

# Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:  
Department of Environmental Protection

(2) Agency Number:  
Identification Number: #7-463

IRRC Number: #2920

(3) PA Code Cite: 25 Pa. Code Chapter 208 Underground Coal Mine Safety

(4) Short Title: Requirements for Automated External Defibrillators (AED)

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The rulemaking package would require the placement of Automated External Defibrillators (AED) at various areas of bituminous underground mine operations. An AED is a portable device that uses electric shock to restore a stable heart rhythm. The Board unanimously agreed that this rulemaking would be in the best interests of the miners' safety. The Board is responding to a letter from a citizen, who requested that AEDs be placed at coal mines for miners' safety.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (52 P.S. §§ 690-106 and 106.1) (BCMSA) which authorizes the adoption of regulations implementing the BCMSA including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This regulation is not mandated by any federal or state law or court order, or federal regulation

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The rulemaking package would require the placement of Automated External Defibrillators at various areas of underground mine operations. An AED is a portable device that uses electric shock to restore a stable heart rhythm. The use of the AEDs by trained individuals will help save the lives of miners who may suffer from a heart attack while working underground. Most of the miners who work underground may be several miles away from a mine opening. Because of the dangerous conditions and the strenuous activities miners encounter, safety is a priority. AEDs are another tool that miners will have available to save a life. The Board agreed that this would be in the best interests of mine safety. The Board is responding to a letter from a citizen, who requested that AEDs be placed at coal mines for the safety of miners.

(11) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation.

(12) Describe who and how many people will be adversely affected by the regulation. How are they affected?

There are 36 bituminous underground mines operating in Pennsylvania. The rulemaking would require them to install and maintain Automated External Defibrillators. Industry representatives have been supportive of the efforts to develop the proposed standards included in the rulemaking.

(13) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

Currently there are 36 underground bituminous coal mines in the Commonwealth of Pennsylvania. These mines employ approximately 4,420 persons (not all of whom work underground).

(14) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The estimated cost for an AED unit is \$1,500. Each mine site would be required to maintain one unit on the surface of the facility and on or near each working section. These locations were recommended by representatives from industry and mine workers. The cost to the regulated community would be one unit on the surface and the average mine has 3 working sections, making the estimated cost to industry approximately \$6,000 per mine. The minimum cost per mine would be approximately \$3,000. The average maintenance per a unit is \$100 per a year. A mine operator would incur an average maintenance cost of \$400 per a year.

(15) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This question is not applicable because local governments do not engage in underground bituminous coal mining.

(16) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

This question is not applicable because state agencies do not engage in underground bituminous coal mining.

(17) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	N/A	\$6,000	\$400	\$400	\$400	\$400
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	N/A	\$6,000	\$400	\$400	\$400	\$400
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A

<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(17a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>
Environmental Protection Operations (#160-10381)	\$98,544,000	\$84,218,000	\$78,021,000	\$78,140,000
Environmental Program Management (#161-10382)	\$37,664,000	\$31,100,000	\$28,881,000	\$28,035,000

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The use of the AEDs by trained individuals will help save the lives of miners who may suffer from a heart attack while working underground. Most of the miners who work underground may be several miles away from a mine opening. Because of the dangerous conditions and the strenuous activities miners encounter, safety is a priority. AEDs are another tool that miners will have available to save a life. The Board, which is made up of representatives from miner and mine operators, agreed that this rulemaking would be in the best interests of the mine safety. The costs of implementing the regulation are minimal, and the potential benefit of saving lives in the event of an emergency is incalculable.

(19) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

This rulemaking was developed in response to a request from a concerned citizen, who requested that AEDs be placed at coal mines for miners' safety. This rulemaking was prepared at the Board's direction. Three of the members of the Board were nominated by the United Mine Workers of America to represent the viewpoint of miners and three were nominated by the Pennsylvania Coal Association to represent the viewpoint of the coal mine operators.

(20) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No other alternative regulatory provisions were considered. The rulemaking was originally suggested by a concerned citizen, proposed as a petition by a representative of the coal mine operators and was endorsed by all seven members of the Board of Coal Mine Safety.

(21) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There is no companion federal standard. This rulemaking further enhances Pennsylvania's mine safety standards, and will benefit Pennsylvania citizens and workers.

(22) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

Pennsylvania would be the first state to require AEDs in underground bituminous mines. Due to the overwhelming support from both mine operators and mine workers in addition to the nominal cost of the units, Pennsylvania will continue to be competitive with other states. This regulation will have no impact on Pennsylvania's ability to compete with other states.

(23) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(24) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This rulemaking does not require any additional accounting or consulting procedures or additional reporting, recordkeeping or other paperwork. This equipment will be inspected as a normal part of the pre-shift inspection routine that must be done for underground mines, similar to other equipment used at an underground mining operation. The incorporation of the AED equipment will not generate any additional recordkeeping that is not already being performed in conjunction with routine pre-shift inspections.

(25) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None.

(26) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: Fall 2011

B. The date or dates on which public meetings or hearings will be held:

N/A

C. The expected date of promulgation of the proposed regulation as a final-form regulation:

Fall 2012

D. The expected effective date of the final-form regulation:

Fall 2012

E. The date by which compliance with the final-form regulation will be required:

Fall 2012

F. The date by which required permits, licenses or other approvals must be obtained:

N/A

(27) Provide the schedule for continual review of the regulation.

The Board will review on an ongoing basis the need for regulations implementing the Bituminous Coal Mine Safety Act.