

Part 3 Safety Conditions

40-2-301 Commission and office responsibilities.

- (1) The commissioner shall:
 - (a) direct the state's efforts to promote coal mine safety; and
 - (b) participate with the Mine Safety and Health Administration in an investigation of a major coal mine accident in Utah.
- (2) The commission shall establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (a) a system consistent with Section 40-2-302 to receive, evaluate, and act on a report of an alleged unsafe condition at a coal mine; and
 - (b) requirements for a coal mine operator regarding notification of a coal mine accident as part of a coal mine operator's emergency response plan.
- (3) The office may:
 - (a) conduct one or more studies to promote coal mine safety;
 - (b) cooperate with educational and other organizations to promote mining engineering and mine safety training;
 - (c) establish a cooperative relationship with the Mine Safety and Health Administration to promote coal mine safety in Utah;
 - (d) serve as the lead state agency in developing and implementing state and local response and communication plans for major coal mine accidents in Utah; and
 - (e) implement the notification requirements established under Subsection (2)(b).

Enacted by Chapter 113, 2008 General Session

40-2-302 Reporting of an unsafe condition in coal mines -- Adverse action prohibited.

- (1) Subject to the other provisions of this section, upon the office's receipt of information from a person of a possible unsafe condition in a coal mine located in Utah, the office may:
 - (a) notify the federal Mine Safety and Health Administration;
 - (b) notify another appropriate federal, state, or local government agency;
 - (c) contact the operator of the coal mine;
 - (d) refer the information to the council on a confidential basis; or
 - (e) take any other authorized action.
- (2) The commission, council, or office may not disclose or otherwise make public the identity of a person who reports a possible unsafe condition in a coal mine located in Utah unless that person authorizes the commission, council, or office to disclose the person's identity.
- (3) A coal mine operator may not take adverse action against a person because that person:
 - (a) reports an alleged unsafe mine condition; or
 - (b) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing under this chapter.

Enacted by Chapter 113, 2008 General Session

40-2-303 Annual report on coal mine safety.

- (1) By October 1 of each year, the commission, office, and council shall compile and submit to the governor and the Legislature a comprehensive report of the status of coal mine safety within the state for the immediately preceding calendar year.
- (2) The report required by this section shall include:
 - (a) a compilation of major coal mine accidents or other coal mine emergencies within the state during the calendar year;
 - (b) a statement of actions by the commission, office, or council to implement this chapter;
 - (c) without a breach in confidentiality, a summary of reports of alleged unsafe conditions received by the office, with a statement of the office's responses;
 - (d) recommendations for additional action to promote coal mine safety; and
 - (e) any other items the commission, office, and council consider appropriate.

Enacted by Chapter 113, 2008 General Session