

-----Original Message-----

From: Thomas, Chester L. [mailto:Chester.Thomas@alcoa.com]
Sent: Tuesday, May 09, 2006 6:47 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: FW: Emergency Regulation Change, i.e. 15-minute Reporting Requirement

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> _____
> From: Thomas, Chester L.
> Sent: Thursday, May 04, 2006 5:11 PM
> To: 'zzMSHA-asmsa@dol.gov'; 'McKinney.Ray@dol.gov';
> 'Crocco.William@dol.gov'; 'StoneRobert@dol.gov'
> Cc: Gardenhire, Alan L.
> Subject: Emergency Regulation Change, i.e. 15-minute Reporting
> Requirement
>
> Directors, Managers, and Administrators of "MSHA Law",
>
>
> It is illogical to expect a Mine Operator to report an Accident or
> Incident to any organization external to the mine business unit within
> 15-minutes after determining the event occurred. This is not the media
> for debating that issue, but please allow me the latitude of aesthetic
> logic.
>
> I ask each of you to place yourself in a competent and concerned Mine
> Operator's position. If you do this, and examine the intense activity
> that accompanies an Accident or Incident, each of you, as reasonable
> people, will understand 15-minutes is not enough time to adequately
> report an Accident or Incident to any organization, internal or
> external, except "Emergency Response". Activating "Emergency Response"
> and providing the "First Responders" necessary information must be the
> Mine Operator's first consideration. Is it really your intention to
> distract from that vital function?
>
> I ask that each of you examine the proposed 15-minute reporting
> requirement, and replace it with one that can be reasonably met by
> Mine Operators. I am not opposed to a realistic time limit specific to
> reporting an Accident or Incident to MSHA.
>
> Mine Operators must have the latitude of initiating emergency
> response, coordinating emergency response, assessing the scene, and
> gathering enough information to determine if the Accident or Incident
> is MSHA reportable. Is it MSHA's intention to discard the
> reportable/non-reportable criteria, and have Mine Operators report any
> and all Accidents and Incidents to MSHA, regardless of severity? If it
> is not MSHA's intention that Mine Operators report all Accidents and
> Incidents regardless of severity, the Mine Operator, under the
> "emergency Regulation Change", has 15-minutes to initiate emergency
> response, coordinate emergency response, determine if an Accident or
> Incident is MSHA reportable and contact MSHA, and that is gratuitous.
>
> Please explain how a Mine Operator can gather enough information to

> provide MSHA with an adequate Accident or Incident report within
> 15-minutes after determining the event occurred. Such notification
> compliance requires reporting with minimal information that very
> likely will not suffice for the MSHA official to determine what
> response is needed on behalf of MSHA. I submit that this new incident
> reporting law may be detrimental to the Health and Safety of miners,
> instead of helpful. In keeping with the facts, I renew the request for
> a reasonable reporting time limit specific to the "Emergency
> Regulation Change".

> I applauded MSHA for taking action to protect miners, and sincerely
> believe there is just cause for implementing emergency rules specific
> to the recent tragedies in underground coal mines. I do not support
> MSHA including surface coal mines in the "Emergency Regulation Change"
> because of a problem or problems associated with underground coal
> mines. I urge MSHA to allow all Mine Operators at least 2-hours for
> reporting an Accident or Incident to MSHA before the Mine Operator is
> subject to a citation for late reporting of an Accident or Incident.

> I abstain from commenting on the impact specific to citations, penalty
> assessment, conference time and etc. related to enforcement of the
> time limit change; but, this is a significant concern for Mine
> Operators, and the issue has not been adequately addressed by MSHA.

> Respectfully submitted,

> Chester Lee Thomas
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