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MSHA/OSRV

Industrial Minerals Association – North America

June 23, 2006

Office of Standards, Regulations
and Variances
Mine Safety and Health Administration
U.S. Department of Labor
Room 2350
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: Emergency Mine Evacuation
RIN 1219-AB46

Dear Sir or Madam;

The Industrial Minerals Association – North America previously submitted comments on the Emergency Mine Evacuation Emergency Temporary Standard (RIN 1219-AB46) on May 22, 2006. We expressed our deep concern that the safety of our miners could be compromised by a rigid requirement to notify the Mine Safety and Health Administration (MSHA) within 15-minutes of all reportable accidents.

Given the fact that the MINER Act recently passed by Congress and signed by the President specifically addresses those circumstances in which mine operators are to provide prompt incident notification, MSHA should revise the regulatory requirements of the proposed Emergency Mine Evacuation standard to conform to the literal language of the statute. Relevant language from Section 5 of the MINER Act provides:

"For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred."

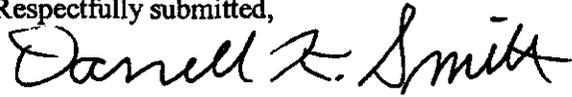
All other reportable accidents should remain immediately reportable as was required by the former regulation.

IMA-NA believes that the revised regulatory requirements can be further improved by adding the phrase:

"unless efforts to make such notifications increase the risk of death or serious injuries to miners."

This language will ensure that 15-minute notification is received in the vast majority of cases, but it also gives credence to the professional judgment of trained emergency response personnel and ensures that a rigid, fixed time requirement is not the cause of death or serious injury.

Respectfully submitted,

A handwritten signature in black ink that reads "Darrell K. Smith". The signature is written in a cursive, flowing style.

Darrell K. Smith, CIH, MPH
Vice President, Government & Environmental Affairs