

## **Successes of the 1977 Mine Act: Saving Lives, Empowering Miners, Improving Enforcement**

### Saving Lives

The 1977 Mine Act:

- Reduced deaths and injuries. Prior to the '77 Act, on average, one miner was killed every day and 66 others were injured each day in mining accidents. In 1978, there were 242 mining fatalities in the U.S. mining industry. In 2012, there were 35 fatalities. (See fatality chart.)
- In 1977, the total all-injury rate at all mining operations in the U.S. was 9.55 injuries per 200,000 work hours. In 2011 that figure had fallen to 2.78 injuries. In 1977, the fatality rate was .0645; in 2011, that figure had fallen to .0114. (See attached chart on fatality rates and accident/injury rates.)

### Giving Miners a Voice

The 1977 Mine Act:

- Gave metal/nonmetal miners the right to request an inspection. Empowered miners to seek workplace protections.
- Required that miners receive their regular rate of pay when accompanying an MSHA inspector during an inspection. Made it financially feasible for miners exercise their rights.
- Provided miners enhanced protections from discrimination, particularly by allowing them temporary reinstatement while pursuing a complaint. In 2012, MSHA filed 46 temporary reinstatements, the most in MSHA's history. (See attached chart.)

### Increased Enforcement Protections

The 1977 Mine Act:

- Extended to workers at metal/nonmetal mining operations the same protections coal miners already had under the 1969 Coal Act. These protections include: 4 mandatory inspections a year for underground mines (as opposed to the 1 inspection in the 1966 Metal and Nonmetal Act) and two times a year for surface mines; civil penalties for violations of safety and health standards or a provision of the Act; an

unwarrantable failure enforcement tool; the rights of miners to have inspections made at their request; and pay for miners in the event a mine is idled due to certain withdrawal orders.

- Created a new enforcement action to allow MSHA to shut down areas of a mine where inspectors find an “unwarrantable failure” by the mine operator. This provided MSHA with one of its strongest tools to shut down areas of mines to protect miners even though it doesn’t rise to the level of an imminent danger.
- Provided protection from chronic violators - mine operators who establish a “pattern of violations” of mandatory safety or health standards. MSHA exercised the pattern of violations tool in 2011 for the first time in the 33 years under an improved set of criteria.
- Protected miners from explosions with more frequent (spot) inspections of mines that liberate excessive quantities of methane or other explosive gas.
- Required mine operators to provide training for new miners, and newly hired experienced miners and annual safety retraining of miners during normal working hours and at normal compensation rates for the first time.
- Provided increased pay for coal miners when MSHA issued types of closure orders that shut down areas of mines.