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From: Penny Gazewood [mailto:patpenn1@citlink.net]
Sent: Sunday, January 05, 2003 9:58 PM
To: Lauriski-David@msha.gov
Subject: Letter of comment for New Emergency Standard

Dear Assistant Secretary David D. Lauriski,

I am writing to you to tell you how excited I was at the announcement of the new Emergency Temporary Standard for Coal Mines. I current work as a underground gold miner at the countries richest underground gold mine in Nevada. I have worked in mining since 1988 both on surface and underground. During that period of 14 years, I have lost 10 close friend to mining accidents. I have been involved in underground mining for nine years, and served on underground mine rescue teams for eight of those years, and serve as a team leader on the companies underground safety committee. I know first hand how precious a resource miners and their families are. And I believe just as those at MSHA about the importance of going home safely at the end of each shift.

That is why I would like to encourage you to read what I have written about the new ETS for coal. This is a great standard, and should be broadened to include all underground mining. Certain hazard exist that are common to all underground mines, and It is my belief that if this standard is not extended to all underground mines, those of us that work in the hard rock industry will experience another tradegy like what occured at the Sunshine Mine that got the ball rolling for the Mining Act to take place.

I believe through your leadership and the directives that I read about on your MSHA internet site major accidents in mining can be avoided. It is with that proactive safety attitude that MSHA has chosen to exhibit that makes this ETS possible. It is with that same proactive safety attitude that I encourage you to lead your people to extend this standard for emergency evacuations to all underground mining.

Thank you, for all your good work for the mining industry.

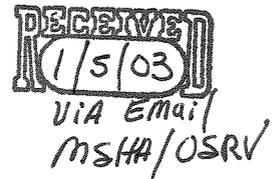
Sincerely,

Patrick A. Gazewood
patpenn1@citlink.net

AB33-COMM-2

Comment on Emergency Temporary Standard for Underground Coal Mines

Patrick A. Gazewood
662 Aesop Drive
Spring Creek, NV. 89815
Dec 30, 2002



Mine Safety And Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Blvd., Room 2313
Arlington, Virginia, 22209-3939

Dear Gentlemen,

I would like to take the to comment on the recent "Emergency Temporary Standard for Underground Coal Mines". It is wonderful to see MSHA take a positive proactive approach to one of the most deadly and dangerous situations in mining today mine fires and mine disasters. I know your decisions to issue this standard has been long in the works. I am an Underground miner, and as an American would like to exercise my right under the Act to comment on the new standard, during the comment period.

First of all let me tell you a little about myself, so you will understand where I am coming from, what my background is, and why I feel the way I do. What my motivation is in relation to the new Emergency Standard.

My name is Pat Gazewood, I have be employed in mining since 1988. I have worked six years in surface metal/nonmetal mines, and nine years in underground metal nonmetal mines. All of my 15 years in mining have been in hard rock, specifically gold mining in the State of Nevada. I currently work at Barrick Goldstrike Meikle Mine near Carlin, Nevada. I have been on Underground Mine Rescue teams for 8 years, I am also an EMT. During my 15 years in the mining industry, I have lost 10 good friends to fatal mining accidents. Three of those friends have been fellow mine rescue team members, one was a partner I worked daily with for 18 months. One of those was killed in the Jim Walter Resources No. 5 Mine fire. I have been on numerous mine rescues and have many close friends that are MSHA inspectors. I serve as a team leader on the underground safety committee, and work underground as a shotcreter installing ground support. So I have seen first hand in human terms how deadly mining can be. I know the importance of developing, maintaining, and implementing an ever vigilant proactive attitude toward safety. My relentless intestinal fortitude toward safety and tenacious drive to reduce accidents ,and needless suffering has prompted me to comment on the new ETS.

First of all I have read through the new standard, and I like what has been suggested for the coal industry. My grandfather was an underground coal miner. But I believe there is a need to broaden this standard to include hard rock mining, or more generally all underground mining in this standard. It has been often the case through sad experience that regulations and standards that were written for the coal industry that

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excluded the metal/nonmetal mining industry in participation eventual were enacted to include hard rock mining. Case in point the Sunshine Mine fire in Idaho. My father even though he worked all his life in the Oilfields helped out with that rescue. Coming from Casper, Wyoming to assist the drilling portion of that rescue specializing in drilling fishing tool recovery. Too often sad to say most regulations and standards don't cross over until after a disaster to include hard rock mining .

That is why I would like to encourage the Mine Safety and Health Administrations to live up to the challenge that is requesting in the new standard "MMSHA is soliciting comment on broadening the coverage of this section to include outburst, massive roof falls, and other occurrence... Section 75.1502-- mine Emergency Evacuation and Firefighting ..." Reviewing this standard I find that MSHA is setting the rest of the mining industry up for a fall. The reason I believe this to be the case is that many mines that are not coal mines also have environments that can be just as deadly. (i.e.. some hard rock mines specifically some trona mines have methane that can cause fires.) Other mines like the one that I work in have high rock temperatures. The air has to be cooled so that work can be done safely. On Oct 17,2002, I responded to a mine rescue at the Storm Mine located approx. seven miles from Bamcks Meikle Mine. Two team members of the Barrick Meikle Mine Rescue Team went down during a mine rescue practice in extreme heat conditions. One died that day, the other died several days later, never regaining consciousness. The heat temperature was 103 degrees F. with 100% humidity. It took less that 40 minutes in this environment to kill these experienced mine rescue personnel. Currently at the mine I work at, our mine emergency evacuation plans do not require us to exit the mine in event of an mine emergency. We are first to report and stay in refuge underground. The logic in this thinking specifically applies to one scenario at the mine. (If there is an ammonia spill or leak at the air-conditioning unit located on the collar. Which is located on the mines fresh air intake.) Part of the problem that I see and I have discussed it with the safety department at the mine as well as has other miners, is that this leaves up to 150 people underground at the time of a mine emergency. And in the event, of that many people staying underground during a mine fire it would present many difficulties trying to get that many people out of refuge safely. Last year we had 5 fire underground at the Meikle, None lasted longer than 30 minutes that would require notifying MSHA. But people had to stay in refuge for up to 3 hour.

The problem this present are many. One is that many of these refuges are grossly overloaded. The last fire drill that occurred in during Dec. 2002. over 43 persons were in just one refuge. and if it had been required to seal up the refuge for a fire. it would have been standing room only. Refuge supplies would be grossly overtaxed quickly. In addition to this several of these refuge chambers are extremely hot 95 degree F. or more and none have been studied to see if long term exposure to this heat could produce heat exposure dangers let alone what would happen it the doors were sealed and compressed air used for life support and how hot these unit would become. The average rock temperature in this mine is 140 degree F. and radiant heat can cause heat stress easily. With the countless thing that can and will go wrong during a mine disaster, and the disruption that can and do occur to mine ventilation. This mine can become a deathtrap extremely fast. In the mine I work at there is multiple environmental hazards, S02, N02,

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CO, CO₂, H₂S gas, plus high rock temperature of minimum of 140 degrees F. This mine is a positive pressure ventilated mine, in the event of loss of main ventilation fans this mine quickly becomes a negative pressure mine, and with the mine having numerous volcanic voids, volcanic gases previously trapped flow free out of these voids now become your breathable atmosphere. Currently Niosh is doing heat stress studies at this mine. Meikle/Rodeo. But let me remind you it only took 40 minute of high heat exposure of 103 degree F. and no ventilation to kill two Meikle mine miners at the Storm. That is one reason that the language of your standard is so important. "Section 11. Discussion of Emergency Temporary Standards **A.** Background section says. The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States code, for Emergency temporary mandatory health or safety standard to take immediate effect upon publication in the Federal register if [s]he determines **(A)** that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful, or to other hazards, and **(B)** that such emergency standard is necessary to protect miners from such danger...The language authorizing the issuance of a temporary mandatory standard for these purposes indicates that it is appropriate to address miner exposure to "other hazards," as well as toxic substances or harmful agents. This broad scope is further indicated in the legislative history, which states that "[t]o exclude any kind of grave danger would contradict the basic purpose of emergency temporary standards--protecting miners from grave dangers." "...That a danger has gone remedied should not be a bar to issuing an emergency standard. Indeed, if such is the case, the need for prompt action is that much more pressing." Id. in addition, the legislative history emphasizes that a record of fatalities or serious injuries is not necessary before and ETS can be issued because "[d]isasters, fatalities, and disabilities are the very thing this provision is designed to prevent." "Waiting until this dangers manifest themselves as fatalities or disabling injuries or illnesses, frustrates the purpose of this [ETS] provision."

I would like to state that a hot environment is just as deadly, as methane, carbon monoxide, or any other toxic substance, That mine fires, or other emergencies are very dynamic on how quickly thing can go from bad to worse. Just as the Events of Sept 11. Twin towers disaster demonstrated time is of the essence. And so it is in mine emergency. And as your standard exhibits for coal mining show important getting out can be to the success of saving lives. It is no different if a fire is in a hard rock mine. Every element that exists for potential to cause further harm exist also in metal/nonmetal mining. The opportunity for MSHA to take the lead and broaden this standard to include all underground exists. I encourage those that work at MSHA to take a close look and I believe that you will find that this standard should be embraced by all the mining industry. Regardless if it is coal or not. The dangers that exist in underground mine disasters affect all kinds of miners in all kinds of mines. Step up to the bar and extend it to all the mining industry. Please.

I never told you what my motivation is for encouraging you to broaden the emergency standard. I think that we should not forget all those that have died in mine accidents in the past. For we are all lessen by not being able to enjoy their company. I myself have lost to many good friends to mining accidents. Most of those fatalities could have been

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avoided. I really don't want to have to carry out in a stokes any more of my fellow workers, nor attend any more of their funerals, nor see the devastation it does to their loved ones and how in just an instance their world are turned upside down.

To all those at MSHA that have taken the first step, to proactively demonstrate their desire to reduce accidents I would just like to say Thank You. I encourage all those at MSHA involved in the important work of establishing this ETS as part of Mine Act to look closely at what I have suggested of extending this act to include all underground mine regardless of the classification. I would like to leave you with a thought by Albert Einstein:

“ The significant problems we face today cannot be solved at the same level of thinking we were at when we created them.”

I am not suggesting that a problem has been cause by MSHA. What I would like to suggest is that there are numerous problems that can and do occur during mine emergencies and disasters. MSHA has show that they are willing to take the lead in trying to solve this coal industry wide problem. But those of us that are outside of the scope of your current ETS are no less exposed to the same hazard. Please take the time to include the hardrock mine and their workers into this new Emergency Standard.

Thank you for your time.

Sincerely,

Patrick A Gazewood
Underground Gold Miner