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PROGRAM POLICY LETTER NO. P12-V-04

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SUBJECT: Reissue of P10-V-02 - Requirements of 30 C.F. R. § 75.313 and Two-Way
Communication and Electronic Tracking Systems Operation after an
Underground Coal Mine Accident

Scope

This Program Policy Letter (PPL) applies to underground mine operators, electrical equipment manufacturers, miners' representatives, independent contractors, and Coal Mine Safety and Health (CMS&H) enforcement personnel.

Purpose

This PPL addresses the interaction of the Mine Improvement and New Emergency Response (MINER) Act and 30 C.F.R. § 75.313 concerning two-way communication and electronic tracking systems operating after an accident in underground coal mines.

Policy

In addition to any intrinsically safe (or explosion proof components) atmospheric monitoring system (AMS) operated during fan stoppages as specified in 30 C.F.R. § 75.313(e), two-way communication systems and electronic tracking systems that are approved by MSHA under 30 C.F.R. part 23 shall remain operational during fan stoppages or a mine power outage.

Section 75.313(a)(1) requires that electrically-powered equipment and circuits be de-energized after main mine fan outages. This section must be read in light of the superseding MINER Act and not used to prohibit MSHA-approved communications and tracking systems from operating after a mine fan outage.

Background

The MINER Act of 2006 requires communications and tracking to be available “post accident.” The MINER Act included the following requirement for communications and tracking equipment:

“The [emergency response] plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication. . . . Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.”

MINER Act § 2(3)(E)(i) and (ii). In addition, the MINER Act states that:

“Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, [an emergency response] plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted.”

MINER Act § 2(3)(F)(ii). It is clear that the intent is that post-accident tracking and communication systems are to remain functional in power outages or fan stoppages that may occur during or after accidents. MSHA’s approval requirements for communications and tracking systems under 30 C.F.R. part 23 are also clear that these systems are to remain functional after a mine power outage. Section 23.7(g) states that “Line powered telephones and signaling devices or systems shall be equipped with standby power sources that have the capacity to enable the devices or systems to continue functioning in the event the line power fails or is cut off.”

Mine accidents may result in mine fan stoppages. For this reason, questions have been raised as to whether 30 C.F.R. § 75.313(a)(1), which requires that electrically-powered equipment and circuits be de-energized after main mine fan outages, may prohibit operational communications and tracking systems after such an outage.

Authority

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq. and 30 C.F.R. §§ 23.7 and 75.313.

Internet Availability

This information may be viewed on the World Wide Web by accessing [MSHA's home page](#), then choosing "Compliance Info" and "Program Policy Letters."

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