

**Executive Summary**  
**Final Rulemaking**  
**Chapter 208 Underground Coal Mine Safety**  
**Proximity Detection Systems**  
**25 Pa. Code Chapter 208**

**Purpose of the Rulemaking**

Currently in Pennsylvania, safety requirements involving the use of proximity detection systems on continuous mining machines at underground bituminous coal mines are implemented pursuant to recently published Federal Mine Safety and Health Administration (MSHA) regulations. The Commonwealth, however, has no basis for enforcing these Federal regulations. This final rulemaking addresses this gap in the state regulatory scheme and makes those federal regulations independently enforceable by the Commonwealth. These requirements ensure that continuous mining machines at underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents and injuries. Such regulations benefit persons in and about mine sites and mine operators.

**Summary of Final Rulemaking**

The Board of Coal Mine Safety (Board) will add regulatory provisions to Chapter 208. These additions include §§ 208.500 – 208.504 (relating to proximity detection systems) to read as set forth in Annex A. This final rulemaking incorporates existing federal regulations, thereby making the federal regulations independently enforceable by the Commonwealth.

**Affected Parties**

All nine operators of underground bituminous coal mines in Pennsylvania will be subject to this final rulemaking, and three of those operators are small businesses. However, the rulemaking does not impose additional obligations on the nine operators because the rulemaking only implements existing federal regulations with which the operators must already comply.

**Advisory Groups**

The development and drafting of this rulemaking was aided by input from the Board which received recommendations and advice on the rulemaking from its constituents. The Board is chaired by the Secretary of the Department of Environmental Protection and consists of three members representing the interests of mine workers and three members representing the interests of underground bituminous coal mine operators. The Board published a proposed rulemaking on March 19, 2016 with a 30-day public comment period, 46 Pa.B. 1421, and received no comments.