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Congressional Record S. 18793 - Roundup Coal

Mike Mansfield 1903-2001

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Mr. MANSFIELD. Mr. President, in the past, congressional concern prompted by several tragic mine disasters resulted in the passage of the Federal Coal Mine Health and Safety Act of 1969. At the time of the passage of this legislation, its full implications for all facets of the mining industry were not known, nor could it be expected that they be known. We have now reached that point in the administration of this act where I believe a review is in order.

For a great many years, a number of small coal mines have been operating in central and south-central Montana, providing coal, not for the national defense nor for industry, but simply for the heating of private homes. In the past months, my correspondence has been ex-
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Mr. MANSFIELD, Mr. President, based on the hearing provided in this report, I introduce a bill which would amend the Federal Coal Mine Health and Safety Act of 1969.

I think it important that all concerned understand that it is in no way my intention to weaken or undermine the intent of the Federal Coal Mine Health and Safety Act of 1969, but rather to provide an equitable adjustment for those mines which, for one reason or another, find compliance with the present act impossible. As a further demonstration of the needs of this situation, I ask unanimous consent that two letters on this subject be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NOVEMBER 4, 1970, Laurel, Mont
Honorable Mike Mansfield,
United States Senate,
Senate Office Building,
Washington, D.C.

Dear Senator: This letter is written in concern over the closing of the Roadside Coal Mine in Bear Creek, Montana by the Federal Mine Officials. I contacted Mr. Jim Murry, Executive Secretary of the Montana State AFL-CIO, about this matter and he said this letter to you would be the most effective way to handle it. Mr. Murry and I are both members of OCAW Local 2-443 here in Laurel, Montana.

Roadside Mine is owned and operated by Frank and Leopold Janskovitch and Louis Yerman. This is a partnership and they employ no one. As John F. Kennedy said of his father, I am not against the Mine Safety Act. My Father, Grandfather and Uncle were killed in the Smith mine in Bear Creek in 1943. We need the Mine Safety Act. But I think it was meant to make safe, large mines, with large numbers of employees and not to close down small operators. This is infringement on individual rights of people operating at the property level. With all the unemployment we have, I can't see taking the livelihood away from these rugged individuals who are trying to stand on their own two feet.

The distinction between gaseous and nongaseous mines is eliminated in the recent Mine Safety Act and this is probably the source of most of this trouble. It is economically impossible for these small nongaseous mine operators to meet the elaborate safety regulations being forced upon them. It is the purpose of this letter to give you letters from the businessmen who can give to get these mines back to work will be very much appreciated. Would it be possible for you to let Senator Murry extend your help to him.

Congratulations on your resounding victory in Tuesday's election. You have my continued support and thank you in advance for help given Roadside Coal.

Sincerely,

Samuel J. Morich.
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Frank and Poly Januskovitch have personally mined their tunnels for 38 years, making their living from their own property, building no one, remaining independent and proud of being so—in the fine, true, old-American tradition. It was this spirit of pride in one's work, of dependence on self, and belief in the integrity of the individual's right to live as he chose, that caused America to be born in the first place, remember? It was this spirit also that made history.

Frank and Poly are no longer young, nor is their mine a large one. Their vein of coal has required them to work on their knees, a fact that, would, in itself, have put them out of business many years ago, had the mine's air supply and other factors been less than safe.

Returns from the small mine are not sufficient to pay for the expensive equipment required under the new law, nor do the Januskovitches feel it is necessary since they have worked their mine safely for nearly four decades. They have been alert always to the possibility of danger and provided safety guards promptly where the need appeared. Any tunnel in the mine was promptly abandoned and closed off. Their ventilating shaft kept the air in the mine fresh and clean, fully adequate for two working men.

A law that may well fit the big mines, has indeed been nothing but a cruel crushing blow to the small, and if America is to exhibit any measure of justice in this case, small, privately owned and operated mines must be given exemption from this law!

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4537) to amend the Federal Coal Mine Health and Safety Act of 1969, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committees on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 4537

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That in the administration of the provisions of the Federal Coal Mine Health and Safety Act of 1969, such provisions, other than the provisions relating to imminent danger (as defined in such Act), shall not be applicable to any coal mine with respect to which a waiver is granted in accordance with the provisions of section 2 of this Act.

SEC. 2. Upon receipt by him, within one year following the date of the enactment of this Act, of any application made by an operator (as defined in the Federal Coal Mine Health and Safety Act of 1969) for a waiver pursuant to the first section of this Act, the Secretary of the Interior shall approve such application and grant such waiver if he determines that—

(1) the coal mine with respect to which such application is made shall have no more than five miners, one of whom shall be the applicant, working underground at any one time;

(2) the coal mine with respect to which such application is made was in operation prior to December 30, 1969;

(3) the applicant, together with all other miners working underground in such mine, have elected, pursuant to such means as the Director of the Bureau of Mines has prescribed, to work in such mine with respect to which such application is made with full knowledge of such waiver;

(4) the coal mine with respect to which such application is made is above the water table and has no history of methane accumulations in excess of 0.25 per cent by volume anywhere in such mine; and

(5) a substantial portion of the coal mined from the coal mine with respect to which such application is made is consumed locally for space heating.

SEC. 3. If at any time the Secretary of the Interior determines that any individual or individuals receiving a waiver pursuant to this Act is not in compliance with the provisions of section 2 of this Act, the Secretary shall notify such individual or individuals to that effect and that he or they have thirty days within which to comply. Such notice shall set forth full details with respect to such noncompliance. If, after the expiration of such thirty day period, the Secretary determines that such individual or individuals have not satisfactorily complied in accordance with such notice, the Secretary is authorized to revoke such waiver. Immediately upon the revocation of such waiver or the expiration of the five-year period following the date such waiver was granted, whichever first occurs, the provisions of the Federal Coal Mine Health and Safety Act of 1969 shall be applicable to such coal mine with respect to which such waiver was granted.