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**STATEMENT OF SENATOR EDWARD M. KENNEDY ON MINE SAFETY**

*Senate Health, Education, Labor and Pensions Committee Hearing*

*(As Prepared for Delivery)*

Today our Committee considers again the pressing problem of mine safety. We are joined by family members of the fallen miners and rescue workers from Crandall Canyon. Thank you for being here with us. The nation held its breath along with you during those long weeks this summer, hoping that your husbands, brothers, fathers, and friends would be found alive, and we mourn their passing with you.

Some of the family members from West Virginia are here as well. We know your losses were also very difficult to bear. You've been true champions for mine safety, and miners' families around the country are better off for it.

The tragedy at Crandall Canyon has again put mine safety on front pages across the nation. Already this year, 24 men have been killed in the nation's coal mines. Ineffective enforcement, outdated technology, and inadequate safety standards are the heart of the problem.

After the terrible accident at the Sago mine last year, members of our Committee went to West Virginia to talk to miners and their families, and to the community. We held a hearing on that disaster. We heard particularly about the inadequacy of emergency air supplies and communications technology.

We left those hearings with a commitment to work together, Republicans and Democrats to do all we could to correct the problems and prevent further tragedies. Senator Enzi, Senator Murray, Senator Isakson, Senator Rockefeller, Senator Byrd and I worked to pass the MINER Act – the most comprehensive mine safety reform in a generation. It required more emergency air supplies, more mine rescue teams, and faster adoption of cutting edge technology in the mines.

That Act has made a difference. Senator Murray, our subcommittee chair, held an oversight hearing this spring which found that the legislation was making mines safer.

But today, we find ourselves asking new questions about whether this did enough to make mining safe. For the sake of all miners, we need to understand what went wrong at Crandall Canyon. It is too early to expect these answers today, but at least we begin to ask the right questions – about the Crandall Canyon mine, about whether MSHA is effectively doing its job, about whether the Congress must do more.

MSHA's basic role is to see that mine plans are safe. At Crandall Canyon, however, MSHA apparently missed the warning flags about serious safety problems. We will hear from NIOSH today about its independent analysis of the Crandall Canyon plan, which raises very serious questions about whether the MSHA review process is strong enough and independent enough. Such questions about the review process are not just about Crandall Canyon – they have nationwide implications.

Another major MSHA responsibility is to control the rescue effort when accidents take place. Mines are inherently dangerous – both for miners, and for rescue workers. Tragically, in addition to the six mine workers, three rescue workers also died at Crandall Canyon. Clearly, something went very wrong.

We had questions too after the Sago tragedy about whether rescue workers were used as effectively as possible and were adequately protected in their efforts. So we must also look at how decisions are made at the mine site after an accident takes place.

In particular, we're concerned about MSHA's duty to manage information at mine rescue sites. In the MINER Act, we gave MSHA additional power to control information for the public and miners' families. We must examine whether MSHA is sufficiently exercising that control in such disasters.

Finally, our Committee continues to press the need for better technology to locate and communicate with miners in an emergency. The deaths at Crandall Canyon clearly show that miners are paying the price for this lapse in technology. It's outrageous that the trapped miners could not be located. In the MINER Act, we sought to expedite the adoption of the latest technology. In this hearing we'll discuss how we can do more and do it faster.

Our work in Congress will continue after today's hearing. We will continue our investigation of the cause of the recent disaster and take up new legislation to strengthen current laws. We clearly need to do more to prevent such disasters, and will do our best to meet that responsibility.

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