

117TH CONGRESS
1ST SESSION

S. 184

To direct the Secretary of Labor to issue an emergency temporary standard that requires operators to develop and implement a comprehensive infectious disease exposure control plan to protect miners from exposure to SARS-CoV-2, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2021

Mr. MANCHIN (for himself, Mr. WARNER, Mrs. CAPITO, Mr. DURBIN, Mr. KAINE, Mr. CASEY, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Labor to issue an emergency temporary standard that requires operators to develop and implement a comprehensive infectious disease exposure control plan to protect miners from exposure to SARS-CoV-2, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “COVID-19 Mine
5 Worker Protection Act”.

1 **SEC. 2. EMERGENCY TEMPORARY AND PERMANENT STAND-**
2 **ARDS.**

3 (a) EMERGENCY TEMPORARY HEALTH OR SAFETY
4 STANDARD.—

5 (1) IN GENERAL.—In consideration of the grave
6 risk presented by COVID–19 and the need to
7 strengthen protections for miners, pursuant to sec-
8 tion 101(b) of the Federal Mine Safety and Health
9 Act of 1977 (30 U.S.C. 811(b)) and notwithstanding
10 the provisions of law and the Executive order listed
11 in paragraph (3), not later than 7 days after the
12 date of enactment of this Act, the Secretary of
13 Labor shall promulgate an emergency temporary
14 health or safety standard to protect miners from oc-
15 cupational exposure to SARS–CoV–2.

16 (2) APPLICATION OF STANDARD.—Pursuant to
17 section 101(b)(2) of the Federal Mine Safety and
18 Health Act of 1977 (30 U.S.C. 811(b)), the emer-
19 gency temporary health or safety standard promul-
20 gated under paragraph (1) shall be effective until
21 superseded by a mandatory health or safety stand-
22 ard promulgated under subsection (b).

23 (3) INAPPLICABLE PROVISIONS OF LAW AND
24 EXECUTIVE ORDER.—The provisions of law and the
25 Executive order listed in this paragraph are as fol-
26 lows:

1 (A) Chapter 6 of title 5, United States
 2 Code (commonly referred to as the “Regulatory
 3 Flexibility Act”).

4 (B) Subchapter I of chapter 35 of title 44,
 5 United States Code (commonly referred to as
 6 the “Paperwork Reduction Act”).

7 (C) The Unfunded Mandates Reform Act
 8 of 1995 (2 U.S.C. 1501 et seq.).

9 (D) Executive Order 12866 (58 Fed. Reg.
 10 190; relating to regulatory planning and re-
 11 view), as amended.

12 (b) PERMANENT STANDARD.—Pursuant to section
 13 101(b)(3) of the Federal Mine Safety and Health Act of
 14 1977 (30 U.S.C. 811(b)(3)), the Secretary shall promul-
 15 gate a mandatory standard to protect miners from occupa-
 16 tional exposure to SARS-CoV-2.

17 (c) REQUIREMENTS.—The standards promulgated
 18 under this section shall—

19 (1) include a requirement that operators—

20 (A) with the input and involvement of min-
 21 ers or, where applicable, the representatives of
 22 miners develop and implement a comprehensive
 23 infectious disease exposure control plan to ad-
 24 dress the risk of occupational exposure to
 25 SARS-CoV-2; and

1 (B) provide to miners the necessary per-
 2 sonal protective equipment, disinfectant, ancil-
 3 lary medical supplies, and other applicable sup-
 4 plies determined necessary by the Secretary to
 5 reduce and limit exposure to SARS-CoV-2 in
 6 coal or other mines;

7 (2) incorporate guidelines—

8 (A) issued by the Centers for Disease Con-
 9 trol and Prevention and the National Institute
 10 for Occupational Safety and Health, which are
 11 designed to prevent the transmission of infec-
 12 tious agents in occupational settings; and

13 (B) from relevant scientific research on
 14 novel pathogens; and

15 (3) include a requirement for the recording and
 16 reporting of all work-related COVID-19 infections
 17 and deaths as set forth in part 50 of title 30, Code
 18 of Federal Regulations (as in effect on the date of
 19 enactment of this Act).

20 **SEC. 3. SURVEILLANCE, TRACKING, AND INVESTIGATION**
 21 **OF MINING-RELATED CASES OF COVID-19.**

22 The Secretary of Labor (acting through the Assistant
 23 Secretary for Mine Safety and Health), in coordination
 24 with the Director of the Centers for Disease Control and

1 Prevention and the Director of the National Institute for
2 Occupational Safety and Health, shall—

3 (1) collect and analyze case reports and other
4 data on COVID–19 to identify and evaluate the ex-
5 tent, nature, and source of COVID–19 among min-
6 ers, including the prevalence of and consequences of
7 COVID–19 diagnoses among miners also diagnosed
8 with pneumoconiosis;

9 (2) investigate, as appropriate, individual cases
10 of COVID–19 among miners to evaluate the source
11 of exposure and adequacy of infectious disease expo-
12 sure control plans;

13 (3) provide regular periodic reports on COVID–
14 19 among miners to the public; and

15 (4) based on such reports and investigations,
16 make recommendations on needed actions or guid-
17 ance to protect miners from COVID–19.

18 **SEC. 4. DEFINITIONS.**

19 The terms used in this Act have the meanings given
20 the terms in section 3 of the Federal Mine Safety and
21 Health Act of 1977 (30 U.S.C. 802).

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