

2009 DEC -4 A 9:10

December 4, 2009

Mine Safety & Health Administration (MSHA)
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209- 3939

Re: RIN 1219-AB48

Thermo Fisher Scientific fully supports MSHA's efforts to protect coal miners by implementing usage of the Continuous Personal Dust Monitor (CPDM). The unit is currently in limited use underground mines, as well as NIOSH and MSHA. The units have performed as intended, allowing miners to modulate their behavior underground and limit their exposure to harmful dust. As the unit's developer, Thermo Fisher has received many positive comments from miners on the unit's impact on their daily tasks.

Thermo Fisher encourages that the CPDM be used to establish and quantify current exposure levels in the mines. The current sampling routine was performed only on a sporadic basis and does not permit recording of the time of high incidents nor does it provide other key information regarding the sampling period. And, most importantly, it does not allow an individual miner to control his or her own dust exposure in real-time.

The CPDM's advances, coupled with its proven ability to empower miners with information on high risk locations within the mine, make it the best hope of lowering and ultimately cutting to zero the incidence of black lung among American coal miners.

In addition to these comments here, I am also providing a copy of the written comments that I and Thermo Fisher Scientific provided orally in July, 2009, regarding Part 74. This copy of the comments is drawn from the transcript of the hearing in Arlington, Virginia, on July 8th.

Sincerely,

Alan Matta
Product Manager

AB48-COMM-11

**COMMENTS ON PERSONAL DUST MONITORS
PRESENTED BY
ALAN MATTA, THERMO FISHER SCIENTIFIC
TO
MINE SAFETY & HEALTH ADMINISTRATION
JULY 8, 2009**

Good morning. My name is Alan Matta. First name is A-L-A-N, last name M-A-T-T-A, and as stated I'm the Product Manager for Thermo Fisher Scientific for the PDM 3600. I'd like to thank both NIOSH and MSHA for the chance to speak today.

As mentioned earlier, I won't rehash some of the earlier discussions on the product itself. I think it's well known. But rather I'd like to have the chance to update the panel on what has transpired since the last formal hearing in 2003 with both the instrument and the company.

In the May 2003 hearing, Eric Rupprecht, who is co-owner of Rupprecht & Patashnik, the original developer of this product, spoke indicating we were ready to have this unit go underground. At that time, the unit had not been approved for underground use. However, the product did successfully pass testing shortly thereafter and was brought to the mine and testing did begin.

In April 2005, at that time Thermal Electron Corporation acquired Rupprecht & Patashnik, known as R&P. Following the acquisition, the work continued with the same team in place with both NIOSH and MSHA to validate the unit's performance.

During this testing, there were approximately eight suggested improvements that should have been made to the product to make it more suitable for this application. Among these were better pneumatic seals, longer cord lengths, improved run time, changes to the internal fuses and improved battery charging.

A ninth change, the dedicated software, is currently in the development stage through the efforts of NIOSH, and that would address one of the issues about any tampering that could take place with the data coming from the instrument.

In April 2006, the parent company, Thermo Electron, acquired Fisher Scientific and the company is now known as Thermo Fisher Scientific. As we combined these two large companies along with the group we acquired from the former R&P, we set forth two goals of this new entity. One is to bring laboratory grade equipment to the field, and the second is more holistic, to make the world a

cleaner, healthier, safer place to live. We believe the PDM satisfies two of these goals.

A little later, in April of 2007, the decision was made to close the R&P facility located in Albany, New York, and consolidate it to our larger facility in Franklin, Massachusetts, which allowed us to get some economies of scale and put the facility into an area where it establishes a world class manufacturing facility that is ISO certified.

In May of 2007, the informal partnership comprising of MSHA, NIOSH, BCOA, UMWA and Thermo met in Pittsburgh to address any remaining issues and to calibrate where we were with the product and the status of the necessary changes to permit formal use underground. It was just prior to that time that I became involved formally with the product.

As a manufacturer, we had concerns the PDM would never become a reality of a goal of being underground as it had been nearly 20 years since the first design had been put out at the machine mount level and 10 years for the initial unit. We had a concern the design was becoming stagnant.

Fortunately, the activities at that meeting made us feel better that the progress was going to continue, and we continued to work closely with NIOSH and MSHA to make several of the additional modifications.

When the S-MINER Act slowed in the beginning of 2008, we continued forward with the progress on that and submitted for MSHA approval in the fall. We did receive MSHA approval for intrinsic safety in September of last year.

Shortly after that we approached a number of the mining companies, as well as MSHA and NIOSH, to see if there was any intent in obtaining the PDM units as an engineering tool to help identify ventilation controls and changes to those controls.

We were fortunate at that time. We received orders for approximately 100 of these early units to be put in the field, and those have been shipped over the past few weeks. Those orders came in from many of the mining groups, MSHA and NIOSH, and it's apparent the value of this instrument was clear to those users.

To assist in successful deployment of these units in the field, NIOSH established and coordinated some training courses in conjunction with MSHA and ourselves, Thermo, to put on four day-long training courses over the past few months.

These courses took place at the Pittsburgh Research Laboratory in Pittsburgh; Louisville, Kentucky; Grand Junction, Colorado; and the MSHA Mine Academy in Beckley, West Virginia. The hands-on training consists of instrument operation, data interpretation, communication and maintenance.

It is true the procurement cost of the PDM is higher than the current coal mine dust personal sampler unit. However, we believe the benefits outweigh the cost, and NIOSH has constructed cost models to show the actual cost of ownership is lower over a four to five year ownership period in a typical mine.

The cost data presented did not take into consideration a number of cost elements such as the expected reduction in health costs and the savings in the handling, documentation and gravimetric measure of the individual filters as done today.

Additional benefits include a hoped for reduction in mine absenteeism and a healthier and safer operations in the mine. The early adopters who purchased these 100 units confirmed the value as an engineering tool.

In my personal career I've been involved with many products that provide real, immediate benefits to the user. While the PDM does offer immediate benefits in verifying the effects of engineering controls, unfortunately it's not one that provides immediate remedy to the health of the user.

CWP is a chronic disease and has been increasing over the past few years. I'm proud to be part of this valuable effort to help protect the health of the miners and contribute to the reduction of black lung disease. I believe we truly now have a technology to allow us to measure the exposure levels in real time and implement controls to minimize this exposure.

I ask your assistance to take the necessary actions to put this technology to work now. The future health of the miner begins with the first step. Let's take that step. Thank you.