



November 19, 2018

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

RE: Request to Rescind Program Information Bulletin No. P14-04

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 nine 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and Health Administration (“MSHA”) requested stakeholders’ assistance in identifying those regulations that could be repealed, replaced, or modified without adversely affecting miners’ safety and health.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 MSHA rescind Program Information Bulletin No. P14-04.

On June 5, 2014, MSHA issued Program Information Bulletin No. P14-04 (“the PIB”) in an effort to eliminate confusion over which policies and procedures were in effect at any given time. The PIB removed the expiration dates from all of MSHA’s existing Directives, allowing them to last indefinitely. The PIB states, in pertinent part, *“(i)n the past, there has been confusion over which policies and procedures were in effect, because many times valid policies and procedures were temporarily cancelled when the PPL or PIL expired and there was a delay in reissuing the directives. By no longer listing the expiration dates this problem is eliminated. Directives will continue to be reviewed through a revalidation process and cancelled when they become obsolete.”*

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Despite MSHA's intent, the PIB has only further confusion among the mining industry regarding which policies were in effect at any given time. Policies which exceeded their 27-month life and were previously either incorporated into a policy manual or allowed to expire, according to MSHA's own Administrative Policy, are now considered as active guidance with an indefinite life. It is extremely difficult to track which policies are in effect and which policies no longer apply. To add to the confusion, Alliance and its operations must monitor multiple sources of directives, many of which were issued several years ago, in order to attempt to understand which directives are valid and remain compliant with MSHA's enforcement authority.

The PIB also indicated that an annual directives revalidation would be conducted to determine which particular directives were still valid and which ones were obsolete. The initial directives revalidation exercise was conducted in 2014, in conjunction with the initial issuance of the PIB. To date, the results of subsequent directives revalidations for Calendar Years 2015, 2016, and 2017 have not been made available to the mining industry, furthering our confusion as to which directives remain valid.

The mining community deserves fair, consistent, and transparent application of the regulations and policies that guide the coal mining industry. In order to achieve that, we recommend that MSHA take the following actions:

1. Immediately rescind Program Information Bulletin No. P14-04, and follow the guidance outlined in Volume II, Chapter 100, of MSHA's Administrative Policy and Procedures Manual relative to the maintenance of the Directive System and the procedures for the expiration of directives.
2. Provide the results of the Annual Directives Revalidation for Calendar Years 2015, 2016, and 2017.

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 rescind Program Information Bulletin No. P14-04, please do not hesitate to contact me.

Sincerely,



Kenneth A. Murray
Vice President of Operations
Alliance Coal, LLC