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(Reissue of P06-V-10)

PROGRAM POLICY LETTER NO. P10-V-1

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SUBJECT: Reissue of PPL No. P06-V-10: Implementation of Section 2 of the
Mine Improvement and New Emergency Response Act of 2006

Scope

This Program Policy Letter (PPL) is intended for underground coal mine operators, miners and miners' representatives, independent contractors, Mine Safety and Health Administration (MSHA) enforcement personnel, and other interested parties working in underground coal mines.

Purpose

Section 2 of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act) requires underground coal mine operators to follow an approved Emergency Response Plan (ERP). This PPL provides policy and guidance to underground coal mine operators to facilitate the development of their ERPs. This PPL supersedes PPL P06-V-10 and incorporates the changes contained in the Emergency Evacuation final rule (December 8, 2006), Refuge Alternatives final rule (December 31, 2008) and Post-Accident Two-way Communications and Electronic Tracking PPL (P09-V-01, January 16, 2009).

Policy

The MINER Act addresses both the evacuation of miners endangered by an emergency and the maintenance of miners trapped underground. MSHA emphasizes that every effort must be made by miners to evacuate the mine in the event of a mine emergency. Refuge alternatives are shelters of last resort and should be used only when evacuation is not possible. Lifelines, tethers, Self-Contained Self-Rescuers (SCSRs), and proper training provide essential tools for miners to evacuate through smoke and irrespirable atmospheres. Post-accident wireless communications are critical to inform miners of the nature of the emergency so that the best evacuation and survival strategies may be

utilized. Electronic tracking helps the responsible person direct evacuation efforts and provides vital information to mine rescue efforts.

In accordance with the MINER Act, underground coal mine operators must develop, adopt, and submit an Emergency Response Plan (ERP) to the appropriate MSHA District Manager. The MINER Act requires that the ERPs address both the evacuation of miners endangered by an emergency and maintenance of miners trapped underground. These plans must:

- a. Afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;
- b. Reflect the most recent credible scientific research;
- c. Be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and
- d. Reflect the improvements in mine safety gained from experience under the MINER Act and other worker safety and health laws.

In accordance with the MINER Act, MSHA will review the ERP at least once every six months. Operators must periodically update ERPs to incorporate changes in operations or conditions in the mine; such as changes in mining systems, alterations in mine layout, relocation of escape ways, advances in technology, or other relevant considerations.

Emergency Response Plan - Content

Post-accident Communication – As of June 15, 2009, ERPs must comply with section 316(b)(2)(F)(ii) of the MINER Act. MSHA provided guidance on systems that can comply with the MINER Act provisions in PPL P09-V-01, on wireless two-way communications systems or alternatives, and in Questions and Answers on PPL P09-V-01 (April 29, 2009).

Post-accident Tracking - As of June 15, 2009, ERPs must comply with section 316(b)(2)(F)(ii) of the MINER Act. MSHA provided guidance on systems that can comply with the MINER Act provisions in PPL P09-V-01, on wireless two-way electronic tracking systems or alternatives, and in Questions and Answers on PPL P09-V-01 (April 29, 2009).

Post-accident Breathable Air

1. SCSRs - SCSRs that may be needed for an emergency mine evacuation are addressed in 30 CFR 75.1714-4. There is no need to approve these prescriptive requirements in the ERP. In addition to plotting SCSR storage locations on mine maps, as required by section 75.1714-5, operators should list the types and numbers of SCSRs stored in those locations. The ERP should contain a provision

adopting manufacturers' recommendations for SCSR maintenance, routine examinations, storage, and retirement. The ERP should also address SCSR performance by specifying a schedule for opening, initiating the breathing cycle, and establishing operational reliability for a representative number of SCSR units on an annual basis. Units at the end of their service life, if available, may be used for this purpose. The ERP should also provide for replacement of retired SCSRs with more technologically advanced SCSRs as they become commercially available and are approved for use in underground coal mines.

2. Refuge Alternatives – ERP requirements for refuge alternatives are listed in § 75.1507. ERPs providing for the use of refuge alternatives and components that are not approved pursuant to 30 CFR Part 7, but permitted pursuant to § 75.1507, must detail the manner in which breathable air will maintain miners for at least 96 hours, unless the District Manager has determined that a greater or lesser period of time is appropriate based on mine-specific conditions or other particular factors or unless advanced arrangements have been made and approved to assure that persons who cannot be rescued within 48 hours will receive additional supplies to sustain them until rescue.

Post-accident Lifelines

Post-accident lifelines are addressed in § 75.380(d)(7) and § 75.381(c)(5). There is no need to approve these prescriptive requirements in the ERP.

Training

Training for post-accident evacuation is addressed in § 75.1502 and § 75.1504. Training for examining, maintaining and repairing refuge alternatives is addressed in § 75.1508. There is no need to approve these prescriptive requirements in the ERP.

Local Coordination

Consistent with the MINER Act, the ERP must include procedures for notifying key personnel, such as a call list for mine rescue teams, local emergency responders, mine personnel, state and federal officials, and other parties that may be needed in an emergency.

The ERP shall include the procedures the operator will follow to familiarize local emergency responders with surface functions that may be required in the course of mine rescue work, such as logistics, traffic control, and supplies on the surface. Operators should make every effort to arrange on-site visits by local emergency responders to familiarize them with the surface facilities at the mine and the functions that may be required of the responders.

The ERP should include a provision to provide MSHA with advance notice of on-site activities related to local emergency response coordination so that MSHA has the opportunity to observe or participate.

The ERP should include a list of readily available suppliers of mine emergency and rescue equipment.

The ERP should include plans for post-accident logistics and coordination that at a minimum address: the location, necessary equipment, and security of the command center; the facilities available to accommodate families and the security for families of the affected miners; the location for the press; and the arrangements for traffic control.

Emergency Response Plan - Approval Procedure

Mine operators must develop and follow an ERP approved by the District Manager. The plan must be designed to safely and expediently evacuate miners in the event of an emergency or, if evacuation is not possible, provide refuge alternatives that are capable of sustaining trapped miners for at least 96 hours, or for 48 hours if advance arrangements are made. The approved ERP must be suitable for the conditions and mining system at the mine. Proposed plans and any revision to the plan must be submitted in writing to the District Manager. The District Manager will notify the operator in writing of the approval or denial of a proposed ERP or revision. No proposed ERP or revision may be implemented before it is approved by the District Manager. A copy of the approval notification will be sent to the representative of miners by the District Manager. Training on the ERP or revisions should be completed within thirty days of approval.

Section 2(b)(2)(B)(i) of the MINER Act requires that the ERP shall provide for the evacuation "of all individuals endangered" by an emergency. The individuals covered by this provision do not include properly trained and equipped persons essential to respond to a mine emergency, as permitted in 30 C.F.R. § 75.1501(b).

In considering comments from the miners or their representatives as specified in Section 2(b)(2)(C) and (D) of the MINER Act, MSHA will follow the procedure outlined for submission and approval of ventilation plans as noted in 30 C.F.R. § 75.370(a)(3)(i) through (b) and (f).

Background

On June 15, 2006, the MINER Act became effective. Section 2 of the MINER Act amends Section 316 of the Mine Safety and Health Act of 1977 to address emergency response plans. Paragraph (b)(2) of Section 2 of the MINER Act requires that not later than August 14, 2006 (60 days after the date of enactment), each underground coal mine operator shall develop and adopt a written emergency response plan that provides for the evacuation of all individuals endangered by an emergency and the maintenance of

individuals trapped underground in the event that miners are not able to evacuate the mine.

MSHA issued PPL P06-V-9 on August 4, 2006, to address Section 2 of the MINER Act. This PPL was superseded by P06-V-10 on October 24, 2006. On December 8, 2006, MSHA issued a final Emergency Evacuation rule to address the evacuation training, post-accident lifelines and SCSR requirements of Section 2 of the MINER Act. On December 31, 2008, MSHA issued a final rule on Refuge Alternatives in response to Section 13 of the MINER Act. On January 16, 2009, MSHA issued PPL P09-V-01 on post-accident two-way communications and electronic tracking requirements to provide guidance that addresses these provisions in Section 2 of the MINER Act, and on April 29, 2009, MSHA posted Questions and Answers on the scope and application of the PPL.

Authority

The Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 as amended by the MINER Act, Pub. L. No. 109-236, June 15, 2006, 120 Stat. 493.

Internet Availability

This program policy letter may be viewed on the World Wide Web by accessing the MSHA home page (<http://www.msha.gov>) and by choosing "Compliance Info" and "Program Policy Letters."

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