

110TH CONGRESS
1ST SESSION

H. R. 2769

To establish improved mandatory standards to protect and enhance the health
of miners.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2007

Mr. GEORGE MILLER of California (for himself, Mr. RAHALL, Ms. WOOLSEY, Mr. MURTHA, Mr. KUCINICH, Mr. CHANDLER, Mr. HARE, Mr. BISHOP of New York, Mr. MOLLOHAN, Mr. PAYNE, Mr. HOLT, Mr. SARBANES, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish improved mandatory standards to protect and
enhance the health of miners.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Miner Health En-
5 hancement Act of 2007”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) essential standards to protect miner health
9 established by the Federal Mine Safety and Health

1 Act of 1977 are out of date after 40 years, posing
2 a significant threat to miner safety and health; and

3 (2) whereas the Secretary of Labor has failed
4 in recent years to adequately fulfill the Secretary's
5 obligations under the Federal Mine Safety and
6 Health Act of 1977 (30 U.S.C. 801 et seq.) to up-
7 date these standards, additional Congressional inter-
8 vention is needed.

9 **SEC. 3. AIR CONTAMINANTS.**

10 Section 101 of the Federal Mine Safety and Health
11 Act of 1977 (30 U.S.C. 811) is amended by adding at
12 the end the following:

13 “(f) Notwithstanding the other requirements of this
14 section, not later than 30 days of the enactment of the
15 Miner Health Enhancement Act of 2007, the National In-
16 stitute for Occupational Safety and Health (NIOSH) shall
17 forward to the Secretary its Recommended Exposure Lim-
18 its (RELs) for chemical and other hazards to miners,
19 along with the research data and other necessary informa-
20 tion. Within 30 days of receipt of this information, the
21 Secretary shall require the Mine Safety and Health Ad-
22 ministration (MSHA) to adopt such recommended expo-
23 sure limits as the Permissible Exposure Limits (PELs)
24 for application in the mining industry. NIOSH shall annu-
25 ally submit to the Secretary any additional or revised rec-

1 ommended exposure limits for all hazardous substances
2 utilized in the mining industry, and the Secretary shall
3 be obligated to adopt such exposure limits as PELs for
4 application in the mining industry within 30 days of re-
5 ceipt of such information. Nothing in this subsection shall
6 limit the ability of NIOSH to make such recommendations
7 more frequently than 1 time per year, nor limit MSHA
8 from establishing requirements for chemical and other
9 substances in the mining industry that are more com-
10 prehensive and protective than those established pursuant
11 to this subsection and in accordance with the other re-
12 quirements of this section.”.

13 **SEC. 4. ASBESTOS.**

14 Section 101 of the Federal Mine Safety and Health
15 Act of 1977 (30 U.S.C. 811) is further amended by adding
16 at the end the following:

17 “(g) The health standard for asbestos established by
18 the Occupational Safety and Health Administration that
19 is set forth in section 1910.1001 of title 29, Code of Fed-
20 eral Regulations, or any subsequent revision of that regu-
21 lation, shall be adopted by the Mine Safety and Health
22 Administration for application in the mining industry not
23 later than 30 days of the enactment of the Miner Health
24 Enhancement Act of 2007.”.

1 **SEC. 5. HAZARD COMMUNICATION.**

2 Section 101 of the Federal Mine Safety and Health
3 Act of 1977 (30 U.S.C. 811) is further amended by adding
4 at the end the following:

5 “(h) Unless and until there is additional rulemaking
6 pursuant to the requirements of this section, the Secretary
7 shall apply the provisions of the interim final rule of Octo-
8 ber 3, 2000, concerning hazard communication, in lieu of
9 the final rule of June 21, 2002, concerning hazard com-
10 munication.”.

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