

**ARTICLE I**  
**APPLICATION, DEFINITIONS,**  
**ADMINISTRATION**

**Section 101. Short title**

This act shall be known and may be cited as the "Pennsylvania Bituminous Coal Mine Act." 1961, July 17, P.L. 659, Art I. §101.

**Section 102. Application**

This act shall apply to all bituminous coal mines in the Commonwealth of Pennsylvania.

**Section 103. Definitions**

Subject to additional definitions contained in the subsequent articles, or sections hereof, and unless the context otherwise requires in this act, the following words and terms shall have these meanings:

- (1) "Abandoned workings"--Excavations, either caved or sealed, that are deserted and in which further mining is not intended.
- (2) "Active workings"--All places in a mine that are ventilated and inspected regularly.

(3) "Inactive workings"--Shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned.

(4) "Bituminous coal mines"--Shall include all coal mines in the State not now included in anthracite boundaries, and whenever the term "mine" appears in this act it shall be construed to mean bituminous coal mine.

(5) "Certified person"--When used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, shall mean a person who is qualified under the provisions of this act to perform such duty. This shall include mine foremen, assistant mine foremen, mine examiners, and mine electricians.

(6) "Mine"--Includes the shafts, slopes, drifts, or incline planes connected with excavations penetrating coal stratum or strata, which excavations are ventilated by one general air current, or divisions thereof, and connected by a method of transportation over which coal may be delivered to one or more points outside the mine, when such is operated by one operator. The term "mine" shall not include any strip mine.

(7) "Gassy mine"--A bituminous coal mine where methane has been ignited therein, or has been detected therein with an approved flame safety lamp, or an

approved methane detector; or by laboratory analysis of a sample of air, taken not less than twelve inches from the roof, face and rib, containing methane in an amount of twenty-five one-hundredths per cent or more.

(8) "Non-gassy mine"--A bituminous coal mine which has not been classified as gassy.

(9) "Operator"--Any firm, corporation, or individual operating any coal mine, or any part thereof.

(10) "Superintendent"--Means the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

(11) "Mine foreman"--The person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

(12) "Mine examiner"--Shall mean any certified person designated to examine a mine for gas and other dangers. The title "mine examiner" as used in this act, is synonymous with the title "fire boss" as heretofore understood.

(13) "Department"--The Department of Environmental Protection of the Commonwealth, hereinafter referred to as the department.

(14) "Secretary"--The Secretary of Environmental Protection of the Commonwealth or his designee, hereinafter referred to as the secretary.

(15) "Deputy secretary"--A person appointed by the secretary, with approval of the Governor, to assist and aid the secretary in carrying out the provisions of this act, hereinafter referred to as the deputy secretary.

(16) "Investigating commission" (hereinafter referred to as a commission)-- Shall consist of a group of at least three mine inspectors or electrical inspectors, or a combination of both, appointed by the secretary for the purpose of investigating and reporting on any problem in question in compliance with the provisions contained in this act. The district mine inspector shall accompany any commission in his district but need not be a member thereof. The secretary at his discretion may appoint the deputy secretary as a member of any commission.

(17) "Mine inspector"--The person commissioned by the Governor to have supervision of mines as hereinafter prescribed.

(18) "Electrical inspector"--The person commissioned by the Governor to perform electrical inspections as hereinafter prescribed.

(19) "Examining board"--The Bituminous Mine Inspectors' and Electrical Inspectors' Examining Board provided for in section 109 of this article.

(20) "Face"--Defined as being the solid coal at the inby end of a working place.

(21) "Working place"--The face area where the coal seam is being broken or severed.

(22) "Coal-producing shift"--A shift primarily intended for coal production rather than for purposes of construction, maintenance and housekeeping even though some coal production may be incident to such purposes.

(23) "Return air"--After a volume of air has passed through and has ventilated all of the working places in the air split it shall then be designated as return air.

(24) "Shaft"--A vertical opening through the strata that is or may be used for the purpose of ventilation or drainage or for hoisting men or material or both in connection with the mining of coal.

(25) "Slope and drift"--An incline or opening used for the same purpose as a shaft.

(26) "Approved"--Which is used in connection with equipment, supplies, explosives and lamps, means

"approved for use in bituminous coal mines by the secretary," whether such approval has been made prior to or subsequent to the effective date of this act.

(27) "Permissible"--When used herein in connection with explosives means approved for use in bituminous coal mines by the United States Bureau of Mines, whether such approval has been made prior to or subsequent to the effective date of this act.

(28) "MSHA"--The Mine Safety and Health Administration within the United States Department of Labor.

(29) "DPEP"--Diesel-powered equipment package.

(30) "Advisory committee"--The Technical Advisory Committee on Diesel-Powered Equipment established in section 224-A.

#### **Section 104. The secretary and the deputy secretary**

(a) It shall be the duty of the secretary to devote the whole of his time to duties of his office, and to see that the mining laws of the Commonwealth are faithfully executed. The secretary shall appoint, with the approval of the Governor, a deputy secretary for the bituminous division to assist with his duties. The secretary and the deputy secretary are hereby invested

with the same power and authority as the inspectors to enter and examine any mine within the Commonwealth, and the works and machinery connected therewith, and to give such aid and instruction to the inspectors from time to time as they may deem best calculated to protect the health and promote the safety of all persons employed in and about the mines.

(b) It shall be the duty of the secretary to take charge of, and preserve in his office, the annual reports of the mine inspectors, and transmit a synopsis of them, together with such other statistical data compiled therefrom, and other work of the department as may be of public interest, properly addressed, to the Governor, to be transmitted to the General Assembly of this Commonwealth, on or before March 15 in each year. It shall also be the duty of the secretary to see that said reports are placed in the hands of the public printer or others equipped to reproduce same, for publication, on or before April 1 in each year; the same to be published under the direction of the secretary. In order that the secretary may be able to prepare, compile and transmit a synopsis of his annual report to the Governor within the time herein specified, the mine inspectors are hereby required to deliver their annual reports to the secretary on or before February 20 in each year. In addition to the annual reports herein required of the mine inspectors, they shall furnish the secretary monthly reports, and

also such special information on any subject regarding mine accidents, or other matters pertaining to mining interests, or the safety of persons employed in and about the mines, as he at any time may require or may deem necessary, in the proper and lawful discharge of his official duties. The secretary shall also establish, as far as may be practicable, a uniform style and size of blanks for the annual, monthly and special reports of the mine inspectors, and prescribe the form and subject matter to be embraced in the text and the tabulated statements of their reports.

The secretary is hereby authorized to make such examinations and investigations as may enable him to report on the various systems of coal mining in the Commonwealth, method of mining ventilation and machinery employed, the circumstances and responsibilities of mine accidents; and such other matters as may pertain to the general welfare of coal miners and others connected with mining, and the interests of mine owners and operators in the Commonwealth.

(c) The board of examiners for the examination of applicants for mine inspectors and electrical inspectors in the bituminous coal mines of the Commonwealth, the board for the examination of applicants for first and second grade certificates, mine examiners and mine electricians, in the bituminous coal mines, and the board applicants for certificates of competency as



miners, shall send to the secretary the manuscripts and all other papers of applicants, together with the tally sheets and the solution of each question as given by the examining board, which shall be filed in the department as public documents for a period of time not less than eight years.

(d) The secretary shall keep in the department a journal or record of all inspections, examinations and work done under his administration, and copies of all official communications; and is hereby authorized to procure such books, instruments and chemicals, or other tests, as may be found necessary to the proper discharging of his duties under this act, at the expense of the Commonwealth. All instruments, plans, books and records pertaining to the office shall be the property of the Commonwealth, and shall be delivered to his successor in office.

(e) The secretary shall, at all times, be accountable to the Governor for the faithful discharge of his duties imposed on him by law, and the administration of his office and the rules and regulations pertaining to said department shall be subject to the approval of the Governor.

(f) No person who is acting as a land agent, or as a manager, viewer, or agent of any mine, shall, at the same time, serve as secretary or deputy secretary under the provisions of this act.

## **Section 105. Mine inspection districts; mine inspectors**

The bituminous coal producing counties of the Commonwealth shall be arranged by the secretary, with the consent of the Governor, into mine inspection districts, and the secretary may, at any time with the consent of the Governor, redistrict the bituminous coal producing districts. Each mine inspection district shall have a mine inspector. The Governor shall commission and appoint mine inspectors from among persons holding valid unexpired certificates of qualification issued by the examining board under this act or under any previous act, and each mine inspector shall hold office during good behavior or until removed from office as herein provided. It shall be the duty of the secretary to assign the mine inspectors to their respective districts and the secretary shall also designate the place of abode of each mine inspector, at a point as convenient as possible to the mines of his district.

## **Section 106. Electrical inspectors**

On or after the effective date of this act, the secretary, with the consent and approval of the Governor, shall appoint such certified electrical inspectors as he may deem necessary to inspect at least twice a year all electrical equipment used in bituminous coal mines,

and to perform such other inspections of electrical equipment in and around the bituminous coal mines of the Commonwealth as may be deemed necessary by the secretary.

**Section 107. Eligibility for appointment as a bituminous coal mine inspector**

The qualifications for certification of a candidate for the office of mine inspector shall be as follows: The candidate shall be a citizen of the Commonwealth of Pennsylvania, of temperate habits, of good repute as a person of personal integrity, in good physical condition, shall have successfully passed the examination for mine inspector provided in section 109 hereof, shall have had at least ten years' practical experience in bituminous coal mines, five years of which, immediately preceding his examination, shall have been in bituminous coal mines of this Commonwealth, and shall have had practical experience with explosive gas and other dangerous gases found in coal mines: Provided, however, That any candidate who has honorably served in the armed forces of the United States or an ally thereof shall be eligible to take such examination, where the required continuity of practical experience has been interrupted by such military service.

## **Section 108. Eligibility for appointment as an electrical inspector**

The qualifications for certification of a candidate for the office of electrical inspector shall be as follows: The candidate shall be a citizen of the Commonwealth of Pennsylvania, of temperate habits, of good repute as a person of personal integrity, in good physical condition, shall have had five years' experience in gassy mines of this Commonwealth as a mine electrician or an electrical engineer, and shall have successfully passed the examination for electrical inspectors provided in section 109 of this article: Provided, however, That any candidate who has honorably served in the armed forces of the United States or an ally thereof shall be eligible to take such examination, where the required continuity of practical experience has been interrupted by such military service.

## **Section 109. Bituminous mine inspectors' and electrical inspectors' examining board**

(a) The Bituminous Mine Inspectors' and Electrical Inspectors' Examining Board for the bituminous coal mines of the Commonwealth of Pennsylvania shall consist of the secretary; two mining engineers, who shall have had at least five years' experience in the bituminous coal mines of Pennsylvania; two members who shall have passed successfully an examination

qualifying them to act as mine inspector or mine foreman in gassy mines; and one certified miner member; all of whom shall have had at least ten years' practical experience in the bituminous coal mines of Pennsylvania. All members of the examining board shall be at least thirty years of age, and all members, other than the secretary, shall be appointed by the Governor.

(b) The Secretary of the Department of Environmental Protection shall be the chairman of the examining board. The chairman of the examining board shall select a secretary who need not be a member of the examining board.

(c) The examining board, after being duly organized, shall take and subscribe to, before any officer authorized to administer the same, the following oath, namely: "We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as inspector of mines or as electrical inspector to the best of our ability, and that in recommending or rejecting said applicants we will be governed by the evidence of their qualifications to fill the position, and not by any consideration of political or personal favor, and that we will certify all whom we may find qualified according to the true intent and meaning of this act, and none other."

(d) The secretary of the examining board and each member of the examining board (other than the Secretary of the Department of Environmental Protection) shall receive thirty dollars (\$30) per diem while actively engaged in the performance of the work of the examining board. The Secretary of the Department of Environmental Protection shall have the right to determine, from time to time, the maximum number of days for which the members of the examining board and its secretary shall receive compensation. The members of the examining board and its secretary shall receive traveling expenses at the prevailing rate from their home to the place of the meeting of the examining board and returning therefrom, and such other necessary traveling expenses as may be incurred in connection with the work of the examining board.

(e) The examining board shall prepare questions and answers and formulate rules for the examination of candidates for appointment to the office of mine inspector and electrical inspector. The examining board shall conduct, at a place designated by it, an examination of candidates for appointment to the offices of mine inspector and electrical inspector during the year 1964, and shall conduct an examination of such candidates during every fourth year thereafter. The examining board may also be convened by the Governor, at any other time, when there remains upon the list of successful candidates

less than three names, as a result of appointments made therefrom, or as a result of the expiration of certificates of qualification, to meet and proceed to conduct an examination for the purpose of supplying a new list of eligible candidates.

(f) Candidates for the office of mine inspector who have submitted such proof as the examining board shall require that they are otherwise qualified as set forth in section 107 of this article shall be examined on and must give evidence of having such theoretical as well as practical knowledge and general intelligence respecting mines and mining and the working and ventilation of mines as will satisfy the examining board of their capability and fitness to perform the duties imposed upon mine inspectors under this act. The principal portion of such examination shall be in writing but each applicant shall also undergo an oral examination pertaining to explosive gas, safety lamps, methods of ventilation, and mine management. The questions and answers thereto in the oral examination shall be reported verbatim by an expert stenographer, or shall be mechanically recorded, and typewritten fully, or reproduced by some other method, to assist the examining board in the work of rating the qualifications of the candidates. Any candidate who shall make a general average of at least ninety per cent shall be deemed successful on such examination.

(g) Candidates for the office of electrical inspector who have submitted such proof as the examining board shall require that they are otherwise qualified as set forth in section 108 of this article, shall be examined on and must give evidence of having such theoretical as well as practical knowledge and general intelligence respecting the use and installation of both alternating current and direct current electricity in the mines, machinery powered thereby, and the laws of the Commonwealth relating to the application of electricity in mines as will satisfy the examining board of their capacity and fitness to perform the duties of electrical inspectors under this act and must pass the examination with an average of eighty-five per cent.

(h) The manuscripts and other papers of applicants for the office of mine inspector and electrical inspector in the principal examination, together with tally sheets and the correct solution of each question as prepared by the examining board, and the stenographer's report or other record of the oral examination for inspectors, shall be filed with the department for a period of time of not less than eight years.

(i) The names and percentages of all successful candidates who are properly qualified under the provisions of this article to fill the office of inspector shall be certified by the examining board to the Governor and to the department. A certificate of qualification shall be issued to each successful



candidate by the secretary. A certificate so granted shall be valid for a period of four years from the date of the examination unless the holder has received an appointment in the interim period in which case the certificate shall become permanent unless the appointee has voluntarily relinquished the position within a period of one year after appointment. A certificate of qualification of a person honorably discharged from the armed forces of the United States shall not expire until the first examination occurring more than six months following his release from military service.

(j) The examining board shall, after the examination, furnish to any candidate, on request, a copy of all oral and written questions given at the examination marked as answered by the candidate "solved right," "imperfect" or "wrong," as the case may be.

(k) Any inspector appointed under the provisions of previous laws or under the provisions of this act shall be eligible for reappointment without further examination, even if beyond fifty-five years of age if he has served as an inspector for a period of four or more years.

### **Section 110. Salary of mine inspectors**

The salary of mine inspectors shall be as established by the executive board.

The mine inspectors shall be allowed all necessary expenses incurred by them in enforcing the several provisions of this act in the respective courts of this Commonwealth, if they have obtained the consent of the department before such expense is incurred, the same to be paid by the State Treasurer, on warrant of the Auditor General, issued upon presentation of itemized vouchers approved by the court before which the proceedings were instituted, and also by the secretary.

### **Section 111. Salary of electrical inspectors**

The salary of mine inspectors shall be as established by the executive board.

### **Section 112. Mine inspector; expenses**

Each mine inspector may also incur traveling expenses, and such other expenses as may be necessary for the proper discharge of his duties under the provisions of this act. Each mine inspector shall have an office in his district, which may be at his place of residence: Provided, That a suitable room, approved by the secretary, be set apart for that purpose. The secretary shall have authority to procure for the mine inspectors, on their request, furniture, instruments, chemicals, typewriters, stationery and all other necessary supplies, which shall be paid for by the

State Treasurer, on warrant of the Auditor General issued upon presentation of vouchers approved by the secretary. All furniture, instruments, plans, books, memoranda, notes and other materials pertaining to the office of mine inspector, shall be the property of the Commonwealth, and shall be delivered by the mine inspector to his successor in office.

### **Section 113. Electrical inspector; expenses**

Each electrical inspector may also incur traveling expenses, and such other expenses as may be necessary for the proper discharge of his duties under the provisions of this act. The secretary, through the Department of Property and Supplies, shall purchase for the electrical inspectors such instruments and equipment as he deems necessary to assist them in carrying out the duties imposed upon them by this act.

### **Section 114. Mine inspector; bond; oath**

Each mine inspector shall, before entering upon the discharge of his duties, give a surety bond in the sum of five thousand dollars (\$5000), conditioned for the faithful discharge of his duties; and shall take an oath or make affirmation that he will discharge his duties with impartiality and fidelity, to the best of his knowledge and ability. Such bond and oath shall be filed in the office of the Secretary of the Commonwealth. No person who is acting as manager

or agent of any coal mine, or as mining engineer, or who is directly or indirectly interested in operating any coal mine shall at the same time act as mine inspector.

### **Section 115. Temporary mine inspectors and electrical inspectors**

In case a mine inspector or electrical inspector becomes incapacitated to perform the duties of his office, or is granted a leave of absence by the secretary, it shall be the duty of the Governor, at the request of the secretary, to appoint temporarily to the office a person holding a valid certificate of qualification. The temporary inspector shall act until the regular inspector is able to resume the duties of his office.

### **Section 116. Removal of mine inspectors and electrical inspectors**

The mine inspector and electrical inspector shall be responsible to the secretary for the proper performance of their duties. The secretary shall have the power to suspend any mine inspector or electrical inspector for any neglect of duty, but such suspended inspector shall have the right of appeal to the Governor, who shall be empowered to approve of such suspension or restore such suspended inspector to duty, after investigating the causes which led to such suspension. Should the secretary receive information by petition,

signed by ten or more miners or three or more operators, setting forth that any of the inspectors are neglectful of the duties of their office, or are physically unable to perform the duties of their office, or are guilty of malfeasance in office, he shall at once investigate the matter; and if he shall be satisfied that the charge or charges are well founded, he shall then petition the court of common pleas or the judge in chambers, in any county within or partly within the inspection district of the inspector; which court upon receipt of said petition and a report of the character of the charges and testimony produced, shall at once issue a citation, in the name of the Commonwealth, to the said inspector to appear, on not less than fifteen days' notice, on a fixed day, before said court at which time the court shall proceed to inquire into the allegations of the petitioners, and may require the attendance of such witnesses, on the subpoena issued and served by the proper officer or officers, as the judge of the court and the secretary may deem necessary in the case; the inspector under investigation shall also have similar power and authority to compel the attendance of witnesses in his behalf. If the court shall find by said investigation that the said inspector is guilty of neglecting his official duties, or is physically incompetent to perform the duties of his office, or is guilty of malfeasance in office, the said court shall certify the same to the Governor, who shall declare the office vacant, and shall proceed to supply the vacancy as provided by the mining laws of the

Commonwealth. The cost of such investigation shall, if the charges are sustained, be imposed upon the deposed inspector, but if the charges are not sustained, the costs shall be paid out of the State Treasury, upon voucher or vouchers duly certified by said secretary. If said charges are not sustained, the inspector shall be compensated for time lost during suspension.

To enable said secretary to conduct more effectually his examinations and investigations of the charge and complaints which may be made by petitioners against any of the inspectors as herein provided, he shall have power to administer oaths and take affidavits and depositions, in form and manner provided by law.

### **Section 117. Duties of mine inspectors**

Each mine inspector shall devote the whole of his time to the duties of his office. It shall be his duty to thoroughly examine each operating mine in his district as often as necessary for safety. Non-gassy mines shall be inspected at least once every four months. Mines liberating explosive gas and where other dangers may be suspected to exist shall be inspected at least once every three months to see that all the provisions of this act are observed and strictly carried out, especially those that demand that the air current be carried to the working faces. He shall keep in his office a record of all examinations of mines, showing the condition in which he finds them, especially with reference to

ventilation, roof control and drainage, the number of persons employed inside each mine, the extent to which the law is obeyed, and the progress made in the improvement of mines. He shall keep a record of all lost time accidents, showing the nature and causes thereof, and the number of deaths resulting therefrom. He shall also perform such other duties as the secretary may require.

### **Section 118. Duties of electrical inspectors**

In order that the electrical inspector may properly perform the duties required of him, he shall devote his whole time and attention to the duties of his office, and he shall have the right to enter any coal mine for the purpose of inspecting electrical equipment, and if he finds during his inspection any defects in the electrical equipment which may be detrimental to the lives or health of the workmen, he shall have the authority to order the operator, in writing, to remedy such defects within a prescribed time, and to prohibit the continued operation of such electrical equipment after such time, unless such defects have been corrected.

### **Section 119. Inspections; reports of inspections**

(a) At the conclusion of the examination of a mine, the mine inspector shall discuss with representatives of management, and the employees, his findings and

recommendations. Where it is not feasible to hold a joint conference, separate conferences shall be held. After the conferences have been held, the mine inspector shall, as soon as possible, prepare and forward the original report to the operator, or his representative. The manner and form of the report shall be as prescribed by the secretary. Such operator or his representative shall post said report in the office of the mine or in some other conspicuous place where it shall remain for one year, open to examination by any person employed in or about the said mine. The report shall show the date of the inspection, the number of cubic feet of air in circulation, where the measurement of the air was made, and the quantity of air as measured at the last cut-through in each split, together with the number of persons employed in each split, and also at any other place requested by the secretary. The report shall contain such other information as the secretary may deem necessary.

(b) It shall be the duty of the electrical inspector after completing his examination of a mine to prepare a report describing his findings in said mine in a manner and form designated by the secretary. The original report shall be forwarded to the operator or his representative whose duty it shall be to post it in some conspicuous place where it shall remain for one year, open to examination by any person employed in or about the mine. The report shall show the date of



inspection, a list of equipment, and any other information that the secretary may deem necessary.

### **Section 120. Mine inspector; cease work**

If the mine inspector discovers any room, entry, airway, or other working places being driven in advance of the air current, contrary to the requirements of this act, he shall order the workmen in such places to cease work at once until the law is complied with.

### **Section 121. Mine inspectors' findings**

To enable the mine inspector to perform the duties imposed upon him by this act, he shall have the right at all times to enter any mine in his district or any mine in any other district when directed to do so by the secretary, to make examinations or obtain information; and upon the discovery of any violation of this act, or upon being informed of any violation of the act, he shall institute proceedings against the person or persons at fault, under the provisions of this act. In case any mine or portion of a mine is, in the judgment of the mine inspector, in so dangerous a condition, from any cause, as to jeopardize life and health, he shall at once notify the secretary, who shall immediately appoint a commission to accompany promptly the said mine inspector to the mine wherein said dangerous condition is alleged to exist. The

commission shall make a full investigation, and if they shall agree that there is immediate danger they shall direct the superintendent of the mine, in writing, or remove forthwith said dangerous condition. If the superintendent fails to do so, the mine inspector in the district shall immediately apply, in the name of the Commonwealth, to the court of common pleas of the county in which said mine is located, or to a judge of said court in chambers, for an injunction to enjoin the operation of all work in and about said mine. Whereupon said court, or judge, shall at once proceed to hear and determine the case; and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the working of said mine until all cause of danger is removed; and the costs of said proceedings shall be borne by the owner, lessee, or agent of the mine: Provided, That if said court shall find the cause not sufficient, then the case shall be dismissed, and the costs shall be borne by the county wherein said mine is located: Provided also, That should any mine inspector find during his inspection of a mine, or portion of a mine, such dangerous conditions existing therein that, in his opinion, any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employees, the said mine inspector shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

## **Section 122. Mine inspectors' reports to the secretary**

Each mine inspector shall make the following reports to the secretary, on blank forms provided for that purpose. Not later than the fifteenth of each month he shall make a report of all fatal and lost-time accidents that have occurred in his district during the preceding month, stating the date, nature, and cause of each accident, together with the name, age and occupation of each person killed or injured, and whether married or single, and the number of widows and orphans left; which report shall be recorded and filed in the department, and included (or a synopsis of the same) in the annual report of said department. Not later than February 20 of each year he shall make an annual report, which shall briefly recapitulate the duties performed by him during the preceding year, and briefly describe the condition of the mines in his district relative to ventilation, roof control, drainage, and general sanitary arrangements, as relating to the health, safety, and welfare of the employees, and which shall also contain such suggestions or information of importance as he may deem necessary, or as required by the secretary. The mine inspector shall also make such other reports as the secretary shall require.

### **Section 123. Discretionary power of mine inspectors**

The mine inspector shall exercise sound discretion in the performance of his duties under the provisions of this act, and if the operator, superintendent, mine foreman, or other person employed in or about any mine, shall be dissatisfied with any decision the mine inspector has given in the discharge of his duties, which decision shall be in writing, it shall be the duty of the dissatisfied person to appeal from said decision to the secretary, who shall at once appoint a commission to accompany promptly the mine inspector in the district to make further examination into the matter in dispute. If the said commission shall agree with the decision of the mine inspector in the district, their decision shall be final and conclusive, unless an appeal is taken in accordance with the provisions of the act of June 4, 1945 (P.L. 1388, No. 442), known as the "Administrative Agency Law."

### **Section 124. Appointment of a commission by the Secretary**

The secretary may, at his discretion, appoint a commission for the purpose of investigating any question within the purview of this act to enable him to make a decision in accordance therewith: Provided, however, That it shall be mandatory that the secretary appoint a commission for the purpose of an

investigation wherein such action is required in any of the provisions of this act.

### **Section 125. Reports of operating mines**

The operator or superintendent of each operating mine in the Commonwealth shall file a report with the secretary and with the mine inspector in the district setting forth the name of the mine, the name of the operator, the location of the mine and the postal address of the mine office on the following occasions:

- (1) Within thirty days after the effective date of this act.
- (2) Within thirty days after the commencement of work for the purpose of opening a new mine.
- (3) Prior to any work being done in resumption of the operation of a mine after an abandonment, or within thirty days after a discontinuance of its operation for a period exceeding two months.
- (4) Within thirty days of any change in the name of the mine or in the identity of the operator of a mine.

**Section 126. Mine rescue station; equipment; instructors**

(a) On and after the effective date of this act, the secretary, with the consent of the Governor, shall appoint two first-aid instructors and two mine rescue instructors to carry on the work of instructing mine employees how to care for persons injured in and about the bituminous coal mines of this Commonwealth, and to train such other employees of the various coal companies who may voluntarily seek training in the use of self-contained breathing apparatus, gas masks, first aid to the injured, and such other things or practices essential to the safe and efficient conduct of the work of first aid and mine rescue.

(b) The secretary, with the consent of the Governor, shall have the authority to purchase, through the Department of Property and Supplies, two trucks equipped with the necessary breathing apparatus, gas masks, first-aid supplies, analytical apparatus and such other chemical and scientific instruments commonly used and necessary in the work of first aid and mine rescue.

The secretary, with the consent of the Governor, shall also have the authority to purchase, through the Department of Property and Supplies, such emergency mine rescue trucks and equipment, as in his opinion

shall be deemed necessary, for use in mine catastrophes.

(c) The persons appointed to the position of first-aid instructor and mine rescue instructor shall not be under twenty-five or over fifty-five years of age on the date of their appointment. They shall be citizens of this Commonwealth and shall devote their whole time and attention to the duties of their office. They shall have a first grade mine foreman's certificate, issued by the department, and shall be in possession of a first-aid certificate issued by the department, the Red Cross, the Federal Bureau of Mines, or any other recognized authority on the subject of first aid. They shall also undergo an examination arranged and conducted by the secretary. The examination, so conducted by the secretary, shall pertain to the applicant's knowledge and experience in the use of such instruments and equipment as are commonly used in mine rescue work.

(d) The salaries of first-aid instructors and mine rescue instructors shall be as established by the executive board.

(e) The persons so trained in the work of first aid and mine rescue, shall, upon completion of a course of training and instruction as may be prescribed by the secretary, be granted a certificate of competency. Such certificate shall be issued by the secretary upon written

notice from the "Chief of Crew" that the applicant has completed, in a satisfactory manner, the course of training and instruction prescribed by the said secretary.

### **Section 127. Mine rescue crews**

The secretary is hereby authorized to have trained and employed at the rescue stations operated by the department, such rescue crews as he may deem necessary. Each member of a rescue crew shall devote adequate time for training purposes as determined by the secretary, and shall be available at all times to assist in rescue work at explosions, mine fires and recovery work. Members of the mine rescue crews shall be compensated at rates commensurate for the area as determined by the secretary and payable on requisition approved by the secretary, and such other sums to be paid by the operating company as may be agreed upon when engaged in rescue work at explosions, mine fires or recovery work. The secretary may remove any member of a rescue crew at any time.

### **Section 128. Supervision of mine rescue work**

The secretary is hereby authorized to assign mine rescue crews and such mine rescue and recovery work to mine inspectors or other qualified employees of the department as he may deem necessary.