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Mine Safety Advocates Press MSHA for Better Miners' Rights Training

A group of mine safety advocates is pushing the federal Mine Safety and Health Administration (MSHA) to change how miners get training about their workplace health and safety rights.

The Appalachian Center for the Economy and the Environment, the Appalachian Citizens' Law Center, and United Support and Memorial for Workplace Fatalities have filed a formal Petition for Rulemaking with MSHA in an effort to enhance miners' rights training. They have been joined in this petition by the United Mine Workers of America (UMWA).

"We offer free legal help to miners to enforce their workplace safety rights," said Nathan Fetty, an attorney with the Appalachian Center for the Economy and the Environment. "Congress has emphasized the importance of miners getting top-notch training, and that a major part of the training should be about miners' rights. But we're finding that miners aren't getting the training they need," Fetty said, "so MSHA needs to beef up its training requirements."

The groups' Petition for Rulemaking asks that MSHA revise its training requirements to:

- Prohibit mine operators from providing training about miners' rights, and instead require that neutral trainers deliver that information;
- Provide miners' rights instruction in annual refresher training;
- Spell out the dozens of miners' rights to be covered in the training; and,
- Specify the types of helpful materials miners will receive to inform them of their rights.

"We've represented miners for years when it comes to enforcing workplace safety rights," said Wes Addington, an attorney with the Appalachian Citizens' Law Center. "We're always struck by how the regulatory scheme is stacked against miners in this respect," he said.

"If miners got the information that Congress intended in the Mine Act, they would be in a much better position to speak out about unsafe conditions – and get those conditions corrected. The bottom line is, the changes we're seeking will result in safer coal mines," said Addington.

"The best way for miners to learn about their rights is through safety and health training provided by their local union safety committees and the UMWA Department of Occupational Health and Safety," said UMWA International Secretary-Treasurer Daniel J. Kane "But since not all miners are yet members of the UMWA, we support this effort and join with these

organizations in this petition. Miners who work at nonunion mines are not getting the information they are supposed to get. MSHA needs to take this action to ensure that they do."

United Support and Memorial for Workplace Fatalities (USMWF) aims to prevent future workplace tragedies through awareness, direction, assembly and support of afflicted families. "The Mine Act provides essential rights to mine workers, but those protections are meaningless if miners don't receive refresher training on those rights at least annually," said Tammy Miser of USMWF. "If MSHA's leadership is serious about protecting mine workers from death, injury and disease, regulatory improvements must be made in the frequency, content and conduct of training for mine workers about their statutory rights."

In 1977, Congress passed the Mine Act, which spells out many rights that coal miners have. The Mine Act also mandates that miners get thorough training on how to do their jobs safely, including training about their rights in the workplace.

For example, miners have the right to speak up about unsafe conditions without retaliation. They have the right to a voice in virtually all aspects of an operator's plans for mining, and miners can name representatives to perform many functions, like accompanying federal inspectors during inspections.

To view the Petition for Rulemaking on the Web, visit http://www.appalachian-center.org/issues/mine_safety/index.html

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