

*Comments on One Provision Of
The Proposed Rules for
“Lowering Miners’ Exposure to
Respirable Coal Mine Dust, . . .”*

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Comments on the Proposed Respirable Dust Rules

The proposed modifications to the 30 CFR Part 75 rule falls into five (5) broad areas:

- Redefinition of where to measure the air flows going to the working face;
- Redefinition of and new requirements for the Ventilation Plan;
- Redefinition of the respirable dust concentrations allowed in air from the belt conveyor entry when that air is used to ventilate the working section;

Comments on the Proposed Respirable Dust Rules

Continued:

- Extensive new examination and record keeping requirements for dust control equipment examinations and records of those examinations; and
- Redefinition of how the working section is ventilated where there is more than one continuous miner or loading unit on the working section;

Comments on the Proposed Respirable Dust Rules

Comments on the first four areas will be provided at a later date.

**Today's testimony is focused on
Proposed Rule § 75.332(a)(1)**

Working sections and working places

Comments on the Proposed Respirable Dust Rules

- The change in 75.332(a)(1) is perhaps one of the least explained and least transparent changes in these Proposed Rules.
- There are no references in the XII Reference section regarding the Part 75 portion of the Proposed Rules.

Comments on the Proposed Respirable Dust Rules

In the Commentary, the only justification for the change to 75.332 is that

“MSHA believes that, together, proposed § 75.332 and the proposed MMU definition, discussed elsewhere in the preamble related to proposed § 70.2, would improve miners’ health by reducing their exposure to respirable dust.”

Comments on the Proposed Respirable Dust Rules

- **The new definitions of MMU, would require separate intakes for each MMU, as defined**
- **Each MMU must have a separate intake, but from where? It is nowhere explained where this intake must originate, so it must come from the surface?**

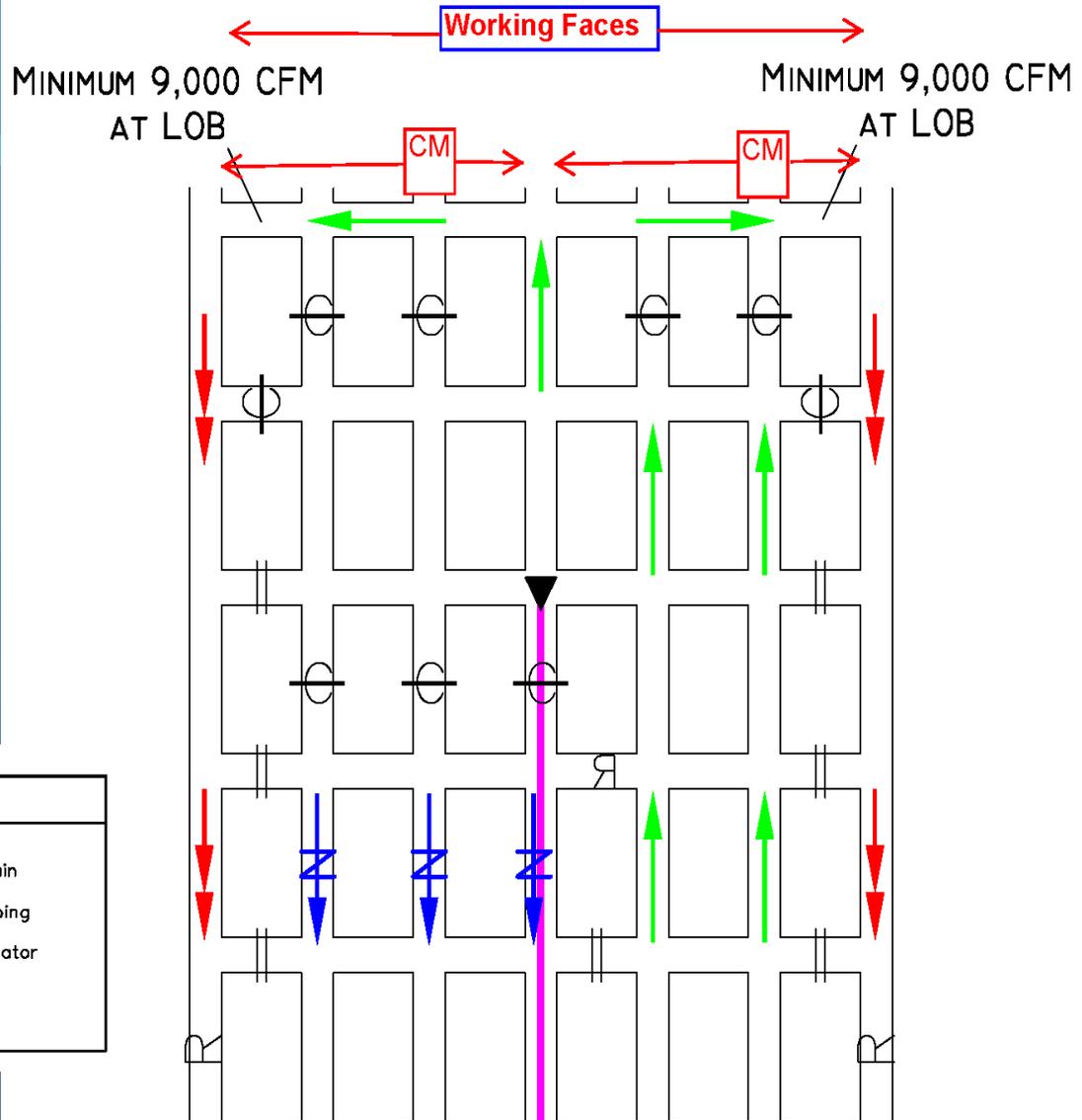
Comments on the Proposed Respirable Dust Rules

- Therefore, the stated effect of this Proposed Rule is to eliminate the operation of two continuous miners on the same working section at the same time. The net effect of the Proposed Rules would be to eliminate the Super Section system of mining

Comments on the Proposed Respirable Dust Rules

- **What is a Super Section?**
 - Many different definitions and descriptions, depending on the region or area
- **“True” or “Full” Super Section**
- **“Walk-between” Super Section**
- **“Single Section”**

TYPICAL FACE VENTILATION USING FISHTAIL VENTILATION



Legend

- | | | | |
|---|---------------|---|-----------|
|  | Intake |  | Curtain |
|  | Neutral |  | Stopping |
|  | Return |  | Regulator |
|  | Loading Point | | |

Comments on the Proposed Respirable Dust Rules

- We have estimated that at least $\frac{1}{4}$ of the MMU's are involved in super-sections of some description
- Since there are some 800-850 MMU's in the country there would be about 200 MMUs impacted and 100 production MMU's eliminated by this rule change.
- These production sections are some of the most efficient and safe units in the industry and often make the entire mine economically feasible.

Comments on the Proposed Respirable Dust Rules

- **MSHA has not analyzed the loss of jobs or the feasibility of operating these mines without these 100+ MMU's.**
- **Neither has MSHA analyzed whether these mines could make up this lost production and the impact of trying to make up the lost production.**

Comments on the Proposed Respirable Dust Rules

- **Splitting a True SS into two single sections, if feasible, will require**
 - **More overcasts, stoppings and ventilation controls;**
 - **Additional belt entries;**
 - **Additional belt flights**
 - **More equipment such as feeders, power system equipment, SCSR's, Shelters**

Comments on the Proposed Respirable Dust Rules

- **Many mines will require additional ventilation openings and fans for the increased number of belt lines and the increased pressures due to increased flow and leakage of the systems**
- **MSHA has not analyzed if such changes are technologically feasible for the impacted mines and which and how many mines will no longer be economically feasible**

Comments on the Proposed Respirable Dust Rules

- **In summary:**

- **The need for or benefits from § 75.332(a)(1) of the Proposed Rule are not documented, analyzed nor explained**
- **The effects of 75.332 are to eliminate the Super Section system of mining – with no justification other than:
“*MSHA believes*” it should be done.**

Comments on the Proposed Respirable Dust Rules

- In summary (continued):
 - Among the results of eliminating Super Sections, for those mines that might remain feasible, would be
 - More complicated mine plans
 - More ventilation controls
 - More air required at openings
 - More shafts and fans
 - Reduced production levels
- § 75.332(a)(1) of the proposed rule should be withdrawn due to the lack of analysis to support a need for or benefit from the provision.