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October 15, 2012

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Mr. Silvan Lutkewitte, III
Chairman
Independent Regulatory Review Commission
333 Market St.
Harrisburg, PA 17101

RE: Final-form Rulemaking – Requirement for Automated External Defibrillators (#7-463)

Dear Chairman Lutkewitte:

I am writing on behalf of the Pennsylvania Coal Alliance (PCA) to express our support for the above-referenced rulemaking.

PCA is a trade organization representing Pennsylvania underground and surface bituminous coal operators and other associated companies that service the mining industry. Our members account for 80 percent of the bituminous coal annually mined in Pennsylvania and nearly 95 percent of the coal extracted by underground mining methods.

Essentially, the rulemaking would require the placement of Automated External Defibrillators (AEDs) in or about underground bituminous coal mines.

Currently, neither state nor federal law or regulation mandate such a requirement.

The rule was adopted by the Pennsylvania Bituminous Coal Mine Safety Board (Board) after much discussion and several revisions.

That Board was created by Act 55 of 2006 and vested with rulemaking authority over the state's mine safety program. Housed within DEP, it is a distinct mine safety related rulemaking panel since all other Departmental regulations must be reviewed and approved by the Environmental Quality Board.

The authors of Act 55 recognized that development and promulgation of substantive mine safety standards require a very specific expertise and carved out a separate rulemaking process for these types of issues centered around the Board.

To ensure that the Board's decisions would balance the viewpoints of operators, workers and DEP, the panel consists of seven members: three from industry, three from labor and the Secretary of DEP.

To promote a collaborative process, the law stipulates that any action by the panel can only occur with an affirmative vote of at least five of its members.

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Finally, to ensure legislative oversight of mine safety regulations, the provisions of the Independent Regulatory Review Act are applicable to Act 55.

With this as backdrop, the evolution of the AED regulation is illustrative of how the sponsors of Act 55 envisioned the state's mine safety rulemaking process to work.

The idea of requiring AEDs at mine sites came from a letter to the Board from a private citizen. From the start, the idea was embraced by the full Board who viewed it as another tool for the state's mine emergency response program.

Beginning with a general concept, the Board fleshed out a draft that it believed to be workable, practical and achievable. Essentially, it mandated placement of AEDs at both the surface and working face of an underground mine and required mine personnel to be annually trained on the proper use of the devices.

On October 26, 2010, the Board unanimously adopted the draft as a proposed rulemaking and it was published for public comment on November 5, 2011.

At the Board's March 27, 2012, meeting, a staff person with the Independent Regulatory Review Commission (IRRC) addressed the panel on the concerns that the Commission had relating to the rulemaking.

At the Board's August 2, 2012, meeting, the members amended the proposal to comport with IRRC's comments and unanimously approved the rule on final form.

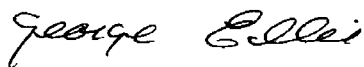
The final rulemaking is the product of a collaborative effort among labor, industry and state agencies that should add to the Commonwealth mine safety emergency preparedness program.

For these reasons, PCA asks for your support on the regulation.

Thank you for your consideration of this request.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "George Ellis".

George Ellis

cc: John Stefanko
Jim Smith