



WYOMING MINING ASSOCIATION

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P.O. Box 866
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Statement on Department of Labor
MSHA Safety Regulations

By

Wyoming Mining Association

April 24, 2006

Re: RIN 1219-AB46

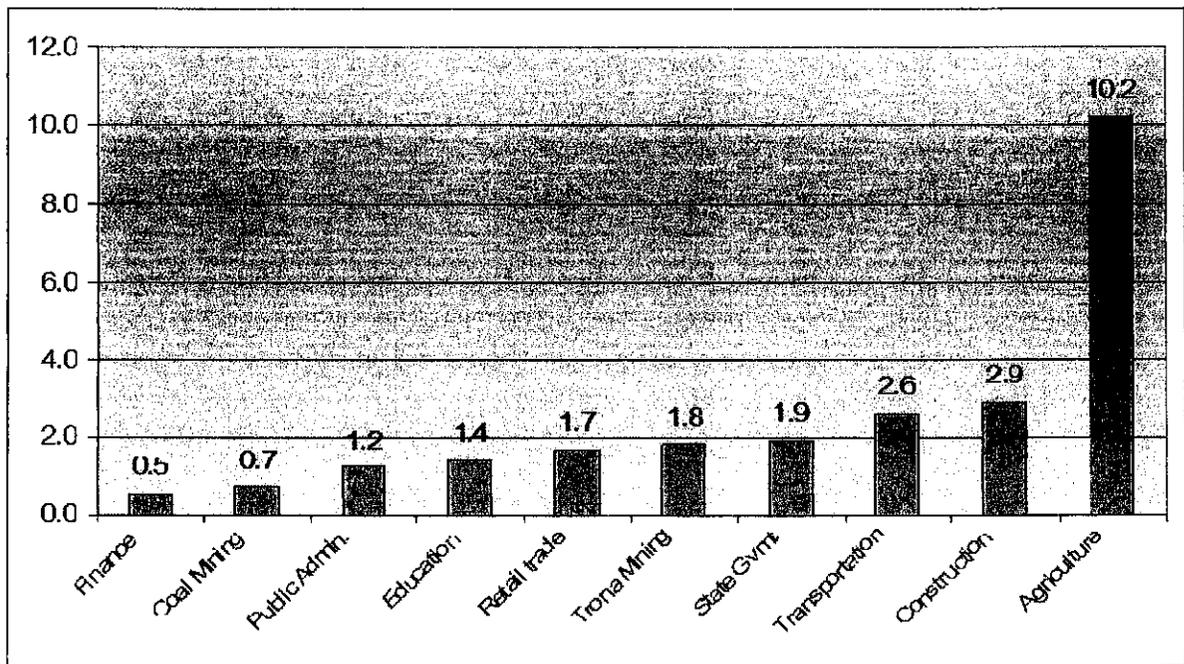
Mr. Chairman, my name is Marion Loomis and I am the Executive Director of the Wyoming Mining Association (WMA). WMA represents 25 mining companies in Wyoming producing bentonite, coal, trona and uranium. Wyoming has 17 surface coal mines and one underground coal mine. Those mines produce 35% of this nation's coal. Wyoming also has four underground trona mines. Trona is processed into soda ash and those four mines account for 90% of this nation's soda ash. Wyoming leads the nation in bentonite production. Those are all surface mines. Wyoming also leads the nation in production of uranium. That facility is an in situ leach facility. Last year, Wyoming mines produced 405 million tons of coal, 17 million tons of trona, 5 million tons of bentonite and 1.3 million pounds of uranium.

The emergency rules adopted the Mine Safety Health Administration are very important to all of the miners in Wyoming. It is important to note that while mining has inherent risks as shown by the tragic accidents in West Virginia, the accident rate and fatality rates have been coming down in the nation. The safety record at Wyoming mines has been remarkable over the past 20 years. A Wyoming coal mine has won the Sentinels of Safety Award for surface coal mines 12 out of the last 24 years. From 1998 to 2003, a Wyoming coal mine won the award every year. Safety has been a most important aspect of mining in Wyoming for many years. In 2004 85 mines worked a combined total of 6.7 million man hours without a lost time accident.

Working in a Wyoming mine is actually safer than working in Wyoming State government, manufacturing or agriculture. Below is a graph showing the accident rate for coal mining and trona mining versus other industries. But, the industry is not satisfied with just being safer than other industries. It is our goal to have zero accidents. The industry is also supporting safer activities away from mine sites by urging their employees to work safer around their homes and driving back and forth to work.

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Wyoming Lost-Time Incidents Rates, 2004 by Industry



Per 100 Full-Time Employees/ year.

Source: www.bls.gov & Wyoming State Inspector of Mines

As stated in the emergency rules this emergency temporary standard includes requirements for immediate accident notification applicable to all underground and surface mines.

While, the mining industry in Wyoming supports efforts to make mines safer, the industry does have concern on some aspects of the proposed regulations. Requiring a 15 minute notification of any accident is restrictive and unreasonable. If MSHA requires too short of a time frame for notification, it could divert attention away from the problem at hand and may actually further endanger miners. The most important action at the time of an accident is to get people to safety, not rushing to notify MSHA. If an event occurs that requires notification of MSHA, that notification needs to be done by the appropriate management personnel. Training, technology, and research should be focused on helping miners escape an emergency as opposed to concentrating on a reporting procedure.

If MSHA wishes to change the notification process to set a specific time, WMA feels it would be much more appropriate to allow 30 minutes to report an accident.

For years, the Federal Mine Health and Safety Act has required mine operators to immediately report all accidents as defined in Part 50.2 (h).

In many cases incidents involve damage to equipment. There needs to be some recognition that there are different levels of incidents. For instance damage to hoisting equipment for more than 30 minutes might require notification. An MSHA official may not visit the site for a non emergency event.

Imposing a \$5,000 penalty for missing a 15 minute deadline is excessive unless there is a redefinition of what has to be reported. The only advantage of 15 minute reporting is to activate rescue support.

Thank you for the opportunity to comment on these emergency regulations.