

COMMENTS OF

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TO THE
MINE SAFETY AND HEALTH ADMINISTRATION

ON THE

EMERGENCY TEMPORARY STANDARD
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The Pittsburg & Midway Coal Mining Co. (P&M) appreciates this opportunity to comment on the Emergency Temporary Standard (ETS) on Emergency Mine Evacuation.

P&M shares MSHA's objective to protect "miners from the grave dangers that they face when they must evacuate a mine after an emergency occurs". P&M has and continues to work diligently to improve mine safety for our employees and the industry.

I. Part 48 – Training:

In general, P&M supports the proposed revised training requirements for miners contained within Part 48. We believe, however, the application of these training requirements to visitors should include more flexibility. For example, instead of requiring the actual donning of self-contained self-rescuers (SCSRs), we believe the necessary instruction can be accommodated by alternative means, such as demonstrating the donning of the SCSR or showing a video of it. Further, while we have historically provided limited training on a designated unit to visitors, we are concerned that training on all of the types of units used in the mine, for those unfamiliar with the mining environment, will be confusing and counterproductive. Because visitors would be accompanied at all times by an experienced miner who could assist them in the unlikely event of a mine emergency requiring the use of an SCSR, comprehensive training on all the types of SCSR used in the mine is not necessary. We would urge that the final standard be revised to reflect these concerns.

Similarly, we question the agency's decision to require that all independent contractor employees be provided with this level of training. As the agency is well aware, independent contractor activities can vary widely. We believe those providing regular or continual services should receive SCSR training comparable to that provided miners, while those whose services are on an infrequent basis can be accommodated through an alternative means similar to that employed for visitors. Like visitors, these contractor employees would be accompanied by an experienced miner who could assist them.

II. Part 50 – Notification:

A. The 15 Minute Notification Requirement:

MSHA regulations prior to the ETS required an operator to "immediately contact" the MSHA District Office in the event of any accident that met one of twelve "accident" conditions set forth in 30 CFR §50.2(h). Under the proposed revisions, immediately contact now means—without exception and regardless of circumstances—within 15 minutes from determination that an accident has occurred. In short, the 15 minute requirement applies to all accidents regardless of their seriousness or need for any emergency response.

The ETS explains that the purpose of the 15-minute notification requirement is to enable the coordination of appropriate mine rescue or other emergency response as soon as possible in order to protect miners from grave dangers of physical injury or death. We strongly support that objective and we believe this purpose would be better served if the 15-minute notification requirement applied to accidents that pose a threat to life or a danger of serious physical injury, or that require a rescue or other emergency response for trapped or

injured miners. For other accidents that do not pose such dangers or necessitate an emergency response, the operator would still be required to “immediately contact” the MSHA District Office which, as the agency notes in the ETS, has been applied on a case by case basis appropriate for the conditions and circumstances of the accident. We believe the existing language requiring reporting of fires not extinguished within 30 minutes should remain. We also believe that by focusing the 15-minute notification requirement upon accidents that are likely to require emergency response, the agency could more efficiently focus the efforts of highly trained MSHA emergency response personnel.

We also submit that the proposed reporting requirement should contain an exception for delays resulting from persons in good faith dealing with the immediate emergency, such as attempting to rescue a miner or eliminate an imminent danger. These exceptions would be similar to those in §50.12 relating to the preservation of the scene of an accident. As proposed, a person could be faced with committing a willful violation of the regulation by trying to save a life.

Finally, from a simple drafting consideration, the proposed regulation links three synonyms: “immediately”, “at once”, and “without delay”. If the three synonyms are intended to mean the same thing, we submit using just one, which should be the existing “immediately.” If the words are intended to convey different meanings, then the proposed regulation would establish three similar but different standards.

B. MSHA Notification Procedures:

The current protocol requires a mine operator to call their MSHA district office when an immediately reportable accident occurs. If that call is placed outside of business hours, the caller is forwarded to an answering service. The answering service provides the mine operator with other numbers to call to personally reach MSHA district officials. If the caller cannot reach an MSHA district official, the caller is expected to contact MSHA headquarters. The toll-free answering service maintained by MSHA headquarters relies on individuals with no knowledge of the mining industry and, therefore, incapable of making informed decisions on how to respond to the event that has been reported.

A mine operator should only be required to place one call to a designated person when an emergency occurs. That individual should have the ability to determine the severity of a situation and the authority to direct an appropriate response. A notification system of this type would allow the operator to attend to business of dealing with the situation at hand.

III. Part 75 – Mandatory Safety Standards:

A. Proposed Revisions to Section 75.380(7)(i):

P&M supports the installation of lifelines in the primary escapeway, unless it is a travelway, as a way to improve and facilitate emergency evacuations. The installation of lifelines in the travelways would create a potential hazard from persons, vehicles, or equipment getting entangled in it. We suggest that travelways not be required to have lifelines. If an emergency requires evacuation, the miners will be riding in a mantrip in the travelway. Under those circumstances, a lifeline will not be used. If the travelway is not the intake escapeway and they encounter smoke, they are trained to don the SCSR and immediately enter the intake escapeway. This escapeway would have the lifeline, and they could then exit the mine.

B. Proposed Revisions to Section 75.1502(a)(1):

To prevent full blown mine emergencies, the mining industry directs their employees to fight fires as the first line of defense.

The industry, however, requests that MSHA train its local inspectors and field supervisors to support and understand plans for firefighting. Firefighting could be hindered by 103(k) orders or other withdrawal orders by personnel unfamiliar with proper firefighting procedures or with the operator's plan. We believe that MSHA can help in this training by directing the local inspectors to become familiar with the mine's fire fighting practices and capabilities.

A. Proposed Revisions to Section 75.1502(c)(2):

P&M opposes requiring all miners to physically travel the entire escapeway at intervals of not more than 90 days as part of the training requirement if that travel would require walking. First, P&M does not believe that physically traveling the escapeway is training as the term is defined. Nor does P&M believe that physically traveling an entry will train a person on escape. We believe a more effective and efficient approach would be: (1) travel by miners from their work area to escapeway entrances; (2) instruction and practice with existing lifelines; (3) visit and discuss stored SCSRs; (4) discuss any extreme conditions in the escapeways (i.e. areas that are low or are more difficult to travel through); and (5) the locations where important escape decisions must be made.

Second, requiring all miners to physically travel escapeways by walking them fails to recognize the physical condition of the mining workforce. The coal industry has an aging workforce whose average age is in the early 50s. The ETS acknowledges "that miners may have to travel through long and difficult underground travelways." This statement confirms that walking escapeways

is laborious and could cause illnesses or injuries. Thus, P&M recommends that MSHA revise its proposed evacuation drill requirements to allow miners to travel by personnel carriers or to walk short distances to the ventilation split where training could be administered. This modification would achieve enhanced training and education, while still allowing for training on the condition of escapeways and locations of lifelines and stored SCSRs, where applicable.

B. Proposed Revisions to Section 75.1502(c)(2)(ii):

P&M believes that donning and transfer training on SCSRs can be accomplished more effectively on the surface. Doing the training underground will likely result in frequent damage to the training units and always require extensive cleaning of them. Further, the darkness and distractions underground would interfere with the training. P&M recommends that donning the SCSRs once a year underground would provide valuable experience as to actual conditions but that the other training sessions should be on the surface.

C. Proposed Revisions to Sections 75.1714-2 and 75.1714-4:

P&M supports the agency's efforts to enhance the resources available to our employees and others for the safe evacuation from underground coal mines in the event of an emergency. In an emergency situation, however, it is critical that the miners use the additional SCSRs proposed by the ETS for prompt evacuation of the mine. Training should effectively convince miners that barricading remains a last resort.

SCSRs in Primary and Alternate Escapeways:

Proposed section 75.1714-4 (c) would require additional SCSR storage in the primary and alternate escapeways when other SCSR requirements would not provide for enough oxygen for all persons to safely evacuate.

P&M supports this proposal but also the use of airlocks located between adjacent escapeways for storage of the SCSRs, along with other important emergency supplies. Another alternative proposal is to build a SCSR storage unit into the stopping to permit stored units to be accessed from either escapeway. Both of these proposals are simple, functional and proven mine-worthy.