July 25, 2018

Sheila A. McConnell  
Director, Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration  
201 12th Street South, Suite 401  
Arlington, VA 22202-5452  

RE: Recommendation to Replace 30 Code of Federal Regulations Part 18 and to Modify  
Part 6 Pursuant to Executive Order 13777  

Filed via Email: zzMSHA-OSRVRegulatoryReform@dol.gov  

Dear Ms. McConnell:  

Alliance Coal, LLC (“Alliance Coal”) is the largest coal producer in the Illinois Basin and the  
second largest coal producer in the eastern United States. The Company is a diversified producer  
and marketer of coal primarily to major United States utilities and industrial users. Alliance Coal  
began mining operations in 1971 and, in 2017, the underground mining operations produced  
approximately 37.8 million tons of coal. As of December 31, 2017, Alliance Coal has  
approximately 1.67 billion tons of coal reserves in Illinois, Indiana, Kentucky, Maryland,  
Pennsylvania and West Virginia. Alliance Coal currently operates eight underground mining  
complexes in Illinois, Indiana, Kentucky, Maryland and West Virginia, as well as a coal loading  
terminal on the Ohio River in Mt. Vernon, Indiana, and has approximately 3,500 employees  
across all operations.  

On February 24, 2017, President Donald Trump signed Executive Order 13777, entitled  
“Enforcing the Regulatory Reform Agenda”, directing each agency to review existing  
regulations to assess compliance costs and reduce regulatory burden. Since that time, the Mine  
Safety and Health Administration (“MSHA”) requested stakeholders’ assistance in identifying  
those regulations that could be repealed, replaced, or modified without adversely affecting  
miners’ safety and health. Pursuant to the Executive Order and MSHA’s request, Alliance Coal  
recommends that Title 30 of the Code of Federal Regulations (“30 CFR”) Part 18 be replaced  
with a modified set of regulations that provides a clearer and more timely path for approval of  
new technologies that will improve the health and safety of the miners. This recommendation is  
in line with Assistant Secretary of Labor for Mine Safety and Health David Zatezalo’s (“Mr.  
Zatezalo”) numerous statements supporting the use of emerging technological advancements to
increase miner health and safety in the United States. Alliance Coal believes the recommendations made herein not only reflect a long overdue regulatory reform initiative, but also support Mr. Zatezalo’s vision for an MSHA which utilizes the best possible technology to protect miners.

The authority granted to MSHA in Part 18 is stated in the very first paragraph of the regulation under § 18.1 (Purpose), as follows:

"The regulations in this part set forth the requirements to obtain MSHA: Approval of electrically operated machines and accessories intended for use in gassy mines or tunnels, certification of components intended for use on or with approved machines, permission to modify the design of an approved machine or certified component, acceptance of flame-resistant hoses, sanction for use of experimental machines and accessories in gassy mines or tunnels; also, procedures for applying for such approval, certification, acceptance for listing."

Part 18 was promulgated and introduced to the mining industry in March of 1968. Since that time, very few sections of the regulation have been updated. However, during the same timeframe, there have been numerous advancements in technology introduced to the mining industry, both in the United States and internationally. These technological advancements have contributed to a safer and healthier working environment for miners.

Additionally, international standards have been developed that are appropriate for application in all underground coal mines, including those in the United States. One of the major flaws with the current language of Part 18 is that it does not fully recognize these standards, which have been proven to be safe and effective in countries outside of the United States. Many international coal companies are in direct competition with American producers and thus have a distinct advantage in safety thanks to access to the latest health and safety technology in their mining operations.

Another major deficiency with Part 18 is the inordinate amount of time currently needed to process an application for approval and/or modification of new mining equipment, or components to existing approved mining equipment. It is common for a submittal to take over a year to receive a decision, even on requests for simple, non-complex modifications to previously approved mining machines. The timeliness of the reviews has discouraged many component and machine manufacturers from seeking MSHA approval, as it is not commercially feasible. Accordingly, companies have a reduced incentive to invest further research and development resources in to an American coal industry with a prohibitive amount of regulatory hurdles required to bring the products to market. Many pending or denied applications involve mining equipment that is currently in use in international markets and has a proven history of
safety and reliability. Yet MSHA has been unwilling to develop effective procedures to recognize the safety of such equipment and expedite its approval for use in American mines.

To that point, 30 CFR Part 6 currently outlines alternative requirements for testing and evaluation of products MSHA approves for use in gassy underground mines. This section of the regulation could be applied to recognize mining equipment that has been designed to meet stringent international standards with a proven record of safe performance. The National Institute for Occupational Safety and Health ("NIOSH") has produced a series of reports focused on the electrical safety of international standards. The latest study "An Evaluation of the Relative Safety of U.S. Mining Explosion-Protected Equipment Approval Requirements versus those of International Standards" concluded:

"All of the evidence to date would strongly suggest that there is an equivalent level of safety for miners when either the ACRI2001 acceptance criteria or the ANSI/ISA document is used."

The deficiencies of both Part 18 and Part 6 could be addressed through the same regulatory reform initiative. A revision to the 30 CFR should combine a replacement for Part 18 and a revision to Part 6 which sets forth updated, concise, and comprehensive guidelines for obtaining timely approval for mining equipment and associated components, while recognizing international standards and approvals with a proven history of health and safety. Updating these regulations as proposed above will provide miners with greater access to the latest safety technologies, which is necessary to continue the positive trends in mine safety and health. Such an initiative is clearly in the best interests of both MSHA and the industry, as we maintain the shared goal of providing miners the safest work environments possible.

Thank you in advance for taking time to consider this recommendation. If you have any questions, or if you would like to meet to further discuss the need to replace 30 CFR Part 18 and to modify Part 6, please do not hesitate to contact me.

Sincerely,

Mark Watson
Vice President of Technical Services
Alliance Coal, LLC