From: Chris R Hamilton [mailto:chamilton@wvcoal.com]
Sent: Thursday, January 08, 2009 5:51 PM
To: Silvey, Patricia - MSHA
Subject: Draft Program Policy Letter (PPL) - Guidance for Compliance with Post-Accident Two-Way Communications and Electronic Tracking Requirements

January 8, 2009

Ms. Patricia W. Silvey, Director
Office of Standards, Variances & Regulations
Mine Safety & Health Administration
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209-3939

Re: Draft Program Policy Letter (PPL) - Guidance for Compliance with Post-Accident Two-Way Communications and Electronic Tracking Requirements of the Mine Improvement and New Emergency Response (MINER) Act

Dear Ms. Silvey:

The West Virginia Coal Association offers the following comments on the draft Program Policy Letter (PPL) on compliance with post accident two-way communications and electronic tracking.

The West Virginia Coal Association represents large and small, surface and underground operators in West Virginia and collectively accounts for nearly eighty percent of the state's annual coal production.

We fully support and incorporate by reference the comments submitted by the National Mining Association. We have many common members and share their concerns on this important mine safety issue.

Additionally, the state of West Virginia has previously enacted similar requirements for mine communications and individual tracking systems and is currently moving towards full implementation. We note with interest that several of the provisions contained within MSHA's draft PPL exceed or are contrary to similar provisions found in West Virginia's law. This is particularly true with the provisions dealing with working sections.

Consequently, additional components or changes to an already complex system will have to be made to meet compliance with MSHA's proposed requirements. The state requirements were jointly constructed and approved by state, labor and management representatives and we question the reasoning or basis behind MSHA's proposed changes.

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Towards this end, we respectfully request MSHA to modify its draft PPL to make it consistent with the Legislatively approved requirements of the state of West Virginia, or in the alternative, to accept compliance with existing state plans and requirements as meeting compliance with MSHA's final PPL.

We appreciate the opportunity to comment on this proposal.

Sincerely,

Chris Hamilton
Vice-President
West Virginia Coal Association