

Appendix A – Applicable Laws and Regulations

Occupational Safety and Health Act of 1970 Public Law 91-256

20. Research and Related Activities

(a)(1) The Secretary of Health and Human Services, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems

PL 95-164 (Federal Mine Safety and Health Act of 1977)

Federal Mine Safety and Health Amendments Act - =Title I: Amendments to the General Provisions of the Federal Coal Mine Safety Act of 1969= - Amends the Federal Coal Mine Health and Safety Act of 1969 to extend the applicability of the provisions of such Act to mines other than coal mines.

Transfers the functions of the Secretary of the Interior in developing health and safety standards to the Secretary of Labor.

=Title II: Mine Safety and Health Standards Amendments= - Directs the Secretary of Labor by rule to develop, promulgate, and revise as may be appropriate improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Authorizes the Secretary of Labor to commence the rule-making procedure upon receipt of information from interested organizations or individuals, or on the basis of information which he develops which indicates the need for revision, revocation, or promulgation of a safety or health standard.

Directs the Secretary to provide for an emergency temporary mandatory health or safety standard to take immediate effect upon publication in the Federal Register if he determines: (1) that miners are exposed to grave danger from toxic agents; or (2) that such emergency standard is necessary to protect miners from such danger.

Authorizes the Secretary to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that an alternative will provide the same degree of protection afforded the miners of such mine.

Permits any person adversely affected by a mandatory health or safety standard to file a petition challenging the validity of such mandatory standard with the United States Court of Appeals for the District of Columbia.

Directs the Secretary of the Interior to appoint an advisory committee on coal or other mine safety research to consult with and make recommendations to the Secretary.

Directs the Secretary of Health, Education, and Welfare to appoint an advisory committee on coal or other mine health research to consult with and make recommendations to the Secretary.

Directs authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare to make frequent inspections and investigations in coal or other mines each year.

Requires inspections of underground mines at least four times a year and of surface mines at least twice a year. Stipulates that no advance notice of inspections shall be given.

Requires the maintenance of records by mine operators with regard to mine accidents, and miner exposure to toxic substances.

Requires special inspections of mines by the Secretary upon request by any miner or representatives of miners where any violation of standards or imminent danger is alleged to exist.

Establishes procedures for the enforcement of mine health and safety standards through issuance of citations, imposition of civil and criminal penalties, and injunctions. Establishes special procedures to abate imminently dangerous conditions. Requires that copies of all notices, orders, and decisions affecting mine safety in a particular mine be conspicuously posted at such mine site.

Stipulates that, in the event of mine closures by orders issued pursuant to this Act, that miners idled as a result of any such order shall be entitled to full compensation for the period they are idled within prescribed limits.

Establishes a Federal Mine Safety and Health Review Commission to supervise the activities of administrative law judges in proceedings brought under the Act.

Authorizes the appropriation of such sums as may be necessary to carry out the provisions of this title of this Act.

Authorizes the appropriation of such sums as may be necessary to carry out the provisions of this title of this Act.

Requires that mine operators establish health and safety training programs for miners in accordance with prescribed criteria. Directs the Secretary to require that mine rescue teams be available for rescue and recovery work at each underground mine.

Authorizes the Secretary and the Secretary of Health, Education, and Welfare to establish procedures for measuring concentrations of respirable dust.

Repeals provisions allowing for modifications of or exceptions from mandatory safety standards for underground mines.

=Title III: Miscellaneous Provisions= - Transfers functions of the Secretary of the Interior with respect to mine health and safety to the Secretary of Labor and the Federal Mine Safety and Health Commission.

Provides that mandatory standards relating to mines previously issued by the Secretary of the Interior shall remain in effect until the Secretary of Labor issues new or revised standards, applicable to coal and non-coal mines respectively.

Requires that within 60 days after the effective date of such Act, the Secretary shall establish an advisory committee which shall, within 180 days of its establishment, review the advisory health and safety standards previously issued under the Federal Metal and Nonmetallic Mine Safety Act, and recommend to the Secretary which of these shall be published as mandatory health and safety standards. Sets forth procedures for the promulgation of selected standards within 115 days.

Provides that all unexpended balance of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any function transferred, shall be transferred to the Department of Labor.

Provides that all existing orders, decisions, and similar legal matters related to functions transferred shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Labor, by any court of competent jurisdiction, or by operation of law.

Establishes in the Department of Labor a Mine Safety and Health Administration, to be headed by an Assistant Secretary of Labor for Mine Safety and Health. Authorizes and directs the Secretary to carry out his functions through the Mine Safety and Health Administration.

Increases the authorizations for coal mine health and safety research and State grant programs to \$60,000,000 and \$10,000,000 respectively.

Maintains safety research functions under the Secretary of the Interior. Sets forth guidelines for the selection of mine safety inspectors. Provides that the National Mine Health and Safety Academy shall be maintained as an agency of the Department of the Interior, and shall be responsible for the training of mine safety and health inspectors and technical and support personnel of the Mine Safety and Health Administration, as well as other training programs. Stipulates that such Act does not reduce the number of inspectors engaged in the enforcement of the Federal Coal Mine Health and Safety Act, the Federal Metal and Nonmetallic Mine Safety Act, or the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970.

Requires that the President in his Budget message set forth as separate appropriation accounts amounts required for mine health and safety pursuant to the Federal Mine Health and Safety Act of 1977, and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970.

Repeals the Federal Metal and Nonmetallic Mine Safety Act.