

Federal Mine Safety and Health Act of 1977

Changes from the Federal Coal Mine Health and Safety Act of 1969 & the Federal Metal and Nonmetallic Mine Safety Act of 1966

Mine tragedies, including the explosions at the Scotia Coal Mine in 1976 and accidents in the Metal and Nonmetal sector, along with a desire to put Metal and Nonmetal miners on an equal footing with coal miners, were the major drivers for the passage of the 1977 Federal Mine Safety and Health Act.

One of the major provisions of the 1977 law provided for the transfer of the Mining Enforcement and Safety Administration (MESA) housed at the Department of the Interior to the Department of Labor as the Mine Safety and Health Administration (MSHA).

The greatest impact of the new Act was felt in the metal and nonmetal mining industry since the new law extended to workers in noncoal mining and milling 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 a withdrawal order.

At the same time, the Act significantly strengthened safety and health requirements for both the coal and non-coal industry

Coal and Metal and Nonmetal Provisions of the 1977 Act

- Full pay for the time a miner or miner's representative spends accompanying an MSHA inspection during a mine inspection and to attend any pre-inspection or post inspection conferences. [The 1969 Coal Act gave coal miners walk-around rights but did not provide for compensation.]
- Enhanced anti-discrimination provisions for miners who report safety and health hazards, including the right of temporary reinstatement for non-frivolous discharge complaints. Under the new procedures, the Secretary would investigate and if the claim was found meritorious would file an administrative action on behalf of the miner. The new Act also provided an independent right for a miner to file a claim on his own behalf if his case was declined by the Secretary.

- Employer-provided training--required for the first time-- for new miners, and newly hired experienced miners and annual safety retraining of miners during normal working hours and at normal compensation rates.
- A requirement that the Secretary of Labor publish proposed regulations providing that mine rescue teams shall be available for each underground mine (also for the first time).
- Pay for miners during periods when a mine or part of a mine was closed because of a withdrawal order. [The 1969 Coal Act provided coal miners with pay for the remainder of their shift after a mine was idled by a withdrawal order and four hours of pay for their next shift. Metal and Nonmetal workers received no pay under the 1966 Metal and Nonmetal Act. The 1977 Act provided all miners with up to a week of pay.]
- Increased rights of miners to have inspections made at their request. [The 1977 Act for the first time provided Metal and Nonmetal workers with this right; Coal miners had this right under the 1969 Act but their rights were expanded by the 1977 Act.]
- New rulemaking procedures with a provision for emergency temporary standards. The 1977 Act also required that all metal and nonmetal advisory standards be reviewed and either deleted or made mandatory.
- Increased emphasis on protecting the health of miners, stipulating that new health standards, which are developed on toxic substances and harmful physical agents in mine atmospheres, will assure that miners do not suffer material impairment of health or functional capacity due to exposure to such substances.
- A Pattern of Violation enforcement tool to better address chronic violators
- An amended definition of operator to include independent contractors
- Expansion of imminent danger authority to require that the conditions or practices causing the imminent danger no longer exist before lifting an imminent danger order.
- Expanded injunctive authority against mine operators that are engaged in a pattern of violation of a mandatory health or safety standards, which in the judgment of the Secretary of Labor, constitutes a continuing hazard to the health or safety of miners.

- Spot inspections at coal mines that liberate excessive levels of methane of other explosive gasses.
- Establishment of an independent Federal Mine Safety and Health Commission with its own cadre of Administrative Law Judges to hold administrative hearings on contested violations.

Coal provisions only

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Metal Nonmetal provisions only

- Metal and Metal and Nonmetal workers were extended 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 a withdrawal order.
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