

## **GENERAL PROVISIONS EMERGENCY MEDICAL PERSONNEL**

### **Section 1. Definitions**

As used in this act:

"Emergency medical technician" means a coal mine employee who has successfully completed the course on emergency first-aid care and transportation of the sick and injured recommended by the American Academy of Orthopedic Surgeons or the equivalent thereof, and has been certified by the Department of Health to provide emergency care.

"Emergency medical technician paramedic" means a person who has been certified by the Department of Health to provide emergency medical treatment.

"Mine" means any surface or underground coal mine as defined in the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173, s 3(h), 30 U.S.C. s 802(h).

### **Section 2. Emergency medical personnel in coal mines**

(a) Emergency medical personnel shall be employed in every mine as follows:

(1) Within two years from the effective date of this act, all mines shall be equipped by the operator thereof as follows:

(i) At least one emergency medical technician shall be on duty at a mine at any time when miners at that mine are engaged in the extraction, production, or preparation of coal. Emergency medical technicians shall be on duty at a mine in sufficient numbers to assure that no miner shall work in a mine location that cannot be reached within a reasonable time by an emergency medical technician. Emergency medical technicians shall be employed on their regular mining duties at locations convenient for quick response to emergencies, and further shall have available to them at all times necessary equipment in compliance with Federal regulations.

(ii) Telephone service or equivalent facilities shall be installed which will provide two-way voice communication between the emergency medical technician in the mine and medical personnel outside the mine who provide emergency medical services on a regular basis.

(iii) On or before July 1, 1978, operators of coal mines shall make adequate provisions so that at least one emergency medical technician

paramedic, registered nurse, physician, or physician's assistant shall be available to provide care at a mine at any time that miners at the mine are engaged in the extraction, production or preparation of coal, and such emergency medical technician paramedic, registered nurse, physician or physician's assistant shall be on call to reach the entrance of the mine within 30 minutes.

(b) Notwithstanding any other provision of this act, emergency medical personnel shall be employed in surface coal mines as follows:

(i) If 20 or more persons are employed on a shift, all of the provisions of this act shall apply. A shift shall include all persons working at the different locations of a mine.

(ii) If a mine has employees working at different locations within a radius of not more than ten miles or a lesser number of miles as may be determined by the Department of Environmental Protection and said locations are connected by telephone service or equivalent facilities, an emergency medical technician or the equivalent at any location on the shift shall be deemed to be compliance with the provisions of this act.

(iii) If less than 20 persons are employed on a shift, an ambulance service with three members certified

as emergency medical technicians, not necessarily coal employees, located within a radius of ten miles, or such other distance as may be approved by the Department of Environmental Protection upon request for and approval of a variance thereto, shall be deemed to be in compliance with the provisions of this act.

(iv) If an area ambulance service is not available, three persons, not necessarily coal employees, possessing certification as an emergency medical technician, or the equivalent thereof, residing within a radius of ten miles, or such other distance as may be approved by the Department of Environmental Protection, upon request for and approval of a variance thereto; for which on-call service has been arranged, shall be compliance with the provisions of this act.

### **Section 3. Regulations for training and certification**

The Department of Health shall make rules and regulations as may be necessary to train and certify emergency medical technicians and emergency medical technician paramedics.

#### **Section 4. First-aid training of coal mine employees**

Each coal mine operator shall provide every new employee who shall not have received the initial training hereunder within six months of the date of his employment with the opportunity for such first-aid training as shall be prescribed by the Department of Environmental Protection after consultation with the Department of Health, the Mining Enforcement and Safety Administration of the United States Department of the Interior, representatives of the miners and of the coal mine operators. Each coal mine employee shall be provided with opportunity for refresher first-aid training of not less than five hours within each 24 months of employment. The employee shall be paid regular wages, or overtime pay if applicable, for all periods of first-aid training.

#### **Section 5. Continuing training**

The Department of Environmental Protection, after consultation with the Department of Health regarding the content of instruction courses, shall provide for necessary training on a continuing basis of emergency medical technicians and emergency medical technician paramedics in sufficient numbers to satisfy the requirements of this act and shall propose rules and regulations to implement the operational provisions of this act to the Environmental Quality Board.

## **Section 6. Certification**

The Department of Health shall prescribe such procedures as may be necessary to certify emergency medical technicians and emergency medical technician paramedics and consult with the Department of Environmental Protection as may be required hereunder.

## **Section 7. Liabilities**

(a) No physician, who in good faith gives instructions to a certified emergency medical technician or emergency medical technician paramedic, a registered nurse, or physician's assistant shall be liable for any civil damages as a result of issuing the instructions, unless guilty of gross or willful negligence.

(b) No certified emergency medical technician or emergency medical technician paramedic, registered nurse, or physician's assistant who in good faith attempts to render emergency care to any sick or injured person in or about a coal mine, shall be liable for civil damages as a result of any acts or omissions, unless guilty of gross or willful negligence.

## **Section 8. Equivalent training**

The Department of Environmental Protection may determine that a coal mine operator is presently providing emergency medical care for its employees which is equivalent to or superior to the emergency medical care provided for hereunder; and, in that event, it shall make a finding that such operator is in compliance with this act.

## **Section 9. Regulations for operational provisions**

The Environmental Quality Board shall make rules and regulations to implement the operational provisions of this act.

# **Certified Mine Officials Act**

## **CHAPTER 1. GENERAL PROVISIONS MINE FOREMEN AND ASSISTANT FOREMEN**

### **1. Foreman, assistant foremen and fire bosses deemed officers of Commonwealth; time of performance of duties**

Every mine foreman, assistant mine foreman or fire boss, under the provisions of the Bituminous mining laws or the Anthracite Mining Laws, shall represent the Commonwealth in the coal mine or colliery in

which he is employed and be deemed to be an officer of the Commonwealth in enforcing the provisions of said Mining Laws and performing his duties thereunder. He shall perform said duties during such times as the mine or colliery in which he is employed is in operation, and at such other times as in the judgment of the operator or the Secretary of Mines shall be necessary or desirable to make the mine or colliery safe for operations or to protect the health and safety of the employees of the operator or the safety of the mine or colliery properties.

## **2. Complaints of neglect of duties; hearings; suspension of certificates**

Upon complaint of any mine inspector that a mine foreman, assistant mine foreman or fire boss has failed or refused to perform any duty with which he is charged under the provisions of the law, or has engaged in any acts or activities interfering with the safe and lawful operation of any mine or colliery, specifying the particular acts, failure or refusal, the Secretary of Mines, or in his absence or incapacity to act, any deputy secretary, may, after written notice to such official, setting forth said complaint, a hearing thereon and appropriate findings as hereinafter provided, suspend for a period of not more than one year, or revoke absolutely, the certificate of such mine foreman, assistant mine foreman or fire boss. The Secretary of Mines, upon receiving any such



complaint, shall have the power, if he deems such action advisable, forthwith to suspend the certificate of such official temporarily until such hearing and determination of the charges have been completed.

### **3. Conduct of hearings; notice; record; brief or argument; findings and order**

Said hearings shall be conducted by the Secretary of Mines or a deputy secretary, or other qualified representative of the Commonwealth delegated in writing by the secretary, at such time and place in the district where the official charged is employed, as the person conducting the hearing shall designate, and on not less than five (5) days' written notice thereof. The official charged, the operator of the mine or colliery in which said official was employed, or his or its representative, shall have the right to appear at said hearing, in person, to be represented by counsel to present testimony and other evidence material to said charge, and to examine witnesses. All testimony taken at such hearing shall be under oath and shall be reduced to writing by a competent person designated by the Secretary of Mines. The person conducting said hearing shall cause to be compiled and filed with the Secretary of Mines, a complete record of said hearing. Within ten (10) days following the close of such hearing, any party to the proceeding may file with the Secretary of Mines a written brief or argument. The Secretary of Mines shall, within thirty

(30) days following the close of such hearing, make findings based on the evidence and shall embody such findings in an order, determining the charges and stating the action taken thereon. Such findings and order shall be served upon all parties to the proceeding, either personally or by registered mail, within (10) days after such findings. The Secretary of Mines shall have authority, from time to time, to make, amend and rescind rules and regulations relating to the conduct of hearings under this act.

#### **4. Review by common pleas; modification of orders; re-examination**

The Secretary of Mines shall have the right at any time to modify his order embodying such action. Any official whose certificate has been revoked shall have the right after one (1) year to appear before the proper Mine Foremen's Examining Board and be re-examined, and if he satisfies the board that he is then qualified to perform his duties and passes a satisfactory examination, he shall be given another certificate of qualification.

#### **5. Oaths and affirmations; witnesses; subpoenas**

For the purpose of carrying out the provisions of this act, the Secretary of Mines or any deputy secretary or other person delegated by the secretary to conduct a hearing, as herein provided, shall have the power to

administer oaths and affirmations, examine witnesses, receive evidence and issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation. In case of refusal to obey any subpoena issued to any person, any court of common pleas within the jurisdiction where the hearing is held or within the jurisdiction where the person guilty of refusal to obey is found or resides or transacts business, shall, upon application of the Secretary of Mines or his authorized representative, have power to enforce such subpoenas in contempt proceedings.

## **6. Service of orders, process and papers**

Orders and other process and papers of the Secretary of Mines under this act may be served, either personally or by registered mail, or by leaving a copy thereof with some adult person at the home or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of serving, shall be proof of the same and the return post office receipt therefore, when registered and mailed, shall be proof of service of the same.

## **7. Uncertificated officials; proceedings against; reinstatement**

Any person without a certificate employed to perform the duties of mine foreman, assistant foreman or fire boss under the provisions of the Bituminous or Anthracite Mining Laws, who fails or refuses to perform his duties or who engages in any acts or activities interfering with the safe and lawful operation of any mine or colliery shall also be subject to like complaint and disciplinary action by the Secretary of Mines. All the provisions of sections 2 to 6 inclusive, hereof applicable to proceedings involving a certificated official, shall also be applicable to proceedings involving an uncertificated official: Provided, That in the case of an uncertificated official, the Secretary of Mines, upon finding that the charges have been sustained, shall make an order disqualifying said official from holding office for a period of not more than one year: And provided further, That such official shall have the right, after his period of disqualification, to be reinstated in good standing, upon satisfying the Secretary of Mines that he is then qualified to perform his duties.

## **8. Employment of one whose certificate suspended or revoked or who has been disqualified**

No operator may lawfully employ or continue in employment in such capacity, a mine foreman,

assistant mine foreman or fire boss whose certificate has been suspended or revoked during the effective period of such suspension or revocation, or who has been disqualified during the effective period of such disqualification.

## **SAFETY ZONES**

### **1. Establishment of safety zones**

A safety zone is hereby established beneath and adjacent to every stream, river and natural or artificial body of water in the Commonwealth that is sufficiently large to constitute a hazard to mining in the opinion and in the discretion of the department. Such safety zone shall in the case of such streams and rivers, extend horizontally two hundred feet from the high water mark of each bank. In the case of any other body of water sufficiently large to constitute a hazard to mining in the opinion and in the discretion of the department, it shall extend horizontally two hundred feet from the known perimeter. In any case, the zone shall extend downward to the limit of the workable beds.

## **2. Written authorization needed to mine within safety zone**

(a) No mining or removal of minerals whatsoever shall be permitted within the safety zone unless authorization is specifically granted in advance and in writing by the Department of Environmental Protection.

(b) Such authorization shall only be granted upon application of the operator and/or the lessor. Such application shall be accompanied by four copies of a plan of the proposed mining operation. The plan shall indicate the thickness of the unconsolidated strata, the thickness of the rock strata and coal beds overlying the bed to be mined, the thickness of the bed, the widths of the openings to be made and the width of the pillars to be left, and any other special features that may be deemed necessary as affecting the contemplated first mining.

(c) The Department of Environmental Protection shall make periodic examinations to determine the accuracy of all plans, maps and drawings submitted to them under the provisions of this act.

## **3. Requirements for plan approval**

In no instance will any plan be approved if there is less than thirty-five feet of rock cover. Factors

considered in plan approval shall include thickness of bed, width of mine openings, width of pillars and such other factors as are deemed applicable by the Department of Environmental Protection.

#### **4. Pillar recovery**

No pillar recovery shall be undertaken until such time as the plans are approved by the Department of Environmental Protection. Application for pillar recovery shall be accompanied by four copies of the plan which shall include such information as shall be determined by the department. The approval or disapproval shall be based on the factors of depth, the thickness of the bed, the percentage of pillars proposed to be extracted and to be left, the effect on pillars remaining in overlying beds, and any other special features that may be deemed necessary by the department.

#### **5. Proof of rock cover**

(a) Proof of the existence of thirty-five feet of rock cover shall accompany any plans submitted.

(b) Said proof of rock cover is to be ascertained by test holes drilled on intersecting lines forming rectangles or squares where the cover thickness is less than fifty feet. These holes shall be drilled on spacing of not more than thirty-five feet centers.

## **6. Copies of plans and proof of rock cover to be signed**

All copies of the aforementioned plans and proof of rock cover must indicate the location of the test holes and the depth of the rock cover, and they must be signed before submission to the Department of Environmental Protection by a Registered Mining Engineer representing the operator and a Registered Mining Engineer of the lessor and/or owner.

## **7. Approval or disapproval of plans**

(a) After examination and approval of the plans by a Registered Mining Engineer for the Department of Environmental Protection and the secretary of the department, they shall sign all copies. The original shall be retained in the department, one copy shall be forwarded to the State mine inspector for the area in which the mining is to be carried on, one copy is to be forwarded to the Registered Mining Engineer representing the operator and/or the lessor or owner, and one copy is to be forwarded to the operator.

(b) If the plan is disapproved, the Registered Mining Engineer for the Department of Environmental Protection and the secretary of the department shall note their reasons and attach a copy to each set of plans. One copy of the plan shall then be returned to



the operator, one to the State mine inspector for the area, one to the Registered Mining Engineer for the operator and/or owner or lessor and one shall be retained by the department.

## **8. Notice to miners working within the safety zone**

After approval of the plan by the Department of Environmental Protection, no mining or removal of minerals may begin within the safety zone until the mine foreman has conspicuously posted a notice on the outside of the mine and has orally notified each miner affected that he is working in the safety zone.

## **9. Penalties**

Any agent of the mine operator or any of its officers or supervisory employees or any agent of the owner or any of the owner's officers or supervisory employees, if said owner engages in active supervision and control over the operator, or any mine inspector who by acts of commission or omission, willfully and knowingly violates any provisions of this act, and the act of commission or omission is the contributory cause of an incident which results in death or serious bodily harm of anyone lawfully in the mine, shall be guilty of a felony, and, upon conviction, be sentenced to pay a fine of not more than five thousand dollars (\$5,000)

and undergo imprisonment for a period not exceeding three years or both.

## **SEALING ABANDONED MINES**

### **1. Short title**

This act shall be known and may be cited as "The Coal Mine Sealing Act of 1947."

### **2. Definitions**

The following words and phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(1) The term "abandoned coal mine" shall mean any coal mine in which mining operations have ceased because of the complete exhaustion of coal, or the exhaustion of coal which it is practical to mine within the foreseeable future, or where exemption from taxation has been allowed because of the absence of mineable coal.

(2) The term "mine sealing" shall mean the closing of openings into a mine in such a manner as to minimize or stop the pollution of the waters of the Commonwealth by mine water and to prevent access to the mine by persons or animals.

(3) The term "operator" shall mean any lessee, person, political subdivision or the Commonwealth of Pennsylvania.

(4) The term "department" shall mean the "Department of Environmental Protection" as now organized and operating in the Commonwealth of Pennsylvania.

(5) The term "openings" shall mean all shafts, slopes, drifts and tunnels.

### **3. Duty to seal openings**

(a) All operators engaged in the mining of coal in this Commonwealth shall, upon the abandonment of a mine, seal any and all openings leading from such mine to the surface through which water may flow into any of the streams of this Commonwealth and through which appreciable quantities of air may enter the mine. Such sealing shall be started within sixty (60) days of abandonment and shall be diligently carried on to completion. In all cases, sealing shall be completed within six (6) months following abandonment.

(b) The operator last engaged in the operation of mines, abandoned prior to the effective date of this act, not heretofore sealed, shall, within six (6) months

after the effective date of this act, seal any and all openings leading from such mine to the surface through which water may flow into any of the streams of this Commonwealth and through which appreciable quantities of air may enter the mine: Provided, That the mine is in the possession of the said operator.

(c) The location and nature of any such seals which may be erected shall be in accordance with the requirements of or with plans furnished by the department: Provided, That the sealing of such mine shall not interfere with any other mine or endanger life or property in any community.

#### **4. Payment of cost when operator not in possession**

In cases where the operator is not in possession of the abandoned coal mine upon the effective date of this act, the work of sealing the openings and the cost of such work shall be assumed by the Commonwealth and shall be paid out of any appropriation made to the department for this purpose.

#### **5. Maintenance of seals**

After a mine has been sealed to the satisfaction of the department the maintenance of such seals shall be the duty of the Commonwealth of Pennsylvania acting through the department.

## **6. Right of entry by department or its representatives**

The department, or its representatives, is hereby authorized to enter upon any lands where openings to abandoned mines are located for the purpose of sealing such openings, for inspecting and maintaining such seals, and for putting into effect the provisions of this act. Such entry shall not be construed as an act of condemnation of property or of trespass thereon.

## **7. Removing or destroying seal; penetrating sealed mine**

Any person who removes or destroys any seal erected for the purposes described in this act, or who penetrates by means of shaft, slope, drift, tunnel or otherwise any sealed mine without first having received the approval of the department shall be guilty of a misdemeanor, and shall upon conviction thereof, be sentenced to pay a fine not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or in the case of individuals or the responsible officers and agents of corporations and associations to undergo imprisonment for a period of not more than one (1) year, or both.

## **8. Refusal or neglect to seal openings**

On and after the passage of this act, any operator who refuses or neglects to properly seal mine openings in accordance with plans submitted by the Department of Environmental Protection shall be guilty of a misdemeanor, and shall upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100), nor more than one thousand (\$1,000), or in the case of individuals or the responsible officers and agents of corporations and associations to undergo imprisonment for a period of not more than one (1) year, or both.

## **ENTOMBED WORKMEN**

### **1. Recovery of bodies of entombed workmen; decree as to death**

Whenever any workman or workmen shall heretofore have been, or shall hereafter be enclosed, entombed or buried in any coal mine in this Commonwealth, it shall be the duty of the court, sitting in equity, in the county wherein such workman or workmen are enclosed, entombed or buried, upon the petition of the Department of Environmental Protection brought whenever any of the relatives of those enclosed, entombed or buried so request in writing, to make an order of court for the petitioner to take testimony, in

order that the court may ascertain whether such workman or workmen, or the body or bodies of such workman or workmen, can be recovered or taken out of said mine, and further empowering the court to make a finding and decree that the person enclosed, entombed or buried is legally dead, together with such findings of fact including the date of death as is necessary or proper. If, after full hearing, it shall appear to the court that such undertaking is feasible or practicable, said court may forthwith issue a peremptory mandamus to the owner or owners, lessee or lessees, operator or operators of such coal company, to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen, and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process.