

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Mine Safety

DOCUMENT NUMBER: 580-0100-001

TITLE: Accident Reporting Requirements

EFFECTIVE DATE: March 21, 2020

AUTHORITY: Sections 104, 105, and 109 of the Bituminous Coal Mine Safety Act (52 P.S. §§ 690-104, 105, and 109); and Sections 1915-A and 1917-A of the Administrative Code of 1929 (71 P.S. §§ 510-15 and 17)

POLICY: It is the policy of the Department of Environmental Protection (DEP or Department) for mine operators to report all accidents as both generally defined and specifically delineated in Pennsylvania’s Bituminous Mine Safety Act and to encourage mine operators to report unanticipated incidents if there is any doubt that it may fall within the scope of an “accident” as that term is defined in Section 104 (definitions: accident) and used in Section 109 (Accident) of the Act.

PURPOSE: The purpose of this technical guidance is to provide guidance concerning the types of accidents/incidents that shall be reported to the Department.

APPLICABILITY: This technical guidance is applicable to all underground bituminous coal mine operators and the Department’s Bureau of Mine Safety staff.

DISCLAIMER: The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

PAGE LENGTH: 6 pages

BACKGROUND:

Section 103 of the Bituminous Coal Mine Safety Act (BCMSA) states that the first priority and concern of all in the bituminous coal mining industry must be the health and safety of those who work in and about mines. The efforts of mine operators, miners, and the Commonwealth, through the Department of Environmental Protection (DEP or Department) have, over time, significantly reduced the occurrence of death and injuries in the underground bituminous coal mining industry. Underground bituminous coal mining is highly specialized, technical and complex, and requires frequent review, refinement, and improvement of standards to protect the health and safety of miners. It is the purpose of the act to use the full extent of the Commonwealth's powers to protect the lives, health, and safety of miners and others in and about underground bituminous mines, and to enable the Commonwealth to respond as necessary and appropriate to accidents and other emergencies at underground bituminous coal mines.

The Bureau of Mine Safety plays the primary role in the administration of the BCMSA. The Bureau believes that its success in reducing mine accidents, emergencies, and fatalities is enhanced through effective communication of all segments of the mining community. An important tool for achieving this objective is the obligation to notify the Department of an accident and the Department's ability to respond to and investigate that accident. The investigation of accidents enables the Department to determine whether the accident resulted from noncompliance with safety standards or whether an aspect of the safety program should be revised. To that end, the BCMSA requires a mine operator to notify the Department of an accident and to give the Department the ability to investigate the accident.

A. Mine Safety and Health Administration (MSHA) Requirements

The MSHA accident reporting requirements are a little different from those established by Pennsylvania law. Operators are required to notify MSHA within 15 minutes of learning of a death, injury, or entrapment posing the risk of death. The implementing regulations define "accident" by providing an exclusive list of events to be reported as accidents. The operator is required to investigate the accident and report the investigation's findings to MSHA. In addition, the operator submits, within ten (10) days, a report that, among other things, identifies all reportable accidents.

B. Pennsylvania Bituminous Coal Mine Act (repealed and replaced by BCMSA)

Under the Pennsylvania Bituminous Coal Mine Act (PBCMA), the superintendent or mine foreman was required to notify the district mine inspector of all serious and fatal accidents or whenever an explosion, fire, or other serious accident of an unusual nature occurred. The district mine inspector was to proceed to the mine and aid in rescue or recovery activities and then investigate the accident. The operator was required to preserve the scene of the accident until the Department completed its accident investigation. In addition, the operator provided a monthly report of all lost-time accidents at the mine.

Since the PBCMA did not define a serious accident, the Department established a list of the types of events to be considered reportable accidents. The Department has always encouraged operators, when in doubt, to notify the Department of an event that might be a reportable accident. The Department would immediately notify the operator whether the event was considered a reportable accident and whether the Department would conduct an investigation.

C. Bituminous Coal Mine Safety Act (BCMSA)

Section 109 of the BCMSA establishes the operator's and the Department's duties in response to an accident. In essence, the operator is required to notify the Department within 15 minutes of learning of an accident and then to take measures to preserve the scene of the accident. The Department will inform the operator if it will investigate the accident and the extent to which the scene of the accident must be preserved. The operator is also required to conduct its own investigation and report the investigation's findings to the Department. Finally, the operator submits a quarterly report which, among other things, lists all accidents and lost-time injuries for that quarter.

The Department has historically provided a list to be posted at the mines to clarify the types of events that should be reported by the operator, along with instructions about contact information specific to each mine. In this technical guidance, the Department continues that practice in an effort to help operators and certified mine officials as they make decisions about whether to report occurrences. It is impossible to identify prospectively each and every event that might occur at a mine that might pose a significant risk to health, safety, or life. For that reason, the Department expects that each mine provide notice if there is doubt about an obligation to notify.

TECHNICAL GUIDANCE:

Mine operators should report all accidents as generally defined and delineated in the definition of "accident" found in Section 104 of the BCMSA or as delineated in this technical guidance document. Further, since the definition of accident in the law is "an unanticipated event," and because it is logically impossible to anticipate the "unanticipated," operators are encouraged to interpret that section as broadly as possible and, when in doubt, report the event within 15 minutes of its discovery.

"Unanticipated event" is not defined by the BCMSA. Rather than providing an exhaustive list of unexpected events, the General Assembly specified a mandatory list of events that helps to describe unanticipated events that should be treated as an accident. These unanticipated events are those which pose a significant risk of harm or injury to persons in or about a mine. Using both the definitions available in Webster's Dictionary and the professional judgment and expertise of its Bureau of Mine Safety staff, the Department interprets the phrase "unanticipated event" to mean an unexpected or unforeseen event. Therefore, an accident is an unexpected event which has the potential to pose a significant risk to health, safety, or life.

For accidents delineated in either Section 104 (Definitions) or in this technical guidance, the operator and the Department should follow the requirements of Section 109 (Accidents). The Department shall consider what, if any, actions are necessary to protect the life, health or safety of individuals and if the Department will conduct its own formal investigation.

**Department of Environmental Protection
Bureau of Mine Safety**

Reportable Accidents

The operator shall notify the Department no later than 15 minutes of discovery of an accident.

“Accident” - An unanticipated event, including any of the following:

1. A death of an individual at a mine.
2. An injury to an individual that has a reasonable potential to cause death and/or serious injuries resulting in the injured being admitted to a hospital.
3. An entrapment of an individual at a mine for more than 30 minutes or which has a reasonable potential to cause death or serious injury.
4. An unplanned inundation by a liquid or gas.
5. An unplanned ignition or explosion of gas or dust.
6. An unplanned mine fire not extinguished within 10 minutes of discovery.
7. An unplanned ignition or explosion of a blasting agent or an explosive.
8. An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use.
9. An unplanned roof or rib fall in active workings that impairs ventilation or impedes passage.
10. A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour.
11. An unstable condition at an impoundment or refuse pile that requires emergency action in order to prevent failure or causes individuals to evacuate the area.
12. Failure of an impoundment or refuse pile.
13. Damage to hoisting equipment in a shaft or slope that endangers an individual or which interferes with use of the equipment for more than 30 minutes.
14. An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs.
15. An interruption to the mine ventilation system that results in withdrawal of personnel from the mine (fan stoppage) or an interruption that has the potential to create a hazardous condition (e.g. air reversal, short-circuit or blockage of the air current).
16. An unplanned connection into an adjacent mine, abandoned workings, or borehole.
17. All other incidents that could cause similar results as the items listed above.

If an accident/incident occurs and it is questionable as to whether it should be reported to the Department, please contact the Department to make a determination.

If the mine inspector, inspector supervisor, or managers cannot be reached, then the emergency telephone number **(1-800-541-2050)** for the Department of Environmental Protection will be used to notify the Bureau of Mine Safety.

The Bureau of Mine Safety will immediately, after becoming aware of an accident/unanticipated event, notify the operator whether the accident/unanticipated event is a reportable accident and if an investigation will be conducted.

The “Reportable Accidents” list and accident notification contact information sheet will be provided and shall be posted at all mines in appropriate locations and act as a guide when an unanticipated event occurs.

WRITTEN REPORTS TO THE DEPARTMENT:

Each mine operator shall report to the Department each accident and lost time injury within 10 days of occurrence. Providing a copy of the MSHA 7000-1 Mine Accident, Injury, and Illness Report form is acceptable. Each accident and lost time injury shall be reported on a separate form.

Each mine operator shall also conduct its own investigation of the accident and develop a written report of the investigation. The report shall include all of the following:

1. The date and time of the accident and the Department representative notified.
2. The date the investigation began.
3. The names of the individuals participating in the investigation.
4. A description of the accident site and any alterations made to the site.
5. An explanation of the accident or injury, including a description of any equipment involved and relevant events before and after the accident.
6. An explanation of the cause of the accident.
7. An explanation of the cause of any injury sustained due to the accident.
8. The name, occupation and experience of any miner involved in the accident.
9. A sketch depicting the accident, including dimensions where pertinent.
10. A description of steps taken to prevent a similar accident in the future.

This report shall be provided to the Department upon completion of the investigation.

When an accident is reported, the Department will issue a verbal order (followed up in writing) to prevent the destruction of evidence or alteration of the site. The order will remain in effect until completion of all investigations pertaining to the accident. Only work necessary to rescue any individual and prevent destruction of mine equipment is allowed. Any plans to recover individuals or to return the affected areas of the mine to normal operations will require Department approval.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINE SAFETY
ACCIDENT NOTIFICATION CONTACT INFORMATION
for Bituminous Underground Mines**

For any reportable accidents, immediately call the Bureau of Mine Safety as follows:

District Mine Inspector (name) (phone)

Supervisor (name)

Home (phone)

Cell phone (phone)

Division Chief (name)

8 a.m. to 4 p.m. Monday-Friday (office phone)

Home (phone)

Cell phone (phone)

Bureau Director (name)

8 a.m. to 4 p.m. Monday-Friday (office phone)

Home (phone)

Cell phone (phone)

If you are unable to reach any of the above,
call Emergency Response at
800-541-2050

Provide the following information:

- ☐ OPERATOR NAME
- ☐ EXACT LOCATION
- ☐ NATURE AND STATUS OF ACCIDENT
- ☐ IS A MINE RESCUE RESPONSE NEEDED
- ☐ CONTACT PERSON
- ☐ PHONE NUMBER