain that no disability or infirmity has arisen that  
9 might expose others to hazards. No hoist engineer shall be  
10 removed as a result of a physical examination unless it is  
11 recommended by the examining doctor and it is established that  
12 his or her physical condition renders continued employment as  
13 hoist engineer potentially hazardous to lives and/or property.

14 "(b) There shall be a dependable method of  
15 signaling, audible to the hoist engineer, from all landings in  
16 shafts and slopes. Signal codes, approved by the division,  
17 shall be used and posted prominently in the engine house and  
18 at all places where signals are given.

19 "(c) Cages used for lowering and hoisting ~~men~~ miners  
20 shall have the following safety features:

21 "(1) Approved safety catches, which shall at all  
22 times be kept in good working condition.

23 "(2) Suitable covers of sheet iron or equivalent  
24 covers, at least one fourth of an inch thick, or its  
25 equivalent, and hinged to open upward.

1           "(3) Bars or rings in sufficient numbers and so  
2 located that every person permitted on the cage will have a  
3 secure handhold.

4           "(4) Bridle chains attached to the main hoisting  
5 rope above the socket, from the top crosspiece of the carriage  
6 or cage, so that no single chain may be used for lowering or  
7 hoisting persons.

8           "(5) Automatic self-detaching hooks, unless the  
9 hoisting engine be equipped with automatic stopping device,  
10 effective to prevent overwinding.

11           "(6) Secure floor or platform that will not tip or  
12 dump or effective locking device to prevent tipping or  
13 dumping, kept locked whenever ~~men~~ persons or supplies are  
14 being lowered or hoisted.

15           "(7) Floor adequate to carry the load and  
16 constructed so that it will be impossible for a person's foot  
17 or body to enter any opening in the floor.

18           "(8) Enclosed sides and gates, safety chains or bars  
19 across the ends of the cage.

20           "(9) Daily inspection and a written record kept. A  
21 test of safety catches and of rope attachments shall be made  
22 on each inspection by the division in a manner approved by the  
23 chief, and results shall be noted in the report of inspection.

24           "(d) Hoist engines shall have the following safety  
25 features:

1           "(1) Adequate brakes capable of stopping and holding  
2 the fully loaded unbalanced cage or trip at any point in the  
3 shaft, slope, or on the incline.

4           "(2) An accurate and reliable indicator showing the  
5 position of the cage or trip shall be placed in clear view of  
6 the engineer.

7           "(3) When ~~men~~ persons are being lowered or hoisted,  
8 the maximum speed shall not exceed 900 feet per minute.

9           "(4) One round trip shall be made not more than  
10 one-half hour before hoisting or lowering ~~men~~ persons. Chainer  
11 may ride this check trip in slope hoisting.

12           "(5) Inspected daily by a designated competent  
13 person and a record made of inspections.

14           "(e) Hoist ropes shall have the following safety  
15 features:

16           "(1) Adequate size to handle the load and a proper  
17 factor of safety as defined in the American Standards  
18 Association wire rope standards, and shall be replaced when  
19 use becomes dangerous as determined by inspection.

20           "(2) The rope shall have at least three full turns  
21 on the drum when extended to its maximum working length and  
22 shall make at least one full turn on the drum shaft or around  
23 the spoke of the drum (in case of a free drum) and be fastened  
24 securely by means of clamps or other means approved by the  
25 chief of the division.

1           "(3) The hoisting rope shall be fastened to its load  
2 by a zinc-filled socket, thimbles, and clamps or other means  
3 approved by the chief of the division.

4           "(4) Ropes shall be examined daily by a competent  
5 person and replaced when necessary. A record shall be made of  
6 all inspections showing condition of ropes and fastenings.  
7 Hoist ropes in shafts shall be kept well lubricated.

8           "(f) Hoist shafts shall have the following features:

9           "(1) All landings shall be kept clear and free from  
10 loose materials, and shall be securely fenced with automatic  
11 or other gates to prevent ~~men~~ persons or materials from  
12 falling into the shaft.

13           "(2) At the bottom of each hoisting shaft and at all  
14 intermediate landings, a "run-around" shall be provided for  
15 safe passage from one side of the shaft to the other so that  
16 ~~men or animals~~ persons are not required to pass under or  
17 across the cage. This passageway shall not be less than five  
18 feet in height and three feet in width.

19           "(3) Positive stop blocks or derails shall be placed  
20 near all shaft landings.

21           "(4) An attendant shall be on duty at the surface  
22 when ~~men~~ persons are being hoisted or lowered at the beginning  
23 and end of each operating shift and when ~~men~~ persons are  
24 working in the shaft. ~~Where automatic elevators or cages are~~  
25 ~~used, no attendants shall be required at the elevator or cage~~  
26 ~~stations.~~

1           "(5) Persons engaged in deepening a shaft in which  
2 hoisting from an upper level is going on shall be protected  
3 from the danger of falling material by a suitable covering  
4 extending over the whole area of the shaft, sufficient  
5 openings being left in the covering for the passage of ~~men~~  
6 persons or a bucket or other conveyance used in the sinking  
7 operations. No hoisting shall be done in any compartment of a  
8 shaft while repairs are being made in that compartment, except  
9 such hoisting as is necessary in order to make such repairs.

10           "(g) No person shall ride upon a cage, elevator,  
11 skip, or bucket that is loaded with tools, timber, powder,  
12 coal rock, or other material except as follows:

13           "(1) When tools and supplies are required for  
14 repairs to the shaft, or when a rider is required to assist in  
15 passing materials through a shaft or incline. In those cases a  
16 special signal must be used and extra care exercised by the  
17 hoist engineer.

18           "(2) When hand tools or small amounts of supplies  
19 are carried by ~~workmen~~ workers in one hand, leaving the other  
20 free to hold onto the bar or ring provided.

21           "(h) When tools, timber, or other materials are  
22 loaded so that their ends project above, they shall be  
23 securely fastened to the hoisting rope or to the upper part of  
24 the cage, skip, or bucket.

25           "(i) No coal or rock shall be hoisted in any shaft  
26 while ~~men~~ persons are being lowered.



1           "(j) No person shall ride on a cage containing a  
2 loaded car or on a single deck cage with an empty car.

3           "(k) When a bucket is used for hoisting, safety  
4 hooks must be used and adequate means must be employed to  
5 control the bucket against spinning or excessive swinging.

6           "~~(l) No driver or other person shall be permitted to  
7 descend or ascend a shaft with any horse or mule, unless the  
8 said horse or mule is secured in a suitable box or safely  
9 penned, and only the driver in charge of said horse or mule  
10 and such assistants as he may need shall accompany it in any  
11 case.~~

12           "~~(m)~~ (l) Workmen Workers repairing shafts or tipples  
13 shall use safety belts when they are exposed to hazards of  
14 falls.

15           "\$25-9-216.

16           "(a) Man-trips shall be operated at safe speeds  
17 consistent with the condition of roads and type of equipment  
18 used, but not to exceed 12 miles an hour in mine cars or 15  
19 miles an hour when special, substantially covered man-trip  
20 cars are used.

21           "(b) Each man-trip shall be under the charge of a  
22 responsible person and it shall be operated independently of  
23 any loaded trip of coal or other material.

24           "(c) Cars on the man-trip shall not be overloaded  
25 and sufficient cars in good mechanical condition shall be  
26 provided.

1           "(d) No person shall ride under the trolley wire  
2 unless suitably covered man-cars are used.

3           "(e) No material or tools shall be transported in  
4 the same mine car with ~~men~~ persons and all persons shall ride  
5 inside of man-trip cars, except the motorman and brakeman or  
6 person in charge of the man-trip. Where compartmented ~~man~~  
7 person-cars are used, tools or supplies, other than  
8 explosives, secured so that they cannot cause injury to ~~men~~  
9 persons in other compartments, may be transported in a  
10 compartment designated for that purpose.

11           "(f) ~~Men~~ Persons shall not load or unload before the  
12 cars in which they are to ride or are riding come to a full  
13 stop and ~~men~~ persons shall proceed in an orderly manner to and  
14 from ~~man~~ person-trips.

15           "(g) A waiting station shall be provided where ~~men~~  
16 persons are required to wait for ~~man~~ person-trips or ~~man~~  
17 person-cages. At places where ~~men~~ persons enter or leave ~~man~~  
18 person-trip conveyances, ample clearance shall be provided and  
19 provisions made to prevent persons from coming into contact  
20 with energized electric circuits. Adequate seating facilities  
21 shall be provided.

22           "(h) Where hoists are used for handling ~~men~~ persons  
23 in underground slopes, in pitching beds or on slopes between  
24 two or more beds, the provision as to ~~mantrips~~ person-trips  
25 applies and special care shall be exercised to insure that  
26 cars do not break loose while being hoisted or lowered.

1           "(i) Where belts are used for transporting ~~men~~  
2 persons, a minimum clearance of 18 inches shall be maintained  
3 between the belt and the roof or crossbars, projecting  
4 equipment, cap pieces, overhead cables, wiring, and other  
5 objects, but where the height of the coal bed permits, the  
6 clearance shall not be less than 24 inches.

7           "(j) The belt speed shall not exceed 300 feet a  
8 minute when vertical clearance is less than 24 inches and  
9 shall not exceed 350 feet a minute where clearance is more  
10 than 24 inches while ~~men~~ persons are being transported. Belt  
11 conveyors shall be stopped while ~~men~~ persons are loading or  
12 unloading.

13           "(k) The space between ~~men~~ persons riding on a belt  
14 line shall be not less than five feet.

15           "(l) Loading and unloading stations shall be  
16 illuminated properly.

17           "(m) An official or some other person designated by  
18 the mine foreman shall supervise the man-trip loading and  
19 unloading of belts.

20           "Transportation shall be provided at all times  
21 within 1,000 feet of each working section or any section or  
22 area where persons are assigned to work with the seating  
23 capacity sufficient to transport all persons out of the mine  
24 safely.

25           "§25-9-273.

26           "(a) Inspection. Prior to each shift, an inspection  
27 shall be conducted for hazardous conditions at surface mines

1 and the inspection results shall be made in writing. Shovels  
2 and draglines shall be inspected at the beginning of each  
3 shift, and such inspection shall include all mechanical  
4 equipment. Electrical equipment shall be regularly inspected  
5 by a qualified person.

6 "(b) Maintenance. Where mechanical shovels and  
7 draglines are used at night, all lights shall be inspected  
8 before darkness, defective globes replaced, and defective  
9 wiring repaired.

10 "(c) Oiling. Mechanical equipment on shovels and  
11 draglines shall not be cleaned or oiled while in motion,  
12 except where so designed or modified as to make lubrication  
13 while in motion safe.

14 "(d) Steps, etc. All steps, handrails, grab irons,  
15 and floors shall be kept free from grease and extraneous  
16 material.

17 "(e) Unauthorized person. No unauthorized person  
18 shall be allowed on any power shovel or dragline.

19 "(f) Passage of persons. No person shall pass under  
20 the boom or bucket of a shovel or dragline while in operation.

21 "(g) Warning. The operator of a shovel or dragline  
22 shall sound a warning prior to placing the machine in  
23 operation.

24 "(h) Pre-shift Examinations. Pre-shift examinations  
25 shall be made for hazardous conditions at surface mines.

26 "(1) Required pre-shift examinations for hazardous  
27 conditions at surface mines must be recorded in writing.

1                   "(2) Pre-operational checks, recorded in writing,  
2 shall be required for all surface mines.

3                   "\$25-9-276.

4                   "(a) (1) "Blasting agent," as used in this article,  
5 means any material consisting of a mixture of fuel and  
6 oxidizer which:

7                   "a. Is used or intended for use in blasting;

8                   "b. Is not classed as an explosive by the State  
9 Department of Transportation;

10                  "c. Contains no ingredients classed as an explosive  
11 by the State Department of Transportation; and

12                  "d. Cannot be detonated by a No. 8 blasting cap when  
13 tested as recommended in Bureau of Mines information circular  
14 8179.

15                  "(2) The term "explosives," as used in this article,  
16 includes blasting agents, unless blasting agents are expressly  
17 excluded.

18                  "(b) Main explosive storage magazines shall be  
19 located outside of the pit and shall comply with Section  
20 25-9-131. Blasting agents shall be stored in the manner  
21 prescribed by Part 181, Title 26, Code of Federal Regulations,  
22 U.S. Department of the Treasury, and administered by the  
23 Internal Revenue Service.

24                  "(c) Explosives, excluding blasting agents,  
25 transported in motor trucks or other conveyances shall be  
26 transported in their original containers, and the motor  
27 trucks, vehicles, and other conveyances shall be so

1 constructed that the explosives will be protected against  
2 shock and friction and the containers against contact with any  
3 exposed metal. Motor trucks, vehicles, or conveyances  
4 transporting explosives shall be plainly marked or placarded  
5 on both sides and the rear with the words "Explosives -  
6 Dangerous" in letters not less than three inches high.

7 "(d) Motor trucks, vehicles, or other conveyances  
8 transporting explosives shall ~~be~~ be handled in a safe and  
9 careful manner, and no person while smoking or under the  
10 influence of intoxicating liquor shall ride upon, drive, load,  
11 or unload a vehicle carrying explosives.

12 "(e) No person other than those authorized to  
13 transport, load, or unload motor trucks, vehicles, or other  
14 conveyances carrying explosives shall ride with any load of  
15 explosives.

16 "(f) No tools, other than for truck repairs,  
17 detonators, matches, or other flame producing materials shall  
18 be carried in any motor truck, vehicle, or other conveyance  
19 transporting explosives unless adequately protected against  
20 sparking.

21 "(g) Explosives, excluding blasting agents, shall  
22 not be transported in any form of trailer nor shall any  
23 trailer be attached to a motor truck, vehicle, or other  
24 conveyance hauling explosives.

25 "(h) All detonators shall be transported into the  
26 pit in the original containers or in suitable containers

1 provided for the express purpose of transporting detonators or  
2 electric detonators.

3 "(i) Persons engaged in transporting explosives,  
4 charging drill holes, or handling explosives for any purpose  
5 shall not be permitted to smoke or to use or carry any open  
6 flame.

7 "(j) Where explosives are transported by hand, the  
8 explosives shall be carried in the original or a suitable  
9 container and capped fuse or electric detonators shall be  
10 carried separately in a separate container.

11 "(k) All provisions in this section shall comply  
12 with federal regulations prescribed by the Bureau of Alcohol,  
13 Tobacco, and Firearms administered by the U.S. Department of  
14 Justice and U.S. Department of the Treasury.

15 "\$25-9-277.

16 "(a) Only designated persons shall cut, cap, and  
17 issue ~~capped fuses~~ and explosives.

18 ~~"(b) When cutting fuse, it shall be cut square~~  
19 ~~across with a sharp clean instrument and the cap crimper used~~  
20 ~~shall be of a type recommended by explosive manufacturers. A~~  
21 ~~bench type crimper is recommended.~~

22 ~~"(c) (b)~~ No explosives container shall be opened  
23 with any metallic instrument.

24 ~~"(d) (c)~~ No person shall remove any explosives from  
25 a pit magazine without permission of the pit superintendent,  
26 foreman, or a person designated by the operator.

1           ~~"(e) Capped fuse or electric~~ (d) Electric detonators  
2 shall not be stored within 50 feet of other explosives, power  
3 lines, cables, or other electrical conductors.

4           ~~"(f) (e)~~ Oils or other combustible substances shall  
5 not be stored within 50 feet of any explosives.

6           ~~"(g) (f)~~ Detonators shall not be removed from  
7 containers except ~~as they are used for capping fuses or,~~ in  
8 the case of electric detonators, as they are used in preparing  
9 primers, except when placed in other containers as recommended  
10 by manufacturers.

11           ~~"(h) Fuse shall not be cut and capped nearer than 50~~  
12 ~~feet to any explosives magazine.~~

13           ~~"(i) (g)~~ Paper, sawdust, wooden boxes, or cartons  
14 shall be placed at a safe distance from any magazine, and each  
15 day's accumulation shall be removed at the end of the shift.

16           ~~"(j) Fuse shall be cut long enough to extend beyond~~  
17 ~~the collar of a loaded drill hole, and in no case shall it be~~  
18 ~~less than four feet in length.~~

19           ~~"(k) (h)~~ Small supplies of explosives or detonators  
20 stored in a pit shall be stored in magazines constructed in  
21 accordance with the specifications set forth in Section  
22 25-9-131. In no case shall more than 200 pounds of explosives  
23 be stored at one time in such magazine.

24           ~~"(l) (i)~~ Magazines located in the pit should not be  
25 nearer than those standards set forth in the American Table of  
26 Distances for Storage of Explosives, a publication of the  
27 Institute of Makers of Explosives.



1           ~~"(m) No fuse shall be used that burns faster than~~  
2           ~~one foot in 30 seconds or slower than one foot in 55 seconds~~  
3           ~~according to the manufacturer's rating.~~

4           ~~"(n) In capping fuse, at least one inch shall be cut~~  
5           ~~from the end of each coil or roll of fuse used.~~

6           "(j) All provisions in this section shall comply  
7           with federal regulations prescribed by the Bureau of Alcohol,  
8           Tobacco, and Firearms administered by the U.S. Department of  
9           Justice and U.S. Department of the Treasury.

10           "\$25-9-278.

11           "(a) All blasting shall be done in a safe manner  
12           after all persons have been removed to a safe place.

13           "(b) All blasting should be done electrically ~~or~~  
14           ~~with detonating fuse.~~

15           "(c) Primers shall be made up near the working place  
16           by competent persons experienced in handling explosives.  
17           Competent persons shall also load, assist in loading, or  
18           supervise the loading or charging of drill holes.

19           "(d) Primers shall be prepared in accordance with  
20           safety standards of the Institute of Makers of Explosives or  
21           of the manufacturer of the explosives as approved by the  
22           chief. Holes made in the primer cartridge for the purpose of  
23           inserting the detonator shall be made with a wooden or other  
24           nonsparking implement.

25           "(e) In tamping holes, only a wooden tamping bar or  
26           other nonsparking tamping bar shall be used. Before charging  
27           drill holes, except well holes, they shall be thoroughly

1 cleaned. Explosives shall not be violently tamped in the drill  
2 hole but may be firmly charged; except, that undue pressure  
3 shall not be used against the primer cartridge when placing it  
4 in a drill hole. The primer cartridge shall not be slit.

5 "(f) When a drill hole has been charged with  
6 explosives, it shall be filled to the collar with stemming  
7 material, as nearly free from rock as practical. The stemming  
8 material should be well tamped.

9 "(g) No loading operations shall be carried on in  
10 working places where rock falling from the face or rolling  
11 rock is likely to endanger the loading operations. Working  
12 places shall be made safe for loading operations before  
13 loading is begun.

14 ~~"(h) Fuse igniters of the "hot wire" type or punk or  
15 their equivalent shall be used for igniting safety fuse.~~

16 ~~"(i) (h)~~ The number of detonations shall be counted  
17 as far as possible. Misfires shall be reported to the  
18 authorized person responsible for blasting, and no person  
19 shall return to the vicinity of the suspected misfire ~~until 30~~  
20 ~~minutes have elapsed in the case of fuse blasting and until 15~~  
21 minutes have elapsed in the case of electrical blasting. No  
22 regular pit operations shall be conducted in the area where an  
23 unexpected detonation of a misfired hole shall endanger  
24 employees. Misfires, except in the case of vertical holes,  
25 shall be reblasted by inserting a new primer in the drill  
26 hole. In such case, stemming or tamping material may be washed

1 from the drill hole with water before inserting the new  
2 primer.

3 ~~"(j)~~ (i) In case of misfire in a vertical hole, if  
4 it is not possible or safe to insert a new primer, a new hole  
5 may be drilled under the personal supervision of the person  
6 responsible for blasting, and such hole shall be started not  
7 less than two feet from the original drill hole and shall be  
8 drilled at such an angle as to eliminate all danger of meeting  
9 or coming closer than two feet of the original drill hole. In  
10 the case of sprung holes, the new drill hole shall be placed  
11 and carried at such an angle that there will be no possibility  
12 of its meeting any part of the misfire charge; provided, that  
13 in case of a misfired vertical drilled hole, it shall not be  
14 disturbed, nor any attempt made to fire it, without permission  
15 of the superintendent or person responsible for blasting.

16 ~~"(k)~~ (j) "Bootlegs" or "guns," if the bottom of the  
17 hole cannot be seen, shall be washed out with water or cleaned  
18 with a wooden stick whether or not explosives remain in them.  
19 If explosives are found in such "bootleg" or "gun," the hole  
20 shall be treated as a misfired shot. All persons working in an  
21 area where explosives are found in the muck pile shall be  
22 alerted, and caution shall be exercised in recovering such  
23 explosives. Such recovered explosive shall be removed and  
24 later destroyed following procedure recommended by the  
25 explosive manufacturers. Any leftover explosive, ~~capped fuse,~~  
26 or detonators remaining after loading the drill holes shall be

1 returned to the storage magazine after loading operations have  
2 been completed.

3 "(l) Oversize rock material set aside for blasting  
4 shall be examined to determine whether or not any unexploded  
5 powder remained in such rock or boulder. The person  
6 responsible for blasting shall determine whether or not rocks  
7 or boulders set aside for blasting are safe to drill.

8 "(m) Boulders which must be broken by blasting shall  
9 be block holed. "Adobe," "plaster," or "mud-capped" shots  
10 shall be prohibited, except, that such shots may be permitted  
11 where no means of drilling such boulders is available;  
12 provided, that they shall then be fired under supervision of  
13 the person responsible for blasting.

14 "(n) Where drill holes are sprung, the temperature  
15 of the chamber shall be determined before placing the final  
16 charge, and no hole shall be loaded with the final charge  
17 until the chamber has been cooled to 80 degrees Fahrenheit. No  
18 drill holes shall be sprung when adjacent to a loaded sprung  
19 hole.

20 "(o) Cartridges shall not be forced into drill  
21 holes. Cartridges shall be placed in drill holes in the  
22 original wrapper.

23 "(p) Where detonators are used, nothing less than  
24 No. 6 detonators or electric detonators shall be used to  
25 explode charges. Electric detonators from different  
26 manufacturers shall not be used in the same shot.

1           ~~"(q) One person shall not be allowed to light more~~  
2 ~~than 10 fuses at one time.~~

3           "(q) All provisions in this section shall comply  
4 with federal regulations prescribed by the Bureau of Alcohol,  
5 Tobacco, and Firearms administered by the U.S. Department of  
6 Justice and U.S. Department of the Treasury.

7           "\$25-9-279.

8           "(a) When loading or charging blast holes with  
9 electric detonators, all electric power within an unsafe  
10 distance of the place to be blasted shall be deenergized.

11           "(b) Electric blasting with blasting machines or  
12 special circuit is permissible. With blasting machines,  
13 connections shall be made in series or in a combination  
14 connection recommended by the manufacturer. With power  
15 currents, connections shall be made in series, parallel, or a  
16 combination of the two.

17           "(c) When blasting is by means of a special blasting  
18 circuit, no one shall enter the place in which the blasting  
19 has been done until the permanent blasting wires have been  
20 disconnected from the source of electrical energy and the  
21 blasting switch has been locked in the open position.

22           "(d) The person responsible for blasting shall be in  
23 charge of the blasting machine when it is in the pit. No other  
24 person shall connect the blasting machine to the leading  
25 wires, and such connection shall not be made until the area  
26 has been made safe preparatory to the firing. An audible  
27 warning shall be sounded prior to the blasting.

1           "(e) Electric current from power circuits shall not  
2 be used for firing shots in a pit except when the electric  
3 connections to power circuits are made within the enclosed  
4 switch box described in these rules.

5           "(f) Permanent blasting lines shall be kept well in  
6 the clear from all power circuits and from all pipes, rails,  
7 etc., and shall be run or strung at least 20 feet away from  
8 all power circuits.

9           "(g) Grounded circuits or systems shall not be used  
10 for electrical blasting.

11           "(h) Permanent blasting lines, safety switches, and  
12 blasting switches shall be maintained by a competent  
13 electrician or other competent and experienced person.

14           "(i) Leading wires from portable generating blasting  
15 devices or approved type batteries shall be not less than  
16 those recommended by the Institute of Makers of Explosives.

17           "(j) Permanent blasting wires shall be so installed  
18 and maintained that they provide the current capacity required  
19 by the electrical firing device. All such wires shall be in  
20 conduit, shall consist of type "S" cable or equivalent or  
21 shall consist of two rubber covered wires strung on glass  
22 insulators or porcelain knobs. If rubber covered wires are  
23 used, they shall be kept at least five inches apart.

24           "(k) Connecting wires shall be not less than those  
25 recommended by the Institute of Makers of Explosives.

26           "(l) At the location where the shot firing is to be  
27 controlled, there shall be installed a suitable blasting

1 circuit enclosed externally operated pole switch with the  
2 handle or lever arranged to be locked in the "off" position  
3 only.

4 "(m) Where the blasting lines run to a single face  
5 to be blasted, a "safety" switch of the same type as required  
6 for the blasting switch shall be installed between the switch  
7 and the face. This switch shall be installed in a safe  
8 location guarded from flying rock.

9 "(n) Where a single blasting switch is used for  
10 several blasting circuits, a safety switch shall be installed  
11 in each circuit immediately adjacent to the blasting switch.  
12 In addition, a second safety switch shall be installed in the  
13 circuit adjacent to the area to be blasted.

14 "(o) A blasting galvanometer or circuit tester  
15 especially designed for blasting work shall be used for  
16 testing.

17 "(p) Leg wires of electric detonators shall be kept  
18 short circuited by means of a short-circuiting device or by  
19 twisting the ends of the leg wires together, except that the  
20 short-circuiting devices may be removed temporarily for the  
21 purpose of testing detonators with the galvanometer.

22 "(q) Before connecting the temporary wires to the  
23 leg wires or bus wires, the ends of the temporary wires that  
24 are to be connected to the safety switch shall be "shorted" by  
25 being twisted together. The ~~man~~ person making or supervising  
26 the connection at the face must have the "shorted" ends of the  
27 temporary wires in his or her possession, and, after making

1 the connections at the face, he or she shall run the temporary  
2 wires to the safety switch. He or she shall never attach the  
3 temporary wires to the safety switch before attaching them to  
4 the leg wires or bus wires.

5 "(r) At the safety switch, ~~said man~~ the person shall  
6 untwist the temporary wires, unlock the safety switch, attach  
7 the temporary wires to the safety switch and then place the  
8 safety switch in the "on" position. He or she shall then  
9 proceed or signal to a designated person at the blasting  
10 switch, and he or she or such designated person shall unlock  
11 the blasting switch, throw it in the "on" position to fire the  
12 shot, then immediately return the blasting switch to the "off"  
13 position and lock it in that position. After blasting, no one  
14 shall go nearer the face that has been blasted than the safety  
15 switch until the safety switch has been opened, the temporary  
16 wires disconnected, and the safety switch locked in the "off"  
17 position.

18 "(s) Loading and charging of blasting holes shall  
19 cease upon the approach of an electrical storm and shall not  
20 resume until conditions are safe. All persons shall be removed  
21 a safe distance from the charged area until conditions are  
22 safe.

23 "(t) The minimum necessary number of persons shall  
24 be at the loading places when making the blasting connections.  
25 All other persons shall be a safe distance away from the  
26 loading place when blasting connections are made.



1                   "(u) All provisions in this section shall comply  
2 with federal regulations prescribed by the Bureau of Alcohol,  
3 Tobacco, and Firearms administered by the U.S. Department of  
4 Justice and U.S. Department of the Treasury.

5                   "\$25-9-280.

6                   "(a) Explosives, excluding blasting agents, must be  
7 unloaded in a safe manner and at a safe distance from the  
8 blasting place.

9                   "(b) If several boxes of explosives, except blasting  
10 agents, are deposited near the blasting circuit, the boxes  
11 shall be stacked in an orderly manner and protected from the  
12 sun by means of canvas or similar material so placed as to  
13 allow free circulation of air under the canvas and around the  
14 stacked boxes.

15                   "(c) Where blasting is carried on in dangerous  
16 proximity to public thoroughfares, such thoroughfares shall be  
17 blocked off previous to blasting or guards shall be stationed  
18 at each end of the endangered portion of such thoroughfare and  
19 all traffic shall be halted, with no person or vehicle allowed  
20 within the danger zone. Guards shall be provided with a metal  
21 sign having the words "Stop - Blasting" plainly printed  
22 thereon and shall also use a red flag for warning purposes.

23                   "(d) Packages containing explosives shall not be  
24 handled roughly, shall not be slid across floors, rocks, or  
25 other packages of explosives and shall not be thrown or  
26 dropped. Frozen explosives shall not be thawed or used but  
27 must be destroyed.

1           "(e) All provisions in this section shall comply  
2 with federal regulations prescribed by the Bureau of Alcohol,  
3 Tobacco, and Firearms administered by the U.S. Department of  
4 Justice and U.S. Department of the Treasury.

5           "\$25-9-282.

6           "~~(a) At or near every pit there shall be adequate~~  
7 ~~approved first aid materials as follows: One stretcher and one~~  
8 ~~broken-back board, or, if a splint stretcher combination is~~  
9 ~~used, it will satisfy both the stretcher and broken-back board~~  
10 ~~requirement; 24 triangular bandages (15, if a splint-stretcher~~  
11 ~~combination is used); eight four-inch bandage compresses; an~~  
12 ~~adequate approved burn remedy; two cloth blankets; one rubber~~  
13 ~~blanket or equivalent substitute; two tourniquets; one~~  
14 ~~one-ounce bottle of aromatic spirits of ammonia and one dozen~~  
15 ~~ammonia ampules; and necessary complements of arm and leg~~  
16 ~~splints or two each inflatable plastic arm and leg splints.~~  
17 ~~All such supplies shall be kept at each location designated~~  
18 ~~and shall be accessible to the miners. First aid materials~~  
19 ~~shall be kept in a sanitary and usable condition. The cloth~~  
20 ~~and waterproof blankets shall be kept in a moisture and~~  
21 ~~dustproof container. A portable first aid kit shall be kept as~~  
22 ~~near the working place as feasible. At or near every pit there~~  
23 ~~shall be adequate first aid materials approved by the chief.~~  
24 All such supplies shall be kept in a sanitary and usable  
25 condition. A portable first aid kit shall be kept as near the  
26 working place as feasible.

1           "(b) Adequate and suitable first aid equipment shall  
2 be kept at or near every pit and placed at some convenient  
3 location about the pit for use only in caring for persons  
4 needing first aid attention.

5           "~~(c) Selected personnel at each surface mining~~  
6 ~~operation shall be trained in first aid methods.~~ Selected  
7 personnel trained in advanced emergency medical training in  
8 procedures approved by the chief shall be present at each  
9 surface mining operation on all shifts.

10           "(d) An updated first aid materials list approved by  
11 the chief shall be posted at or near every pit for employee  
12 review.

13           "\$25-9-360.

14           "(a) If, upon any inspection of a coal mine, an  
15 authorized representative of the director finds that an  
16 imminent danger exists, the representative shall determine the  
17 area throughout which the danger exists, and shall immediately  
18 issue an order requiring the operator of the mine or the  
19 operator's agent to cause immediately all persons, except  
20 those referred to in subdivisions (1), (2), (3), and (4), of  
21 subsection (e), to be withdrawn from and to be prohibited from  
22 entering the area until an authorized representative of the  
23 director determines that the imminent danger no longer exists.

24           "(b) If, upon any inspection of a coal mine, an  
25 authorized representative of the director finds that there has  
26 been a violation of the law, but the violation has not created  
27 an imminent danger, he or she shall issue a notice to the

1 operator or the operator's agent, fixing a reasonable time for  
2 the abatement of the violation. If, upon the expiration of the  
3 period of time, as originally fixed or subsequently extended,  
4 an authorized representative of the director finds that the  
5 violation has not been totally abated, and if the director  
6 also finds that the period of time should not be further  
7 extended, the director shall find the extent of the area  
8 affected by the violation and shall promptly issue an order  
9 requiring the operator of the mine or the operator's agent to  
10 cause immediately all persons, except those referred to in  
11 subsection (e), to be withdrawn from, and to be prohibited  
12 from entering the area until an authorized representative of  
13 the director determines that the violation has been abated.

14 "(c) If upon any inspection of a coal mine, an  
15 authorized representative of the director finds that an  
16 imminent danger exists in an area of the mine, in addition to  
17 issuing an order pursuant to subsection (a), the director  
18 shall review the compliance record of the mine.

19 "(1) A review of the compliance record conducted in  
20 accordance with this subsection shall, at a minimum, include a  
21 review of the following:

22 "a. Any closure order issued pursuant to subsection  
23 (a).

24 "b. Any closure order issued pursuant to subsection  
25 (b).

1           "c. Any enforcement measures taken pursuant to this  
2 chapter, other than those authorized under subsections (a) and  
3 (b).

4           "d. Any evidence of the operator's lack of good  
5 faith in abating violations at the mine.

6           "e. Any accident, injury, or illness record that  
7 demonstrates a serious safety or health management problem at  
8 the mine.

9           "f. The number of employees at the mine, the size,  
10 layout, and physical features of the mine and the length of  
11 time the mine has been in operation.

12           "(2) If, after review of the mine's compliance  
13 record, the director determines that the mine has a history of  
14 repeated significant and substantial violations of a  
15 particular standard caused by unwarrantable failure to comply  
16 or a history of repeated significant and substantial  
17 violations of standards related to the same hazard caused by  
18 unwarrantable failure to comply and the history or histories  
19 demonstrate the operator's disregard for the health and safety  
20 of miners, the director shall issue a closure order for the  
21 entire mine and shall immediately issue an order requiring the  
22 operator of the mine or the operator's agent to cause  
23 immediately all persons, except those referred to in  
24 subsection (e), to be withdrawn from and to be prohibited from  
25 entering the mine until a thorough inspection of the mine has  
26 been conducted by the office and the director determines that  
27 the operator has abated all violations related to the imminent

1 danger and any violations unearthed in the course of the  
2 inspection.

3 "(d) All employees on the inside and outside of a  
4 mine who are idled as a result of the posting of a withdrawal  
5 order by a mine inspector shall be compensated by the operator  
6 at their regular rates of pay for the period they are idled,  
7 but not more than the balance of the shift. If the order is  
8 not terminated prior to the next working shift, all the  
9 employees on that shift who are idled by the order are  
10 entitled to full compensation by the operator at their regular  
11 rates of pay for the period they are idled, but for not more  
12 than four hours of the shift.

13 "(e) The following persons are not required to be  
14 withdrawn from or prohibited from entering any area of the  
15 coal mine subject to an order issued under this section:

16 "(1) Any person whose presence in the area is  
17 necessary, in the judgment of the operator or an authorized  
18 representative of the director, to eliminate the condition  
19 described in the order.

20 "(2) Any public official whose official duties  
21 require him or her to enter the area.

22 "(3) Any representative of the miners in the mine  
23 whose presence in the area is necessary for the investigation  
24 of the conditions described in the order.

25 "(4) Any consultant to any of the persons set forth  
26 in this subsection.

1           "(f) Notices and orders issued pursuant to this  
2 section shall contain a detailed description of the conditions  
3 or practices which cause and constitute an imminent danger or  
4 a violation of any mandatory health or safety standard and,  
5 where appropriate, a description of the area of the coal mine  
6 from which persons must be withdrawn and prohibited from  
7 entering.

8           "(g) Each notice or order issued under this section  
9 shall be given promptly to the operator of the coal mine or  
10 the operator's agent by an authorized representative of the  
11 director issuing the notice or order, and all the notices and  
12 orders shall be in writing and shall be signed by the  
13 representative and posted on the bulletin board at the mine.

14           "(h) A notice or order issued pursuant to this  
15 section may be modified or terminated by an authorized  
16 representative of the director.

17           "(i) Each finding, order, and notice made under this  
18 section shall promptly be given to the operator of the mine to  
19 which it pertains by the person making the finding, order, or  
20 notice.

21           "(j) Definitions. For the purposes of this section  
22 only, the following terms have the following meanings:

23           "(1) SIGNIFICANT AND SUBSTANTIAL VIOLATION. Has the  
24 same meaning as that established in 6 FMSHRC 1 (1984).

25           "(2) UNWARRANTABLE FAILURE. Aggravated conduct,  
26 constituting more than ordinary negligence, by a mine operator  
27 in relation to a violation of this chapter; and

1           "(k) This subsection and subsections (l) through (z)  
2 shall establish the procedure whereby the Division of Safety  
3 and Inspections of the Department of Industrial Relations  
4 shall assesses civil monetary penalties pursuant to Alabama  
5 law to those persons who violate the state's mine health and  
6 safety laws.

7           "(l) Unless herein defined, all terms used in  
8 subsections (k) through (z) shall have the same meaning as  
9 they are defined in Alabama laws, and the following terms have  
10 the following meanings:

11           "(1) ANNUAL TONNAGE. Tonnage produced in the  
12 previous calendar year, or, in the case of a mine opened or  
13 owned less than one full calendar year, the tonnage thus far  
14 produced multiplied to an annual amount based on months of  
15 operation.

16           "(2) CHIEF. The Chief of the Alabama Division of  
17 Safety and Inspections of the Department of Industrial  
18 Relations.

19           "(3) GOOD FAITH. In the judgment of the inspector,  
20 the operator has demonstrated extraordinary effort above and  
21 beyond that which would normally be expected to abate a  
22 violation.

23           "(4) INDEPENDENT CONTRACTOR. The meaning as defined  
24 at 36 CSR 20.

25           "(5) KNOWING VIOLATION. A violation occurring when:

26           "a. An operator, or a miner for an individual  
27 violation, causes a violative condition or practice by



1 exercising reckless and willful disregard of mandatory health  
2 and safety standards, or recklessly and willfully failed to  
3 correct an unsafe condition or practice which was known to  
4 exist.

5 "b. An operator refuses to comply with any order  
6 issued under Alabama Coal Mine Safety Laws.

7 "c. An operator refuses to comply with any order  
8 issued in a final decision under Alabama Coal Mine Safety  
9 Laws.

10 "(6) MINE HEALTH AND SAFETY LAWS. Alabama Coal Mine  
11 Safety Laws and any rule promulgated thereunder, relating to  
12 health and safety standards.

13 "(m) Civil monetary penalty assessments are  
14 mandatory, and the amount of the civil monetary penalty  
15 assessment shall be determined based upon consideration of the  
16 following five criteria:

17 "(1) Gravity of the violation.

18 "(2) History of previous violations.

19 "(3) Size of the business charged with a violation.

20 "(4) Degree of demonstrated good faith in achieving  
21 compliance after notification of the violation.

22 "(5) Whether the operator was negligent.

23 "(n) The gravity of a violation shall be evaluated  
24 by the inspector or representative of the director, and points  
25 allocated accordingly.

26 "(o) Points shall be allocated in the following four  
27 categories:

1           "(1) Likelihood of an occurrence of an event which  
2 the health and safety laws are intended to prevent.

3           "(2) The severity of the injury which might be  
4 expected to result from such an occurrence.

5           "(3) The number of persons potentially affected by  
6 such an occurrence.

7           "(4) Whether the operator was negligent.

8           "(p) Points shall be allocated in the following  
9 manner:

10           "(1) Likelihood of occurrence:

11           "Unlikely                                 0 points

12           "Reasonably likely                     10 points

13           "Occurred                                 20 points

14           "(2) Severity of injury expected:

15           "None   0 points

16           "No lost work days                       6 points

17           "Lost/restricted work days             11 points

18           "Permanently disabling                15 points

19           "Fatal   20 points

20           "(3) Number of persons potentially affected:

21           "0 persons                                    0 points

22           "1 person                                    1 point

23           "2 persons                                   2 points

24           "3 persons                                   4 points

25           "4 to 5 persons                             6 points

26           "6 to 9 persons                            8 points

27           "More than 9 persons                     10 points



1                    "Over 1.7 to 1.9                    23 points

2                    "Over 1.9 to 2.1                    24 points

3                    "Over 2.1                                25 points

4                    "(s) Points shall be allocated in the following  
5 manner for independent contractors:

6                    "Total number of violations

7                    "1 to 5                                    2 points

8                    "6 to 10                                 5 points

9                    "11 to 15                                8 points

10                   "16 to 20                               11 points

11                   "21 to 25                               14 points

12                   "26 to 30                               17 points

13                   "31 to 35                               20 points

14                   "36 to 40                               22 points

15                   "41 to 45                               23 points

16                   "46 to 50                               24 points

17                   "More than 50                         25 points

18                   "(t) Size of a business charged with a violation  
19 shall be evaluated by the inspector or representative of the  
20 director, and points shall be allocated accordingly. The size  
21 of the mine shall be calculated by considering the annual  
22 tonnage of the mine. Mines which have not submitted tonnage  
23 reports by the dates required by the Alabama Coal Mine Safety  
24 Laws shall be assessed the maximum amount of five points.  
25 Mines submitting tonnage shall be assessed as follows:

26                   "Size of business (annual tonnage)

1	<u>"0 - 100,000 tons</u>	<u>1</u>
2	<u>point</u>	
3	<u>"100,001 - 500,000 tons</u>	<u>2 points</u>
4	<u>"500,001 - 1,000,000 tons</u>	<u>3 points</u>
5	<u>"1,000,001 - 2,000,000 tons</u>	<u>4 points</u>
6	<u>"Over 2,000,000 tons</u>	<u>5 points</u>

7 "(u) The points allocated in the manner set forth in  
8 subsections (n), (o), (p), (q), (r), (s), and (t) shall be  
9 totaled, and the total number converted to a dollar amount as  
10 set out in the table in subsection (t).

11 "(v) Demonstrated good faith by the operator in  
12 achieving compliance after notification of violation shall be  
13 evaluated by the inspector or representative of the director,  
14 and the total dollar amount of the penalty may be modified  
15 accordingly as follows:

16 "(1) If the operator fails to abate a violation  
17 within the time prescribed, and there are, in the opinion of  
18 the inspector or representative of the director, extenuating  
19 circumstances beyond the operator's control which prevent the  
20 abatement of the violation within such time, the amount of the  
21 assessment will not be affected.

22 "(2) If the operator fails to abate the violation  
23 within the prescribed time, and an order is issued pursuant to  
24 Alabama Coal Mine Safety Laws, the total dollar amount of the  
25 assessment will be increased by 15 percent.

26 "(3) If the operator was already working to correct  
27 the violation when discovered, or, in the judgment of the

1 inspector, the operator has demonstrated extraordinary effort  
2 above and beyond that which would normally be expected to  
3 abate the violation, the total dollar amount of the assessment  
4 will be decreased by 15 percent, if the original assessment is  
5 greater than sixty dollars (\$60).

6 "(w) In addition to any monetary assessment  
7 determined under this section, any operator issued a knowing  
8 violation shall be assessed one knowing point for every 20  
9 civil penalty points accrued. Knowing points are converted to  
10 a monetary amount, as per the following table:

11 "(1) Knowing Civil Penalty Conversion Table

12 "Civil Penalty Points Knowing Points Penalty

13 "0-20 1 \$1,000

14 "21-40 2 \$2,000

15 "41-60 3 \$3,000

16 "61-80 4 \$4,000

17 "81-100 5 \$5,000

18 "In addition to any assessment determined under this  
19 section, a subsequent knowing violation, issued to the same  
20 operator at the same operation during the same inspection  
21 within the same quarter, shall result in the assessment of two  
22 knowing points for every 20 civil penalty points accrued.  
23 Subsequent knowing points are converted to a monetary amount  
24 as per the following table:

25 "(2) Subsequent Knowing Civil Penalty Conversion  
26 Table

27 "Civil Penalty Points Knowing Points Penalty

1	<u>"0-20</u>	<u>2</u>	<u>\$2,000</u>
2	<u>"21-40</u>	<u>4</u>	<u>\$4,000</u>
3	<u>"41-60</u>	<u>6</u>	<u>\$6,000</u>
4	<u>"61-80</u>	<u>8</u>	<u>\$8,000</u>
5	<u>"81-100</u>	<u>10</u>	<u>\$10,000</u>

6 "(x) Table 1

7 "Civil Penalty Point Conversion Table for Operators

8 Points Penalty (\$) Points Penalty (\$)

9	<u>"0 - 15</u>	<u>60.00</u>
10	<u>"16 - 31</u>	<u>96.00</u>
11	<u>"32</u>	<u>100.00</u>
12	<u>"33</u>	<u>104.00</u>
13	<u>"34</u>	<u>108.00</u>
14	<u>"35</u>	<u>114.00</u>
15	<u>"36</u>	<u>120.00</u>
16	<u>"37</u>	<u>126.00</u>
17	<u>"38</u>	<u>132.00</u>
18	<u>"39</u>	<u>138.00</u>
19	<u>"40</u>	<u>144.00</u>
20	<u>"41</u>	<u>152.00</u>
21	<u>"42</u>	<u>160.00</u>
22	<u>"43</u>	<u>168.00</u>
23	<u>"44</u>	<u>176.00</u>
24	<u>"45</u>	<u>184.00</u>
25	<u>"46</u>	<u>194.00</u>
26	<u>"47</u>	<u>204.00</u>
27	<u>"48</u>	<u>214.00</u>

1	<u>"49</u>	<u>224.00</u>
2	<u>"50</u>	<u>234.00</u>
3	<u>"51</u>	<u>246.00</u>
4	<u>"52</u>	<u>256.00</u>
5	<u>"53</u>	<u>266.00</u>
6	<u>"54</u>	<u>276.00</u>
7	<u>"55</u>	<u>286.00</u>
8	<u>"56</u>	<u>300.00</u>
9	<u>"57</u>	<u>318.00</u>
10	<u>"58</u>	<u>336.00</u>
11	<u>"59</u>	<u>354.00</u>
12	<u>"60</u>	<u>372.00</u>
13	<u>"61</u>	<u>392.00</u>
14	<u>"62</u>	<u>412.00</u>
15	<u>"63</u>	<u>434.00</u>
16	<u>"64</u>	<u>456.00</u>
17	<u>"65</u>	<u>480.00</u>
18	<u>"66</u>	<u>504.00</u>
19	<u>"67</u>	<u>528.00</u>
20	<u>"68</u>	<u>556.00</u>
21	<u>"69</u>	<u>576.00</u>
22	<u>"70</u>	<u>600.00</u>
23	<u>"71</u>	<u>630.00</u>
24	<u>"72</u>	<u>660.00</u>
25	<u>"73</u>	<u>690.00</u>
26	<u>"74</u>	<u>800.00</u>
27	<u>"75</u>	<u>1000.00</u>



1	<u>"76</u>	<u>1080.00</u>
2	<u>"77</u>	<u>1160.00</u>
3	<u>"78</u>	<u>1240.00</u>
4	<u>"79</u>	<u>1320.00</u>
5	<u>"80</u>	<u>1400.00</u>
6	<u>"81</u>	<u>1480.00</u>
7	<u>"82</u>	<u>1560.00</u>
8	<u>"83</u>	<u>1640.00</u>
9	<u>"84</u>	<u>1720.00</u>
10	<u>"85</u>	<u>1800.00</u>
11	<u>"86</u>	<u>1880.00</u>
12	<u>"87</u>	<u>1960.00</u>
13	<u>"88</u>	<u>2040.00</u>
14	<u>"89</u>	<u>2120.00</u>
15	<u>"90</u>	<u>2200.00</u>
16	<u>"91</u>	<u>2280.00</u>
17	<u>"92</u>	<u>2360.00</u>
18	<u>"93</u>	<u>2440.00</u>
19	<u>"94</u>	<u>2520.00</u>
20	<u>"95</u>	<u>2600.00</u>
21	<u>"96</u>	<u>2680.00</u>
22	<u>"97</u>	<u>2760.00</u>
23	<u>"98</u>	<u>2840.00</u>
24	<u>"99</u>	<u>2920.00</u>
25	<u>"100</u>	<u>3000.00</u>

26           ~~"(a)~~ (y) Whenever any equipment or supplies required  
27 by this chapter, including rock-dusting machines, and

1 permissible electric equipment are unobtainable, compliance  
2 with the requirements of this chapter with respect thereto is  
3 suspended to the extent that such items remain unobtainable  
4 until they are obtainable. Due allowance shall also be made  
5 for planning, institution of change procedures, and  
6 installation of new equipment.

7 ~~"(b)~~ (z) Compliance with the requirements of this  
8 chapter shall be started promptly and prosecuted diligently  
9 until the provisions of the chapter have been fulfilled.

10 "§25-9-361.

11 "It shall be the duty of the superintendent, mine  
12 foreman, subordinate supervisors, ~~fire bosses, or mine~~  
13 ~~examiners,~~ and other officials ~~to comply with and to see that~~  
14 ~~others comply with the provisions of this chapter to provide a~~  
15 safe operation, permissible equipment, and to comply with and  
16 to see that others comply with the provisions of this chapter  
17 or other applicable laws."

18 Section 2. The following new Sections 25-9-31 and  
19 25-9-32, are added to the Code of Alabama 1975, in Article 1,  
20 Chapter 9.

21 §25-9-31.

22 All ventilation and roof control plans shall be  
23 submitted to the Chief of the Division of Safety and  
24 Inspections Department of the Industrial Relations for  
25 approval. Ten days prior to submitting the ventilation and  
26 roof control plans to the chief, the plans will be given to  
27 the representatives of the miners for comments. The comments

1 will be submitted to the chief for consideration before the  
2 plans are approved.

3 §25-9-32.

4 (a) Mine operators must provide 48-hour notification  
5 to the Chief of the Division of Safety and Inspections of the  
6 Department of Industrial Relations before beginning or  
7 resuming retreat mining operations. The state must then insure  
8 that all miners are trained on the pillar removal plan or long  
9 wall removal plan.

10 (b) The design, development, submission,  
11 implementation, evaluation, and modification of the  
12 comprehensive mine safety program shall be the responsibility  
13 of the operator or independent contractor of each mine.

14 (c) All operators and independent contractors of new  
15 mines shall submit a comprehensive mine safety program, and  
16 have such program approved by the director prior to  
17 commencement of work or operations by miners at the mine site.

18 (d) After the effective date of this act, all mines  
19 that are temporarily inactive but which have an approved  
20 comprehensive safety program shall resume operations under the  
21 comprehensive safety program for that mine in effect at the  
22 time such mine was temporarily closed. If the operator or  
23 independent contractor elects to retain the existing  
24 comprehensive safety program, the operator or independent  
25 contractor shall notify the director prior to the resumption  
26 of work by miners at the mine. If the operator or independent  
27 contractor elects to modify the existing comprehensive safety

1 program, the operator or independent contractor shall submit  
2 such modifications to the director within 90 calendar days  
3 after resuming active mining operations.

4 (e) In developing the initial comprehensive safety  
5 program, the operator or independent contractor shall analyze  
6 the various program components, contained in subsections (h)  
7 and (i), in conjunction with the evaluation criteria provided  
8 in subsection (k), and shall take into consideration the  
9 output of the particular mine, the number of employees of the  
10 particular mine, the location of the particular mine, or any  
11 other aspect of the particular mine deemed relevant by the  
12 operator or independent contractors. Based upon this analysis  
13 and evaluation of the type of safety program needed at a  
14 particular mine, the operator or independent contractor shall  
15 proceed to develop a comprehensive mine safety program  
16 composed of the appropriate components contained in  
17 subsections (h) and (i) and a plan and appropriate procedures  
18 for implementing each of the components of the program.

19 (f) Each operator or independent contractor shall  
20 submit to the director for approval a comprehensive mine  
21 safety program in accordance with this act. Ten days prior to  
22 submittal, miners' representatives will be given a copy of the  
23 proposed plan for comments that will be submitted to the  
24 director for consideration. In addition, each operator or  
25 independent contractor shall submit the following:

26 (1) A statement that the analysis and evaluation  
27 required by subsection (d) has been completed.

1           (2) A statement indicating which process the  
2 operator or independent contractor has selected, consistent  
3 with subsection (v) to ensure that all employees at the mine  
4 are aware of all components of the comprehensive mine safety  
5 program prior to commencement of work at the mine.

6           (3) A list of safety instructors and their  
7 certifications and qualifications who will have primary  
8 responsibility for planning and conducting safety training at  
9 the mine.

10           (4) The name of the person or persons representing  
11 the operator or independent contractor, including his or her  
12 title or position and mailing address or telephone number, who  
13 can be notified by the director for all matters concerning the  
14 operator or independent contractor's comprehensive mine safety  
15 program.

16           (g) Within 30 calendar days after submission of the  
17 initial comprehensive safety program, the director shall  
18 either approve the program as submitted, or shall reject and  
19 return the program to the operator or independent contractor  
20 for modification and resubmission, stating in detail the  
21 reasons for such rejection. If the program is rejected, the  
22 director shall give the operator or independent contractor a  
23 reasonable length of time to modify and resubmit such program.  
24 Ten days prior to resubmittal, miners' representatives will be  
25 given a copy of the proposed plan for comments that will be  
26 submitted to the director for consideration.

1 (h) Depending upon the safety program needs of a  
2 particular mine or independent contractor, the comprehensive  
3 mine safety program may include any of all of the components  
4 contained in subsection (i) of these rules and regulations.  
5 Comprehensive mine safety programs submitted by independent  
6 contractors shall address only the specific type of work to be  
7 performed by the contractor.

8 (i) A comprehensive mine safety program may include:

9 (1) The operator or independent contractor's safety  
10 policy for each mine.

11 (2) The operator or independent contractor's  
12 policies regarding personal safety protection of each worker  
13 (hard hats, shoes, etc).

14 (3) Safety training programs and objectives,  
15 including any or all of the following:

16 a. Classroom training.

17 b. Workplace training.

18 c. Safety meetings.

19 d. Informal training.

20 (4) The operator or independent contractor's  
21 practices and procedures for promoting:

22 a. Safe working practices for personnel.

23 b. Safe working conditions in the mine environment.

24 c. Safe working practices for machinery, equipment,  
25 and systems.

26 (5) The operator or independent contractor's  
27 emergency provisions and procedures at the mine.

1                   (6) The operator or independent contractor's  
2 procedures for accident investigation and reporting, which may  
3 include:

4                   a. Investigation.

5                   b. Filing.

6                   c. Analysis.

7                   d. Follow-up.

8                   (7) The operator or independent contractor's  
9 practices and procedures for comprehensive mine safety program  
10 promotion and enforcement.

11                   (8) Such other components deemed necessary by the  
12 operator or independent contractor to effectuate the goals of  
13 the Alabama Coal Mine Safety Law.

14                   (j) Each operator or independent contractor shall  
15 conduct an annual review of the comprehensive mine safety  
16 program in effect at each mine. The purpose of the review  
17 shall be to determine the effectiveness of the comprehensive  
18 mine safety program by evaluating the components of the  
19 program to determine whether modifications to the existing  
20 program are necessary and desirable. The review shall be  
21 conducted as follows:

22                   (1) Each operator or independent contractor shall  
23 submit to the director within 30 days after the anniversary  
24 date of the program, a report which shall contain the findings  
25 of the annual review, a statement indicating whether, as a  
26 result of such review, modifications to the existing program  
27 are necessary, and if applicable, proposed modifications to

1 the existing program. Ten days prior to submittal, miners'  
2 representatives will be given a copy of the proposed plan for  
3 comments that will be submitted to the director for  
4 consideration. When modifications to the existing program are  
5 submitted, the operator or independent contractor may request,  
6 and the director may issue, temporary approval of requested  
7 modifications pending the director's final review and  
8 approval.

9 (2) The director will review the annual report  
10 submitted by the operator or independent contractor and will  
11 either approve the report or reject the report, stating in  
12 detail the reasons for rejection. The reasons for rejection  
13 may include proposed changes to the program deemed necessary  
14 by the director and not included by the operator or  
15 independent contractor.

16 (3) If rejected, the director shall give the  
17 operator or independent contractor a reasonable period of time  
18 to modify and resubmit such report and proposed modifications.  
19 If resubmitted, 10 days prior to submittal, miners'  
20 representatives will be given a copy of the proposed plan for  
21 comments that will be submitted to the director for  
22 consideration. If, within 30 calendar days subsequent to  
23 receipt of the report or proposed modifications by the  
24 director, no action has been taken by the director, the  
25 proposed report and modifications shall be considered  
26 approved.



1           (4) The anniversary date of the program shall be the  
2 date the initial program was approved by the director.

3           (k) The annual evaluation conducted pursuant to  
4 subsection (j) shall include a review of the following items  
5 relating to a particular mine:

6           (1) Accident rate.

7           (2) Accident distributions.

8           (3) A review of violations written under Alabama  
9 Coal Mine Safety Law.

10          (4) Fatal accidents and serious injuries.

11          (1) At the discretion of the mine operator or  
12 independent contractor, other sources of information may be  
13 used to ascertain performance of the safety program in the  
14 annual evaluation. They may include, but are not limited to:

15           (1) Mine conditions or changes in mine conditions.

16           (2) Mining methods or equipment or changes in mining  
17 methods or equipment at the mine.

18           (3) Number of working sections at a mine or changes  
19 in the number of working sections at the mine.

20           (4) Personnel or management, or changes in personnel  
21 or management.

22           (5) Instructors responsible for safety training, or  
23 changes in instructors responsible for safety training.

24           (6) Findings from safety observations conducted by  
25 responsible mine officials.

26          (m) The operator or independent contractor, in  
27 addition to any revisions or modifications to the mine safety

1 program made in accordance with subsection (j), may submit at  
2 any time, proposed modifications or revisions along with the  
3 reasons thereof, to the director. Ten days prior to submittal,  
4 miners' representatives will be given a copy of the proposed  
5 plan for comments that will be submitted to the director for  
6 consideration.

7 (n) Within 30 days after receipt by the director of  
8 any proposed revisions or modifications to the program, the  
9 director shall either approve the revisions or reject the  
10 revisions, stating in detail the reasons for such rejection.  
11 If, within 30 days of receipt of such revisions by the  
12 director, no action has been taken, the proposed revisions  
13 shall be taken as approved.

14 (o) When revisions to a program are submitted to the  
15 director, the operator or independent contractor may request,  
16 and the director may issue, temporary approval of such  
17 revisions pending the director's final review and approval.

18 (p) The director may require modifications to a  
19 comprehensive mine safety program at any time following the  
20 investigation of a fatal accident or serious injury, if such  
21 modifications are warranted by the findings of the  
22 investigation.

23 (q) If a comprehensive mine safety program,  
24 modifications thereto, or an annual report is rejected by the  
25 director pursuant to subsections (g), (j), or (n), the  
26 operator or independent contractor shall be entitled to a  
27 hearing before the director to contest such rejection. Miners'

1 representatives shall be allowed to attend and participate in  
2 these hearings.

3 (r) The operator or independent contractor shall  
4 notify the director within 15 days of the receipt of such  
5 rejection that he or she is requesting a hearing and shall  
6 state specifically his or her reasons thereto. A hearing shall  
7 be scheduled within 10 days of the receipt of the request for  
8 hearing, and shall be held within 20 days of such request.  
9 Miners' representatives shall receive all notices sent to the  
10 director from the operators or independent contractors  
11 requesting a hearing and the specific reason for a hearing.  
12 Also, miners' representatives shall receive notification of  
13 the date of the hearing.

14 (s) Employees of the mine and their representatives  
15 shall be afforded an opportunity to review and submit comments  
16 to the director regarding the annual review to the  
17 comprehensive mine safety program, any modifications or  
18 revisions to the program, and the annual report. The operator  
19 or independent contractor shall meet with the miners'  
20 representatives safety committee at the mine. It shall be the  
21 responsibility of the operator or independent contractor to  
22 provide this committee with the opportunity to review the  
23 initial comprehensive safety program, any modifications or  
24 revisions thereto, and the annual report, and to provide  
25 written comments and suggestions to the director. It shall be  
26 the responsibility of the committee to ensure that all  
27 employees of the mine have the opportunity to review and

1 comment on the proposed comprehensive safety program, any  
2 proposed modifications or revisions thereto, and the annual  
3 report.

4 (t) The operator or independent contractor shall  
5 provide a minimum of eight hours' annual instruction for each  
6 member of the safety committee at each mine, which instruction  
7 shall include materials and training relevant to the review  
8 and evaluation of the components of the comprehensive safety  
9 program.

10 (u) Each employee of the mine has the right to  
11 review the proposed comprehensive mine safety program, any  
12 modifications or revisions thereto, and the annual report, and  
13 to provide comments to the director.

14 (v) A copy of the proposed modifications or  
15 revisions of the existing comprehensive mine safety program  
16 and the annual report shall be posted on the mine bulletin  
17 board at least 15 days prior to the date of submittal to the  
18 director.

19 (w) A copy of the current approved comprehensive  
20 mine safety program shall be made available to any employee of  
21 the mine or his or her representative upon request and shall  
22 also be posted on the mine bulletin board.

23 Section 3. The following new Section 25-9-217 is  
24 added to Article 10, Chapter 9, Title 25, Code of Alabama  
25 1975, to read as follows:

26 §25-9-217.

1 Mining equipment may be transported in track haulage  
2 entries with track mounted battery powered and diesel powered  
3 locomotives while persons are inby such equipment being  
4 transported in the same ventilating air current passing over  
5 such equipment, provided the following requirements are  
6 satisfied:

7 (1)a. Within one hour prior to such equipment move,  
8 the entire length of the equipment travel routes shall be  
9 examined by a certified fireboss.

10 b. Within one hour after such equipment has been  
11 transported the entire length of the travel route, where such  
12 equipment has been transported shall be examined by a  
13 certified fireboss.

14 c. Such examination shall be recorded by such  
15 fireboss in a book kept for that purpose.

16 (2) A readily available vehicle, capable of  
17 transporting an injured person shall be provided on the outby  
18 side of the equipment being moved.

19 (3) Operative means of communications shall be  
20 maintained between the equipment move crew and

21 a. A dispatcher, if one is employed.

22 b. A designated qualified person on the surface.

23 c. The section or sections inby the moving equipment  
24 that are in the ventilating air current passing over such  
25 equipment.

26 (4) Such equipment being moved shall be cleaned of  
27 accumulated combustible materials and properly secured.

1           (5) Battery locomotives used to transport such  
2 equipment shall be cleaned of accumulated combustible  
3 materials. Battery tops shall be cleaned prior to equipment  
4 moves.

5           (6) Battery terminals shall be insulated between the  
6 top of the battery and battery cover to prevent accidental  
7 short-circuiting.

8           (7) Batteries shall be examined for proper voltage  
9 prior to equipment moves.

10          (8) Heads and booms of all equipment being  
11 transported shall have all hydraulic pressure released and  
12 heads and booms shall be tightly secured.

13          (9) When necessary, equipment assemblies shall be  
14 removed to provide required clearance.

15          (10) Adequate size locomotives shall be used to  
16 transport mining equipment.

17          (11) A minimum of 12 inches of radius clearance  
18 shall be maintained between the equipment being moved and the  
19 energized high voltage cable and energized insulated D.C.  
20 feeder wire paralleling the entry along the route of travel.  
21 In areas where the aforementioned 12 inches of radius  
22 clearance cannot be maintained, the high voltage cable and  
23 D.C. feeder cable shall be adequately guarded, however, if six  
24 inches of clearance cannot be maintained between the equipment  
25 being moved and the high voltage cables and D.C. insulated  
26 feeder wire, they shall be de-energized and suitably tagged  
27 and locked out by a certified electrician. Provided, however,

1 where it becomes necessary for equipment to pass under any  
2 high voltage cable or insulated D.C. feeder wire, where the  
3 required clearance cannot be maintained, the aforementioned  
4 high voltage cables or insulated D.C. feeder wires shall be  
5 either channeled above the level of the roof line or  
6 de-energized.

7 (12) No locomotive shall be operated on the boom end  
8 of the equipment being moved or where there are other  
9 conditions that may present a hazard to the locomotive  
10 operator because of being in close proximity to the equipment  
11 being moved, a flat car, mine car, or like equipment of  
12 sufficient length shall be provided between the locomotive and  
13 moving equipment.

14 (13) Prior to the shift such equipment is scheduled  
15 to be moved the date, time, route of travel, and destination  
16 of equipment moves shall be posted on the mine bulletin board  
17 and a representative of the miners at that mine shall be  
18 notified at the time of posting.

19 Section 4. A new Article 18 is added to Chapter 9,  
20 Title 25, Code of Alabama 1975, as follows:

21 Article 18.

22 Independent Contract Register.

23 §25-9-380.

24 (a) All independent contractors shall mean any firm,  
25 corporation, partnership, or individual that contracts to  
26 perform services or construction at a coal mine, excluding  
27 mine vendors, office equipment suppliers, service or delivery

1 personnel shall register with the Chief of the Division of  
2 Safety and Inspections of the Department of Industrial  
3 Relations and receive a contractor identification number  
4 before performing services or construction work at coal mines  
5 in this state.

6 (b) (1) To register, all independent contractors  
7 shall provide the Chief of the Division of Safety and  
8 Inspections of the Department of Industrial Relations the  
9 following information on forms provided by the Division of  
10 Safety and Inspections of the Department of Industrial  
11 Relations:

12 a. The independent contractor's trade name, business  
13 address, and business telephone.

14 b. A general description of the nature of the work  
15 to be performed by the independent contractor.

16 c. The independent contractor's address of record  
17 for service of citations or other documents involving the  
18 independent contractor.

19 (2) If any of the above information changes, the  
20 independent contractor shall advise the Division of Safety and  
21 Inspections of the Department of Industrial Relations of such  
22 change within 30 days.

23 (3) Upon receipt of the above information, the  
24 Division of Safety and Inspections of the Department of  
25 Industrial Relations shall issue a contractor identification  
26 number. Prompt issuance of the contractor identification  
27 number shall not be unreasonably withheld.



1 (c) Prior to performing work at the mine, each  
2 independent contractor shall provide the production-operator  
3 the information contained in subsection (b), along with his or  
4 her Division of Safety and Inspections of the Department of  
5 Industrial Relations contractor identification number.

6 (d) Each production-operator shall maintain in  
7 writing at the mine the information required by subsection (c)  
8 for each independent contractor at the mine. The  
9 production-operator shall provide the above information to an  
10 authorized representative of the chief upon the beginning of  
11 any inspection.

12 (e) Service of notices, orders, and other documents  
13 upon independent contractors shall be completed upon delivery  
14 to the independent contractor at the work site and mailed to  
15 the independent contractor's address of record. A copy of all  
16 notices, orders, and other required documents shall be posted  
17 on a conspicuous bulletin board at the work site.

18 (f) The address and telephone number required under  
19 this section shall be the independent contractor's official  
20 address and telephone number for purposes of this section.  
21 Service of documents upon independent contractors may be  
22 proved by a post office return receipt showing that the  
23 documents were delivered to the address of record because the  
24 independent contractor is no longer at that address and has  
25 established no forwarding address, because delivery was not  
26 accepted at that address, or because no such address exists.  
27 Independent contractors may request service by delivery to

1 another appropriate address of record provided by the  
2 independent contractor. Documents may be delivered to the  
3 independent contractor at the work sites.

4 (g) This section shall not be construed to limit the  
5 basic compliance responsibilities of production-operators.  
6 Overall compliance responsibility of production-operators  
7 under Alabama Coal Mine Safety Laws shall include assuring  
8 compliance with the code provisions and regulations which  
9 apply to the work being performed by independent contractors  
10 at the mine.

11 (h) It is the general enforcement policy of the  
12 Division of Safety and Inspections of the Department of  
13 Industrial Relations that the independent contractor will be  
14 held responsible for violations committed by the independent  
15 contractor or its employees where the production-operator has  
16 complied with Alabama Coal Mine Safety Laws and regulations.

17 (i) (1) Enforcement action against  
18 production-operators for violations which involve independent  
19 contractors may be taken by the Division of Safety and  
20 Inspections of the Department of Industrial Relations where  
21 the production-operator has contributed to the existence of a  
22 violation, or the production-operator's miners are exposed to  
23 the hazard, or the production-operator has control over the  
24 existence of the hazard.

25 (2) A production-operator may be properly cited for  
26 a violation of Alabama Coal Mine Safety Laws and regulations  
27 involving an independent contractor where:

1           a. The production-operator has contributed by either  
2 an act or an omission to the occurrence of violation in the  
3 course of an independent contractor's work.

4           b. The production-operator has contributed by either  
5 an act or omission to the continued existence of a violation  
6 committed by an independent contractor.

7           c. The production-operator's miners are exposed to  
8 the hazard.

9           d. The production-operator has control over the  
10 condition that needs abatement.

11           (3) In addition to the provisions of subsection  
12 (i)(2), the production-operator may also be required to assure  
13 continued compliance with the code and regulations applicable  
14 to an independent contractor at the mine until the contractor  
15 is fully able to assume compliance responsibility.

16           (j) Whenever a mine inspector finds a violation or  
17 imminent danger in an area where an independent contractor is  
18 operating, such inspector shall make a determination whether  
19 to issue the appropriate notice of violation or order to  
20 either the production-operator or the independent contractor,  
21 or both, based upon the criteria set out in subsections (h)  
22 and (i).

23           Section 5. A new Article 19 is added to Chapter 9 of  
24 Title 25, Code of Alabama 1975, as follows:

25           Article 19.

26           Mine Safety Technology and Wireless Emergency  
27 Communication Tracking and Location.

1                   §25-9-400. Mine Safety Technology.

2                   (a) The Legislature finds and declares pursuant to  
3 this article:

4                   (1) The first priority and concern of all persons in  
5 the coal mining industry must be the health and safety of its  
6 most precious resource, the miner.

7                   (2) In furtherance of this priority, the provisions  
8 of this article are designed to protect the health and safety  
9 of this state's coal miners by requiring certain minimum  
10 standards for, among other things, certain health and safety  
11 technology used by each underground miner.

12                   (3) The proper implementation of this technology in  
13 Alabama's underground mines would benefit from the specialized  
14 oversight of persons with experience and competence in coal  
15 mining, coal mine health and safety, and the expanding role of  
16 technology.

17                   (4) In furtherance of the provisions of this  
18 article, it is the intent of the Legislature to create a  
19 permanent task force which, on a continuous basis, shall  
20 evaluate study issues relating to the commercial availability  
21 and functional and operational capability of existing and  
22 emerging technologies in coal mine health and safety, as well  
23 as issues relating to the implementation, compliance, and  
24 enforcement of regulatory requirements governing the  
25 technologies.

26                   §25-9-401.

1           (a) The Mine Safety Technology Task Force, created  
2 and existing under the authority of the director is continued  
3 as provided by this article.

4           (b) The task force shall consist of nine members who  
5 are appointed as follows:

6           (1) The director shall appoint three members to  
7 represent mine operators in this state. When these members are  
8 to be appointed, the director shall request from the major  
9 trade association representing operators in this state a list  
10 of three nominees for each position on the task force. All  
11 nominees shall be persons with special experience and  
12 competence in coal mine health and safety. There shall be  
13 submitted with the list a summary of the qualifications of  
14 each nominee. For purposes of this subdivision, the major  
15 trade association representing operators in this state is that  
16 association which represents operators accounting for over one  
17 half of the coal produced in mines in this state in the year  
18 prior to the year in which the appointment is made.

19           (2) The director shall appoint three members who can  
20 reasonably be expected to represent working miners of this  
21 state. When members are to be appointed, the director shall  
22 request from the major employee organization representing coal  
23 miners within this state a list of three nominees for each  
24 position on the task force. The highest ranking official  
25 within the major employee organization representing coal  
26 miners within this state shall submit a list of three nominees

1 for each position on the board. The nominees shall have a  
2 background in coal mine health and safety.

3 (3) The director shall appoint one certified mine  
4 safety professional from an appropriate state university.

5 (4) The director shall appoint one attorney with  
6 experience in issues relating to coal mine health and safety.

7 (5) The ninth member of the task force is the  
8 director, or his or her designee, who shall serve as chair of  
9 the task force. The director shall furnish to the task force  
10 any secretarial, clerical, technical, research, and other  
11 services that are necessary to the conduct of the business of  
12 the task force.

13 (c) Each appointed member of the task force shall  
14 serve at the will and pleasure of the director.

15 (d) Whenever a vacancy on the task force occurs,  
16 nominations and appointments shall be made in the manner  
17 prescribed in this section, provided, that in the case of an  
18 appointment to fill a vacancy, nominations of three persons  
19 for each vacancy shall be required by and submitted to the  
20 director within 30 days after the vacancy occurs by the major  
21 trade association or major employee organization, if any,  
22 which nominated the person whose seat on the task force is  
23 vacant.

24 (e) Each member of the task force shall be paid the  
25 expense reimbursement, as is paid to members of the  
26 Legislature, for their interim duties authorized by law for  
27 each day or portion thereof engaged in the discharge of

1 official duties. In the event the expenses are paid by a third  
2 party, the member shall not be reimbursed by the state. The  
3 reimbursement shall be paid out of the State Treasury upon a  
4 requisition upon the State Auditor, properly certified by the  
5 Division of Safety and Inspections of the Department of  
6 Industrial Relations. An employer shall not prohibit a member  
7 of the task force from exercising leave of absence from his or  
8 her place of employment in order to attend a meeting of the  
9 task force or a meeting of a subcommittee of the task force,  
10 or to prepare for a meeting of the task force.

11 §25-9-402.

12 (a) The task force shall provide technical and other  
13 assistance to the office related to the implementation of the  
14 new technological requirements and for other mine safety  
15 technologies.

16 (b) The task force, working in conjunction with the  
17 director, shall continue to study issues regarding the  
18 commercial availability, the functional and operational  
19 capability and the implementation, compliance, and enforcement  
20 of the following protective equipment:

21 (1) Self-contained self-rescue devices.

22 (2) Wireless emergency communication devices.

23 (3) Wireless emergency tracking devices.

24 (4) Refuge chambers.

25 (5) Any other protective equipment required by this  
26 chapter or rules promulgated in accordance with the law that

1 the director determines would benefit from the expertise of  
2 the task force.

3 (c) The task force, on a continuous basis, shall  
4 study, monitor, and evaluate:

5 (1) The potential for enhancing coal mine health and  
6 safety through the application of existing technologies and  
7 techniques.

8 (2) Opportunities for improving the integration of  
9 technologies and procedures to increase the performance and  
10 survivability of coal mine health and safety systems.

11 (3) Emerging technological advances in coal mine  
12 health and safety.

13 (4) Market forces impacting the development of new  
14 technologies, including issues regarding the costs of research  
15 and development, regulatory certification, and incentives  
16 designed to stimulate the marketplace.

17 (d) On or before the first day of July of each year  
18 beginning in 2011, the task force shall submit a report to the  
19 Chief of the Division of Safety and Inspections of the  
20 Department of Industrial Relations that shall include, but not  
21 be limited to:

22 (1) A comprehensive overview of issues regarding the  
23 implementation of the new technological requirements set forth  
24 in the provisions of this section or rules promulgated in  
25 accordance with law.

26 (2) A summary of any emerging technological advances  
27 that would improve coal mine health and safety.



1           (3) Recommendations, if any, for the enactment,  
2 repeal, or amendment of any statute which would enhance  
3 technological advancement in coal mine health and safety.

4           (4) Any other information the task force considers  
5 appropriate.

6           (e) In performing its duties, the task force shall,  
7 where possible, consult with, among others, mine engineering  
8 and mine safety experts, radio communication and telemetry  
9 experts, and relevant state and federal regulatory personnel.

10          (f) Prior to approving any protective equipment or  
11 device that has been evaluated by the task force, the chief  
12 shall consult with the task force and review any applicable  
13 written reports issued by the task force and the findings set  
14 forth in the reports and shall consider the findings in making  
15 any approval determination.

16           §25-9-403.

17          (a) The chief shall require, in each underground  
18 mine, an integrated communication and tracking/locating  
19 system, a component of which shall be a communication center  
20 monitored at all times during which one or more miners are  
21 underground. A wireless emergency communication and  
22 tracking/locating device approved by the chief shall be worn  
23 by each miner underground and shall be provided by the  
24 operator.

25          (b) As soon as practicable, the chief shall notify  
26 all operators of the wireless emergency communication and

1 tracking/locating devices approved by the director for use by  
2 each miner underground.

3 (c) The chief shall acquire, no later than July 1,  
4 2011, or as soon as practicable thereafter, the necessary  
5 technical/engineering support to evaluate the performance of  
6 individual communication/tracking devices and review the  
7 effectiveness of proposed communication/tracking plans.

8 (d) The director shall, no later than July 10, 2011,  
9 or as soon as practicable thereafter, issue an open  
10 opportunity for emergency communication and tracking/locating  
11 providers to submit products for approval.

12 (e) The director shall require providers seeking  
13 approval to submit documentation certified by a licensed  
14 Alabama professional engineer that the product has been tested  
15 for functionality in Alabama underground mines, that the  
16 product has been or is in the process of being approved as  
17 intrinsically safe by MSHA and other criteria as the director  
18 determines, a description of the process used in making that  
19 determination and a certification in the following form:

20 "I, \_\_\_\_\_ the undersigned, hereby certify that  
21 this product, to the best of my knowledge and belief, meets or  
22 exceeds all requirements set forth in Alabama Coal Mine Safety  
23 Laws, that the product has been tested for functionality in  
24 Alabama underground mines, that the product has been or is in  
25 the process of being approved as intrinsically safe by MSHA  
26 and other criteria as the director determines."

1 (f) No later than July 31, 2012, all underground  
2 mine operators shall submit a communication/tracking plan for  
3 approval by the director in accordance with Alabama Coal Mine  
4 Safety Laws. The design, development, submission, and  
5 implementation of the communication/tracking plan shall be the  
6 responsibility of the operator of each mine. Ten days prior to  
7 submittal, miners' representatives shall be given a copy of  
8 the proposed plan for comments that will be submitted to the  
9 director for consideration.

10 (g) Within 30 calendar days after submission of the  
11 communication/tracking plan, the director shall either approve  
12 the communication/tracking plan, or shall reject and return  
13 the plan to the operator for modification and resubmission,  
14 stating in detail the reason for such rejection. If the plan  
15 is rejected, the director shall give the operator a reasonable  
16 length of time, not to exceed 25 calendar days, to modify and  
17 resubmit such plan. Ten days prior to submittal, miners'  
18 representatives shall be given a copy of the proposed plan for  
19 comments that will be submitted to the director for  
20 consideration.

21 (h) Within 15 days of approval by the director, the  
22 underground mine operator shall submit as an addendum to its  
23 plan, a copy of any contract, or purchase order, or other  
24 proof of purchase of any equipment required to complete the  
25 communication/tracking system and for installation and ongoing  
26 maintenance. A copy will also be given to the miners'  
27 representatives.

1 (i) The operator shall submit certified progress  
2 reports no less frequently than every 60 calendar days until  
3 full compliance is achieved. A copy will also be given to the  
4 miners' representatives. If the director, in his or her sole  
5 discretion, determines that an operator has failed to provide  
6 a communication/tracking plan or progress report, has provided  
7 an inadequate communication/tracking plan or progress report,  
8 has failed to comply with its approved communication/tracking  
9 plan or compliance schedule, or has failed to provide a copy  
10 of any contract, purchase order, or other proof of purchase  
11 required under this section, in an effort to delay, avoid, or  
12 circumvent compliance with Alabama Coal Mine Safety Laws or  
13 this act, the director shall issue a cessation order to the  
14 operator for the affected mine under Alabama Coal Mine Safety  
15 Laws.

16 (j) In developing the communication/tracking plan  
17 and any revisions, the operator shall take into consideration  
18 the needs for emergency communications and tracking/locating  
19 resulting from accidents, physical features of the particular  
20 mine, emergency plans, existing communication infrastructure,  
21 communications required under Alabama Coal Mine Safety Laws,  
22 advances in communication/tracking technologies, and any other  
23 aspect of the particular mine the operator deems relevant to  
24 the development of the communication/tracking plan.

25 (k) The proposed communication/tracking plan shall  
26 describe the structure and operations of the separate or  
27 integrated communication/tracking system or systems and its

1 role in emergency response specific to the mine shall be  
2 detailed and submitted to the director and, once approved, to  
3 the mine rescue teams providing coverage with an updated mine  
4 rescue program pursuant to Alabama Coal Mine Safety Laws.  
5 Copies of the most recent version shall be available at the  
6 mine for emergency responders. As changes are made to the  
7 system, updated versions shall be submitted to the above. Ten  
8 days prior to submittal, miners' representatives shall be  
9 given a copy of the proposed plan for comments that will be  
10 submitted to the director for consideration.

11 (1) The proposed communication/tracking system shall  
12 include the ability for:

13 (1) A communication center monitored at all times  
14 during which one or more miners are underground which shall be  
15 staffed by miners trained and knowledgeable in the installed  
16 communications/tracking systems, monitoring and warning  
17 devices, travelways, and mine layout.

18 (2) Identifying the location of all miners  
19 immediately prior to an event by tracking/locating device in  
20 the escapeways, normal work assignments, or notification of  
21 the communication center.

22 (3) Identifying the location of miners in the  
23 escapeways after an event providing the tracking system is  
24 still functional.

25 (4) Checking in and checking out with the  
26 communication center by miners prior to entrance and exit from

1 bleeders and remote or seldom used areas of the mine and all  
2 times shall be logged.

3 (5) Allowing two-way communications coverage in at  
4 least two separate air courses, at least one of which shall be  
5 intake.

6 (6) Maintaining communication/tracking after loss of  
7 outside power and maintain function both inby and outby of the  
8 accident event site with suitable supply of equipment for  
9 rapid reconnection.

10 (7) Maintain a surface supply of  
11 communication/tracking devices for use by emergency rescue  
12 personnel.

13 (8) Allow for communication to surface at all  
14 required emergency shelters/chambers.

15 (9) All miners and likely emergency responders shall  
16 be trained in the use, limitations, and inter-operability of  
17 all components of the communication and tracking/locating  
18 system. This shall be incorporated into ongoing required  
19 training.

20 (m) All training shall be recorded and made  
21 available upon request. The operator shall provide a schedule  
22 of compliance for the communication/tracking plan, which shall  
23 include:

24 (1) A narrative description of how the operator will  
25 achieve compliance with above requirements.

26 (2) A schedule of measures, including an enforceable  
27 sequence of actions with milestones, leading to compliance.

1           (3) A statement indicating when the implementation  
2 of the proposed plan will be complete.

3           (n) The operator shall provide as attachments to its  
4 communication/tracking plan:

5           (1) A statement of the analysis and evaluation  
6 required in developing its plan.

7           (2) A statement indicating the initial training  
8 dates for implementation of the communication/tracking system  
9 and how the communication/tracking system will be incorporated  
10 in other required training.

11           (3) A statement regarding how the  
12 communications/tracking system will be tested and maintained.

13           (4) The name of the person or persons representing  
14 the operator, including his or her title, mailing address,  
15 E-mail address, and telephone number, who can be contacted by  
16 the director for all matters relating to the  
17 communication/tracking plan and weekly testing of the system.

18           (o) After the director has approved an operator's  
19 communication/tracking plan, the operator shall submit  
20 revisions to the communications plan at any time that changes  
21 in operational conditions result in a substantive modification  
22 in the communication/tracking system. In addition, at any time  
23 after approval, the operator may submit proposed modifications  
24 or revisions to its plan along with reasons therefor to the  
25 director. Ten days prior to submittal, miners' representatives  
26 will be given a copy of the proposed plan for comments that  
27 will be submitted to the director for consideration. Within 30

1 days after receipt by the director of any proposed revisions  
2 or modifications to the communication/tracking plan, the  
3 director shall either approve or reject the revisions, stating  
4 in detail the reasons for such rejection.

5 (p) The director may require modifications to a  
6 communication/tracking plan at any time following the  
7 investigation of a fatal accident or serious injury, if such  
8 modifications are warranted by the findings of the  
9 investigation.

10 §25-9-404.

11 (a) Each miner underground shall be provided an  
12 SCSR. In addition, the operator shall provide caches of  
13 additional SCSRs throughout the mine in accordance with a  
14 storage cache plan approved by the director.

15 (b) Each SCSR shall be approved for at least 60  
16 minutes by the Mine Safety and Health Administration (MHSA) of  
17 the United States Department of Labor.

18 (c) Each operator shall provide training in the  
19 proper use of SCSRs in simulated emergency situations in all  
20 required SCSR training; provided, that such simulations may be  
21 conducted on the surface. Training shall be in compliance with  
22 all manufacturers' requirements and shall include, but not be  
23 limited to, the risks of toxic gases, manufacturers' required  
24 daily inspections, donning and starting the SCSR, limitations  
25 of the SCSRs, communication without removing the mouthpiece,  
26 importance and use of goggles, how to know if the device has  
27 failed and what to do if it does.



1 (d) Operators and independent contractors shall  
2 report to the director all SCSRs in service by manufacturer,  
3 model, serial number, mine/contractor ID number, service  
4 dates, and results of required inspections. This information  
5 may be submitted electronically as defined by the director,  
6 updated quarterly, and will include information on any units  
7 removed from service along with the reasons.

8 (e) The director shall compile and analyze the  
9 results of this information and distribute a report within 30  
10 days to the operator and representatives of the mine.

11 §25-9-405.

12 (a) Within 30 calendar days of the effective date of  
13 this act, all operators of all mines shall submit an SCSR  
14 storage cache plan for approval by the director. The design,  
15 development, submission, and implementation of the SCSR  
16 storage cache plan shall be the responsibility of the operator  
17 of each mine. Ten days prior to submitting the SCSR storage  
18 cache plan, the plans will be given to the representatives of  
19 the miners for comments. The comments will be submitted to the  
20 director for consideration before the plan is approved.

21 (b) Within 30 calendar days after submission of the  
22 SCSR storage cache plan, the director shall either approve the  
23 plan as submitted or shall reject and return the plan to the  
24 operator for modification and resubmission, stating in detail  
25 the reasons for such rejection. If the plan is rejected, the  
26 director shall give the operator a reasonable length of time,  
27 not to exceed 30 calendar days, to modify and resubmit such

1 plan. The plan will be given to the representatives of the  
2 miners for comments. The comments will be submitted to the  
3 director for consideration before the plan is approved.

4 (c) In developing the SCSR storage cache plan, the  
5 operator shall take into consideration the needs for SCSRs,  
6 the number of employees of the particular mine, the location  
7 of the particular mine, the physical features of the  
8 particular mine, and any other aspect of the particular mine  
9 the operator deems relevant to the development of the storage  
10 cache plan.

11 (d) Each SCSR storage cache shall be housed in a  
12 container constructed as to protect the SCSRs from normal  
13 operational damage, be made of a material that is  
14 non-combustible, shall be easy to open during an emergency  
15 escape, shall be noted on the escape way map, and included in  
16 the mine rescue plan.

17 (e) One SCSR storage cache shall be placed at a  
18 readily available location within 500 feet of the nearest  
19 working face in each working section of the mine and each  
20 active construction or rehabilitation site and longwall.  
21 Distances greater than 500 feet, not to exceed 1,000 feet, are  
22 permitted with approval of the director.

23 (f) Each of the storage caches specified in (e)  
24 shall contain two SCSRs that will provide at least 60 minutes  
25 of MSHA rated duration per unit for each miner. The total  
26 number of SCSRs in a stationary storage cache location will be  
27 based on the total number of miners reasonably likely to be in

1 that area. During crew changes involving a mantrip at a  
2 working section or an active construction or rehabilitation  
3 site and longwall, a number of mantrip caches 60 minutes or  
4 greater MSHA rated SCSRs equal to the total number of miners  
5 reasonably likely on the mantrip shall satisfy the total  
6 number of SCSRs required for such personnel.

7 (g) Operators shall ensure that storage caches  
8 required in (e) contain an escape kit containing a hammer, a  
9 tagline, a supply of chemical light sticks, and an escapeway  
10 map.

11 (h) Additional storage caches of 60 minutes or  
12 longer MSHA rated SCSRs shall also be placed in readily  
13 available locations throughout the remainder of the mine as  
14 follows:

15 (1) Beginning at the storage cache located at the  
16 working section or active construction or rehabilitation site,  
17 longwall, beltlines, pumping and bleeder area, and continuing  
18 to the surface or nearest escape facility leading to the  
19 surface. The operator shall station additional storage caches  
20 of 60 minutes or longer MSHA rated SCSRs containing a number  
21 of additional SCSRs equal to or exceeding one each for the  
22 total number of miners reasonably likely to be in that area at  
23 calculated intervals that a miner may traverse in no more than  
24 30 minutes traveling at a normal pace, taking into  
25 consideration the height of the coal seam and utilizing the  
26 travel times as specified in subdivision (2). If an SCSR has  
27 an MSHA approved duration greater than 60 minutes, the

1 intervals between storage caches shall be calculated at the  
2 distance traveled in one-half the approved duration.

3 (2) The intervals shall be calculated in accordance  
4 with the following:

5	Height	Travel/Minute	Height	Travel/Minute
6	28 inches	70 feet	56 inches	180 feet
7	32 inches	90 feet	60 inches	220 feet
8	36 inches	100 feet	64 inches	270 feet
9	40 inches	120 feet	68 inches	280 feet
10	44 inches	135 feet	72 inches	290 feet
11	48 inches	150 feet	76 inches	295 feet
12	52 inches	160 feet	80 inches	300 feet

13 (i) The storage cache plan shall include the  
14 following:

15 (1) The size and physical features of the mine.

16 (2) The maximum number of miners underground during  
17 each working shift.

18 (3) The proposed location of the various storage  
19 caches and the emergency shelter/chamber in relation to miners  
20 underground.

21 (4) A schedule of compliance which shall include:

22 a. A narrative description of how the operator will  
23 achieve compliance with Section 25-9-405.

1           b. A schedule of measures, including an enforceable  
2 sequence of actions with milestones, leading to compliance.

3           c. A statement indicating when the implementation of  
4 the proposed plan will be complete.

5           (j) Each operator shall submit as attachments to its  
6 SCSR storage cache plan the following:

7           (1) A statement that the analysis and evaluation  
8 required by subsection (b) of Section 25-9-405 has been  
9 completed.

10          (2) A statement indicating the training dates for  
11 the use of the SCSRs.

12          (3) The name of the person or persons representing  
13 the operator, including his or her title, position, mailing  
14 address, and telephone number, who can be contacted by the  
15 director for all matters relating to the storage cache plan,  
16 and the weekly inspections of each storage cache.

17          (k) Within 30 calendar days of the director's  
18 approval of the plan, the operator shall submit to the  
19 director and representatives of the miners a copy of any  
20 contract, purchase order, or other proof of purchase of any  
21 such number of additional SCSRs consistent with the operator's  
22 schedule of compliance.

23          (1) After the director has approved an operator's  
24 SCSR storage cache plan, the operator shall submit revisions  
25 to the plan at any time that changes in the operational  
26 conditions result in substantive modifications. In addition,  
27 at any time after the director has approved an operator's

1 storage cache plan, the operator may submit proposed  
2 modifications or revisions to its plan along with the reasons  
3 therefore to the director and the representatives of miners.

4 (1) Within 30 calendar days after receipt by the  
5 director of any proposed revisions or modifications to the  
6 storage cache plan, the director shall either approve or  
7 reject the revisions, stating in detail the reasons for such  
8 rejection.

9 (2) The director may require modifications to a  
10 storage cache plan at any time following the investigation of  
11 a fatal accident or serious injury if such modifications are  
12 warranted by the findings of the investigation.

13 (m) If the director, in his or her sole discretion,  
14 determines that an operator has failed to provide an SCSR  
15 storage cache plan or progress report, has provided an  
16 inadequate SCSR storage cache plan or progress report, has  
17 failed to comply with its approved SCSR storage cache plan or  
18 compliance schedule, or has failed to provide a copy of any  
19 contract, purchase order, or other proof of purchase required  
20 under this section, in an effort to delay, avoid, or  
21 circumvent compliance with the coal mining laws of the State  
22 of Alabama or this act, the director shall issue a cessation  
23 order to the operator for the affected mine.

24 §25-9-406.

25 (a) Intrinsically safe battery-powered strobe lights  
26 approved by the director shall be affixed to each storage

1 cache of SCSRs and shall operate continuously or be capable of  
2 automatic activation in the event of an emergency.

3 (1) All intrinsically safe battery-powered strobe  
4 lights affixed to each storage cache of SCSRs shall be  
5 approved by the director and MSHA and maintained in accordance  
6 with applicable MSHA requirements.

7 (2) Prior to approval of any MSHA certified  
8 intrinsically safe battery-powered strobe lights, the director  
9 shall have prepared an independent analysis of the added risk  
10 incurred from battery-powered devices throughout the mine in  
11 the event of a catastrophic explosion.

12 (3) The director, if determining that intrinsically  
13 safe battery-powered strobe lights present an acceptable risk,  
14 shall review those rated intrinsically safe by MSHA and may  
15 approve them for use in Alabama mines. A list of approved  
16 intrinsically safe battery-powered strobe lights shall be  
17 maintained by the director.

18 (b) A reflective sign with the words "SELF-RESCUER"  
19 or "SELF-RESCUERS" shall be conspicuously posted at each cache  
20 and reflective direction signs shall be posted leading to each  
21 cache.

22 (c) Lifeline cords installed in primary escapeways  
23 shall be attached to each storage cache container and extend  
24 from the last permanent stopping to the surface or nearest  
25 escape facility, excluding belt and track entries, and must:

26 (1) Be made of durable material.

1                   (2) Be marked with reflective material every 25  
2 feet.

3                   (3) Be located in such a manner for miners to use  
4 effectively to escape.

5                   (4) Have directional indicators signifying the route  
6 of escape placed at intervals not exceeding 100 feet.

7                   §25-9-407.

8                   (a) An emergency shelter/chamber shall be maintained  
9 within 1,000 feet of the nearest working face in each working  
10 section. Such emergency shelter/chamber shall be approved by  
11 the director and shall be constructed and maintained in a  
12 manner prescribed by the director.

13                   (b) The director may approve, as an alternative to a  
14 shelter/chamber, an additional surface opening located no more  
15 than 1,000 feet from the nearest working face and accurately  
16 located on escapeway maps.

17                   (c) The director shall acquire the necessary  
18 technical/engineering support along with the Mine Safety  
19 Technology Task Force to evaluate the performance of emergency  
20 shelter/chamber components/systems, and to review the  
21 effectiveness of emergency shelter/chamber plans.

22                   (d) The director shall, no later than 90 days, after  
23 approval of these laws, issue an open opportunity for  
24 emergency shelter/chamber providers to submit products for  
25 approval. The director shall maintain a current list of  
26 pending and approved emergency shelter/chambers.



1 (e) Providers of emergency shelter/chambers seeking  
2 approval shall submit documentation prescribed by the director  
3 that shall include a certification by an independent Alabama  
4 licensed professional engineer that the proposed product meets  
5 the requirements set forth in Section 25-9-407, a description  
6 of the process used in making that determination and a  
7 certification in the following form: "I, the undersigned,  
8 hereby certify that this product, to the best of my knowledge  
9 and belief, meets or exceeds all requirements set forth in  
10 Section 25-9-407."

11 (f) Any emergency shelter/chamber approved by the  
12 director shall:

13 (1) Provide a minimum of 96 hours life support (air,  
14 water, emergency medical supplies, and food) for the maximum  
15 number of miners reasonably expected on the working section.

16 (2) Be capable of surviving an initial event with a  
17 peak overpressure of 15 psi for three seconds and a flash fire  
18 as defined by National Fire Protection Association standard  
19 NFPA-2113 of 300 degrees Fahrenheit for three seconds.

20 (3) Be constructed such that it will be protected  
21 under normal handling and pre-event mine conditions.

22 (4) Provide for rapidly establishing and maintaining  
23 an internal shelter atmosphere of oxygen above 19.5 percent,  
24 carbon dioxide below .05 percent, carbon monoxide below 50 pm,  
25 and an apparent-temperature of 80 degrees Fahrenheit.

26 (5) Provide the ability to monitor carbon monoxide  
27 and oxygen inside and outside the shelter/chamber.

1                   (6) Provide a means for entry and exit that  
2 maintains the integrity of the internal atmosphere.

3                   (7) Provide a means for MSHA certified intrinsically  
4 safe power if power required.

5                   (8) Provide a minimum 16 quarts of water per miner.

6                   (9) Provide a minimum of 8,000 calories of food per  
7 miner.

8                   (10) Provide a means for disposal of human waste to  
9 the outside of the shelter/chamber.

10                   (11) Provide a first aid kit independent of the  
11 section first aid kit.

12                   (12) Have provisions for inspection of the  
13 shelter/chamber and contents.

14                   (13) Contain manufacturer recommended repair  
15 materials.

16                   (14) Provide a battery-powered occupant-activated  
17 strobe light of a model approved by the director that is  
18 visible from the outside indicating occupancy.

19                   (15) Provide provisions for communications to the  
20 surface.

21                   (16) Provide proof of current approval for all items  
22 and materials subject to MSHA approval.

23                   (g) No later than January 1, 2011, all underground  
24 mine operators shall submit an emergency shelter/chamber plan  
25 for approval by the director. The design, development,  
26 submission, and implementation of the shelter/chamber plan  
27 shall be the responsibility of the operator of each mine. The

1 plan will be given to the representatives of the miners for  
2 comments. The comments will be submitted to the director for  
3 consideration before the plan is approved.

4 (h) Within 30 calendar days after submission of the  
5 emergency shelter/chamber plan, the director shall either  
6 approve the emergency shelter/chamber plan or shall reject and  
7 return the plan to the operator for modification and  
8 resubmission, stating in detail the reason for such rejection.  
9 If the plan is rejected, the director shall give the operator  
10 a reasonable length of time, not to exceed 30 calendar days,  
11 to modify and resubmit such plan. The plan will be given to  
12 the representatives of the miners for comments. The comments  
13 will be submitted to the director for consideration before the  
14 plan is approved.

15 (i) Within 15 days of approval of the emergency  
16 shelter/chamber plan by the director, the underground mine  
17 operator shall submit as an addendum to its emergency  
18 shelter/chamber plan a copy of any contract, or purchase  
19 order, including expected delivery date or other proof of  
20 purchase of any equipment required to complete the emergency  
21 shelter/chamber and for installation and ongoing maintenance.

22 (j) The operator shall submit certified progress  
23 reports no less frequently than every 60 calendar days until  
24 full compliance is achieved.

25 (k) After the director has approved an operator's  
26 emergency shelter/chamber plan, the operator shall submit  
27 revisions to the emergency shelter/chamber plan at any time

1 that changes in operational conditions result in substantive  
2 modification. In addition, at any time after approval, the  
3 operator may submit proposed modifications or revisions to its  
4 plan along with reasons therefore to the director. Within 30  
5 days after receipt by the director of any proposed revisions  
6 or modifications to the emergency shelter/chamber plan, the  
7 director shall either approve or reject the revisions, stating  
8 in detail the reasons for such rejection. The plan will be  
9 given to the representatives of the miners for comments. The  
10 comments will be submitted to the director for consideration  
11 before the plan is approved.

12 (l) In developing the emergency shelter/chamber plan  
13 and any revisions, the operator shall take into consideration  
14 the physical features of the particular mine, emergency plans,  
15 advances in emergency shelter/chamber technologies, and any  
16 other aspect of the particular mine the operator deems  
17 relevant to the development of the emergency shelter/chamber  
18 plan.

19 (m) A copy of the approved emergency shelter/chamber  
20 plan shall be provided to the mine rescue teams providing  
21 coverage for the mine and included in the mine rescue program.  
22 Copies of the most recent version shall be available at the  
23 mine for emergency responders. As changes are made to the  
24 approved emergency shelter/chamber plan, updated versions  
25 shall be submitted to the above parties.

26 (n) The proposed emergency shelter/chamber plan  
27 shall:

1           (1) Describe the structure and operations of the  
2 emergency shelter/chamber, the surveyed location of the  
3 shelter drilling operations to the shelter/chamber, and the  
4 shelter/chamber's role in emergency response.

5           (2) Ensure that proper emergency shelter/chamber use  
6 is included in initial mine hazard training in such a manner  
7 that it is in compliance with all manufacturer's requirements  
8 and is provided yearly in addition to annual refresher  
9 training. All training shall be recorded and made available  
10 upon request.

11           (3) Ensure weekly inspections of emergency  
12 shelters/chambers and contents shall be conducted by a  
13 certified mine foreman and/or mine examiner and recorded in  
14 weekly ventilation examination book.

15           (4) Ensure that weekly safety meetings review the  
16 current location of applicable emergency shelters/chambers and  
17 results of the latest inspection.

18           (5) Ensure that all openings to emergency  
19 shelters/chambers shall be equipped with easily removable  
20 tamper-proof tags such that a visual indication of  
21 unauthorized access to the emergency shelter/chamber can be  
22 detected.

23           (6) Ensure that the mine's communication center  
24 shall monitor any communication systems associated with the  
25 emergency shelter/chamber at all times that the mine is  
26 occupied.

1           (o) If the director, in his or her sole discretion,  
2 determines that an operator has failed to provide an emergency  
3 shelter/chamber plan or progress report, has provided an  
4 inadequate emergency shelter/chamber plan or progress report,  
5 has failed to comply with its approved emergency  
6 shelter/chamber plan or compliance schedule, or has failed to  
7 provide a copy of any contract, purchase order, or other proof  
8 of purchase required under this section, in an effort to  
9 delay, avoid, or circumvent compliance of this section, the  
10 director shall issue a cessation order to the operator for the  
11 affected mine.

12           (p) If there are no emergency shelters/chambers  
13 approved, operators shall install in lieu of an emergency  
14 shelter/chamber, within 1,000 feet of the nearest working face  
15 in each working section, storage caches of SCSRs sufficient to  
16 provide each miner reasonably expected to be at the working  
17 section with no less than 16 additional SCSRs rated by MSHA  
18 each for a duration of 60 minutes or greater, or an equivalent  
19 amount of breathable air and barricading materials.

20           (q) Any person that, without authorization of the  
21 operator or the director, knowingly removes or attempts to  
22 remove an emergency shelter/chamber or its contents approved  
23 by the director from the mine or mine site with the intent to  
24 permanently deprive the operator of the device or knowingly  
25 tampers with or attempts to tamper with such a device shall be  
26 deemed guilty of a felony and, upon conviction thereof, shall  
27 be imprisoned in a state correctional facility for not less

1 than one year nor more than 10 years, or fined not less than  
2 ten thousand dollars (\$10,000) nor more than one hundred  
3 thousand dollars (\$100,000), or both.

4 Section 6. All laws or parts of laws in conflict  
5 with this act are repealed, and Sections 25-9-87 and 25-9-153,  
6 Code of Alabama 1975, are specifically repealed.

7 Section 7. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.