

tracted in nonliquid form or, if in liquid form, are extracted with workers underground, (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this chapter, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment;

(2) For purposes of subchapters II, III, and IV of this chapter, “coal mine” means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) “work of preparing the coal” means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) “imminent danger” means the existence of any condition or practice in a coal or other mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) “accident” includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) “mandatory health or safety standard” means the interim mandatory health or safety standards established by subchapters II and III of this chapter, and the standards promulgated pursuant to subchapter I of this chapter;

(m) “Panel” means the Interim Compliance Panel established by this chapter; and

(n) “Administration” means the Mine Safety and Health Administration in the Department of Labor.

(o) “Commission” means the Federal Mine Safety and Health Review Commission.

(Pub. L. 91-173, § 3, Dec. 30, 1969, 83 Stat. 743; Pub. L. 95-164, title I, § 102(b), Nov. 9, 1977, 91 Stat. 1290.)

AMENDMENTS

1977—Par. (a). Pub. L. 95-164, § 102(b)(1), substituted “Secretary of Labor” for “Secretary of the Interior”.

Par. (d). Pub. L. 95-164, § 102(b)(2), (4), substituted “supervises a coal or other mine or any independent con-

tractor performing services or construction at such mine” for “supervises a coal mine”.

Pars. (e), (g). Pub. L. 95-164, § 102(b)(4), inserted “or other” after “coal” wherever appearing.

Par. (h). Pub. L. 95-164, § 102(b)(3), added subpar. (1), designated existing provisions as subpar. (2), and inserted “For purposes of subchapters II, III, and IV of this chapter,” after “(2)”.

Par. (j). Pub. L. 95-164, § 102(b)(4), inserted “or other” after “coal”.

Pars. (n), (o). Pub. L. 95-164, § 102(b)(5), added pars. (n) and (o).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 803. Mines subject to coverage

Each coal or other mine, the products of which enter commerce, or the operations or products of which affect commerce, and each operator of such mine, and every miner in such mine shall be subject to the provisions of this chapter.

(Pub. L. 91-173, § 4, Dec. 30, 1969, 83 Stat. 744; Pub. L. 95-164, title I, § 102(c), Nov. 9, 1977, 91 Stat. 1291.)

AMENDMENTS

1977—Pub. L. 95-164 inserted “or other” after “coal”.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-164 effective 120 days after Nov. 9, 1977, except as otherwise provided, see section 307 of Pub. L. 95-164, set out as a note under section 801 of this title.

§ 804. Interim Compliance Panel

(a) Establishment; composition

There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the National Institute of Standards and Technology, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health and Human Services, or his delegate;

(4) Director of the United States Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Compensation; travel and subsistence expenses

Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.