

Testimony of the Industrial Minerals Association – North America (IMA-NA)
on the Mine Safety and Health Administration's (MSHA)
Emergency Temporary Standard (ETS) on Emergency Mine Evacuation

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Presented by

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Thank you, Mark. Good morning. I am Chris Bryan, B-R-Y-A-N, CMSP, Occupational Health & Safety Manager for U.S. Silica Company, a member company of IMA-NA.

U. S. Silica Company represents more than a century of mining and processing experience in industrial minerals. It has established a standard of excellence in the production of silica and other industrial mineral products. That commitment to excellence extends to providing a safe and healthful workplace for its employees.

IMA-NA does not disagree, in concept, with the rationale advanced by MSHA in support of its proposed rule requiring mine operators to immediately notify MSHA of an accident.

specifically:

- Coordination of appropriate mine rescue and other emergency response;
- Enabling help to arrive sooner at the mine, and protect miners from the grave dangers of physical injury and death; and
- Activation of MSHA's district emergency response plan.

Operator notification to MSHA in the event of a mine accident is vital to enable the Agency to respond effectively in emergency or potentially life threatening situations.

However, what happens when mine personnel, perhaps as few as one or two miners are confronted with an injured miner and as first responders they are called upon to administer first aid? Should they cease administering cardio-pulmonary resuscitation, applying direct pressure to a bleeding wound, or treating an individual in shock? We think not. Again, reasonable and timely notification to MSHA is necessary, but *not* such that it has the potential to distract mine personnel from life-saving activities.

It is not reasonable to require notification to MSHA within 15 minutes of all accidents occurring because, in some instances, it could distract mine personnel from actions needed to save lives. Could other situations exist where it would not be reasonable or appropriate to notify MSHA within 15 minutes of an accident? Conceivably. We would hope that all mine operators would recognize that notification of MSHA of an accident is urgent and must be made a priority. However, we would hope that MSHA would recognize that there are situations that can occur where strict adherence to the 15-minute reporting requirement could endanger the life of one or more miners. The straightforward requirement of the former 30 C.F.R. § 50.10 for immediate notification is best suited to address such situations. As a performance-based standard it is preferable to the proposed 15-minute specification-based standard.

Thank you, ^{MR}~~Madame~~ Chairman and members of the panel for your attention. Mr. Ellis and I are available to respond to your questions.