

117TH CONGRESS  
1ST SESSION

# H. R. 646

To direct the Secretary of Labor to provide for 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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2021

Mr. CARTWRIGHT (for himself, Mr. FITZPATRICK, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. GARCÍA of Illinois, Ms. KAPTUR, Mrs. TRAHAN, Mr. WELCH, Mr. NORCROSS, Mr. TAKANO, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CARSON, Mr. RYAN, and Mr. ROGERS of Kentucky) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To direct the Secretary of Labor to provide for 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 provide for 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 under  
20 paragraph (1) shall be effective until superseded by  
21 a mandatory health or safety standard promulgated  
22 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 comprehen-  
23 sive infectious disease exposure control plan to  
24 address the risk of occupational exposure to  
25 SARS-CoV-2; and

(B) provide to miners the necessary personal protective equipment, disinfectant, ancillary medical supplies, and other applicable supplies determined necessary by the Secretary to reduce and limit exposure to SARS-CoV-2 in coal or other mines;

(2) incorporate guidelines—

(A) issued by the Centers for Disease Control and Prevention and the National Institute for Occupational Safety and Health, which are designed to prevent the transmission of infectious agents in occupational settings; and

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

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

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

The Secretary of Labor (acting through the Assistant Secretary for Mine Safety and Health), in coordination 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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