



November 15th, 2018

To: David G. Zatezalo
Assistant Secretary for Mine Safety and Health

Subject: MSHA Regulatory Reform

Cloud Peak Energy is currently the 3rd largest producing Coal Company in the United States with mines located in Wyoming and Montana. We take great interest in, and hold an appreciation for, the efforts MSHA is currently making to obtain feedback regarding the regulations of our industry. Although our concerns mainly sit in the realm of consistent application of current regulations by MSHA personnel, here are a few to consider taking a look at. Thank you for the opportunity to comment.

Immediate Notification (50.10)

Notification of MSHA within 15 minutes instead of the previously required 30 minutes is difficult based on factors such as lack of regular use of the process and logistics. Mines may go several years until a call is actually required so even though training and practice occurs, real time is significantly different. It takes time to assess the circumstances and make a determination that a call is needed. First responders are not thinking about whether or not to call MSHA, but in fact are concentrating on care for the injured, trapped etc. Timely notification is difficult enough for larger operations, especially on off-shifts and weekends, but appears massively difficult for small mine operators based on response resources. Consider moving the notification back to within 30 minutes. Enough time has passed that analysis could be done to determine if the reduced timeframe has done anything for miners, and that information then shared with industry and government. If it has been beneficial, then by all means keep it in place and companies will just have to continue to pay the fines associated with a late call if they can't meet it. As part of this assessment, consider evaluation of the 12 items requiring immediate notification and determine the value of having them all on the list. Oddly enough, OSHA doesn't seem to have the same concerns about notification as MSHA, leading to a comparative increased burden on our specific industry.

First Aid Equipment (77.1707)

The components of the first aid kit should be re-evaluated to ensure applicability to current medical care practices. A good example of an item needing change is (a) (11) that requires one 1-ounce bottle of aromatic spirits of ammonia or 1 dozen ammonia ampules. This is an item that based on certain medical opinions can be more detrimental than helpful.

Protective Clothing Requirement (77.1710)

Section (g) in specific needs updated to current practice and technology. Safety belts are a concern. We utilize harnesses nowadays.

Kean Johnson
Director – Health, Safety & Training
Cloud Peak Energy Resources LLC