

Executive Summary
Final Rulemaking
Chapter 208 Underground Coal Mine Safety
(25 Pa. Code Chapter 208)

This rulemaking is initiated by the Commonwealth of Pennsylvania to address underground coal mine safety and is authorized by the Bituminous Coal Mine Safety Act (52 P.S. §§ 690-101-690-708) (BCMSA). The rulemaking is being promulgated by the Board of Coal Mine Safety (Board), which is a 7-member board consisting of the Secretary of the Department of Environmental Protection (DEP), as Chair of the Board, three members nominated by the United Mine Workers of America to represent the viewpoints of miners and three members nominated by the Pennsylvania Coal Association to represent the viewpoints of underground bituminous coal mine operators.

The Board has approved several amendments to DEP's regulations in *25 Pa. Code* Chapter 208. Specifically, these final-form regulations will amend § 208.1 (definitions) and will establish § 208.70 (relating to Automated External Defibrillators) (AED) to read as set forth in Annex A. This rulemaking was developed in response to a request by a concerned citizen and has been prepared by the DEP at the Board's direction.

An AED is a portable device that uses electric shock to restore a stable heart rhythm. The final-form rulemaking will require the placement of AEDs at various locations at an underground mine operation. Each mine site will be required to maintain one unit on the surface of the facility and one unit at each working section. The use of AEDs by trained individuals will help save the lives of miners who may suffer from a heart attack while working underground. Most of the miners who work underground may be several miles away from a mine opening. Because of the dangerous conditions and the strenuous activities miners encounter, safety is a priority. AEDs are another tool that miners will have available to save a life.

The proposed rulemaking was adopted by the Board on October 26, 2010, and published in the *PA Bulletin* for public comment on November 5, 2011, at 41 *Pa.B.* 5959. During the 30-day public comment period, no members of the public submitted comments to the Board on the rulemaking. On January 4, 2012, the Independent Regulatory Review Commission (IRRC) issued several comments on the rulemaking, predominantly concerning the clarity of several provisions. Amendments are proposed at final rulemaking to enhance the clarity of the regulations, including changes to prescribe the placement of AEDs with more specificity and coordinate the storage location of AEDs with the first-aid equipment used at the mine. The regulation also requires that emergency medical technicians and emergency medical technician paramedics at the mine be trained in the proper use of an AED.

The final-form rulemaking is overwhelmingly supported by both mine operators and mine workers. The benefits of the regulation far outweigh the nominal costs of compliance. Mine operators already utilize AEDs at their facilities. Currently there are 36 underground bituminous coal mines in Pennsylvania, and these mines employ approximately 4,420 persons. These regulations reduce the possibility that individuals working at the mines will suffer a serious or fatal heart attack. Pennsylvania would be the first state to require AEDs in underground bituminous mines, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.