

INDEPENDENT MINERS & ASSOCIATES

Date: November 30, 2017

Re: MSHA Seeking Comments to Regulations to Repeal, Replace or Modify / in compliance with Executive Order 13777, U. S. MSHA

To: Randall Caramellino from District 2 MSHA Office.

MINERS ACT OF 2006 / 30 CFR 75.1506 ERP REFUGE ALTERNATIVE / 30 CFR 75.334 WORKED OUT AREAS BLEEDER SYSTEM / 30 CFR 75.335 SEALS / 30 CFR 75.1400 HOISTING (WIRE ROPE) / 30 CFR 75.1600-3 TRACKING SYSTEM/

Dear Sir,

Recently I have received a letter asking for comments for change to the Coal Mine Safety and Health Act, MSHA Laws. In reply to that letter here are some facts for you to consider. Anthracite Mining is done on a small scale, with methods that have not changed in 100 years. Attempts to bring Anthracite Underground Mining into the 21st century have failed. One possible example: UAE, HARMONY MINE, ID#36-07838, which is now out of business, due mainly to the fact that different more traditional mining methods would have to have been implemented, so a good mine was closed rather than be regulated out of business.

If underground coal mining is the same at all mines, be bituminous or anthracite, then the anthracite miners want to take their Foreman, Mining and Training Programs and work in large bituminous mines using modern equipment, of course this cannot happen as no certificates can be used between industries by law, but the MINERS ACT DOES NOT RECONGNIZE ANY DIFFERENCE BETWEEN BITUMINOUS AND ANTHRACITE.

If coal mining is all the same then anthracite desires the same rate for compensation insurance on miners which averages \$0.30 cents on the dollar for bituminous and upwards of \$1.05 on the dollar for anthracite underground mines. The insurance companies justify this vast difference with statistics showing that the anthracite ways of producing anthracite lead to more "incidents", but again MSHA claims "mining is mining".

For the last several decades there has been not one soul at MSHA who could make an informed decision on what is safe or practical or worse yet, unsafe, let alone affordable at an underground anthracite mine. The Field Office at District 2 is neither, vengeful, or capricious, just bound by Arlington's poor decisions.

The MINERS ACT of 2006 alone accounts for the biggest loss of underground anthracite mines and the hardships that the small surviving operators have to contend with. It imposes costs that exceed benefits.

The MINERS ACT of 2006 was pushed upon an industry that could not afford, implement or possibly comply with, by people who were determined to destroy a way of life they refused to accept or understand. It eliminated hundreds of underground anthracite mine jobs.

In the preamble to the original Act of 1969-1974 it is clearly stated that no burden should be placed upon the Industry that would cause UNDO FINANCIAL OR OPERATIONAL CONDITIONS. This was clearly ignored. Our protests and objection to these laws were ignored or simply pushed aside in a court by an ADMINISTRATIVE LAW JUDGE. Who could not possibly understand our position, only his place in applying or interpreting "THE ACT" not only does this run contrary to "The Act", it is UNCONSTITUTIONAL as it DISCRIMINATES on the Industry and way of life that has remained UNCHANGED FOR OVER A CENTURY.

Also stated is the fact that the Industry as well as the state it is based in must have input before such draconian measures are implemented. I assure you Sir, that not one single operator in this Industry was ever contacted or asked, or given a chance to OBJECT or COMMENT on these LAWS. On these FACTS alone any STANDARD enacted after the mid 1970's should not be enforced upon the ANTHRACITE UNDERGROUND MINING.

To the ignorant cretin whose pay is direct deposit to the Bank of Choice: I know you are going to use the same old tired line "Coal Mining is Coal Mining" and if the law applies to Bituminous mining, it should apply to Anthracite mining? If you don't believe this or don't have an opinion (a rare open mind if you will) the HERESY at MSHA will tell you how you should think!

They will ignore the fact that even the smallest bituminous mine will run more coal on a single production shift than the average ANTHRACITE UNDERGROUND MINE will produce in a year. Yes that's 365 days.

Large Bituminous mines hire a Secretary for paperwork, a Foreman to spend time with MSHA Inspectors, and a Human Resource Manager to deal with implementing change due to "The Act". They also hire workers to monitor the TRACKING SYSTEM, take DUST SAMPLES and fill out REPORTS. At a small Anthracite underground mine it all falls increasingly on one person. Simply because the low production limits hiring of more help, which is due to NEW LAWS, also not taken into account is the amount of time a small operator spends moving Tracking and Communication Lines because MSHA failed to take into account the STEEPLY PITCHING SEAMS in the Anthracite Fields, but after all "coal mining is coal mining".

We spend 365 days with a hammer, a pick, and a shovel, loading coal in a car by hand then pushing it along on iron rails by hand, the same way it has been done for decades. Anthracite Underground mining practices have not changed BUT FEDERAL LAWS HAVE. The PA State Anthracite Underground Mining Laws have not been updated since the mid 1965. WHY--- BECAUSE ANTHRACITE UNDERGROUND MINING REMAINS THE SAME.

MSHA will claim it has given the Industry opportunities to comply and operators have not. I submit to you, the one possible free thinker, why would you try to teach math with an English Book, which is what MSHA is trying to do. Moving forward to MSHA'S next standard of defense or rational as it is. "All our enforcement standards can be taught to anyone at the Academy in Beckley, WV". If this is so, then let us have traffic cops control the border and put Army Rangers in charge of the Pacific Sub Pac.Com. Sounds ludicrous doesn't it, but it is what is really happening here and it is not about SAFETY AT ALL.

If anything in the above content is in doubt please feel free to contact any ex operator of an Anthracite underground mine and ask what put him out of an Industry that once included THOUSANDS, then HUNDREDS, and now less than a score of mines and the answer will always be the government regulations.

If anyone is serious about Job Creation, please either grant Anthracite Relief or roll back these restrictions or get rid of the 2006 Miner Act, as it does not apply to Anthracite Coal Mining. People still want to do this work, to honor their Families Past. Sure it is a hard job, but this is what we do and want to continue to do.

Sincerely,

Alfred J. Brown, Foreman

7 ft. Slope

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