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MINE SAFETY AND HEALTH ADMINISTRATION  
PUBLIC HEARING ON THE PROPOSED RULE FOR SAFETY  
STANDARDS REGARDING THE RECOMMENDATIONS  
OF THE TECHNICAL STUDY PANEL ON THE UTILIZATION  
OF BELT AIR AND THE COMPOSITION AND FIRE  
RETARDANT PROPERTIES OF BELT MATERIALS IN  
UNDERGROUND COAL MINING 30 CFR PARTS 7 AND 75

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TUESDAY, AUGUST 19, 2008

SHERATON HOTEL  
SALT LAKE CITY, UTAH



50 West Broadway, Suite 900, Salt Lake City, Utah 84101  
801-983-2180 Toll Free: 877-441-2180 Fax: 801-983-2181

## MSHA Public Hearing

August 19, 2008

## PROCEEDINGS

MS. SILVEY: Good morning. My name is Patricia W. Silvey. I am the director of Mine Safety and Health Administration's Office of Standards, Regulations, and Variances. I will be the moderator of this public hearing today on MSHA's proposed rule to address the recommendations of the Technical Study Panel, which I will refer to as the TSP, on flame-resistant conveyor belts, fire prevention and detection, and the use of air from the belt entry.

On behalf of Acting Assistant Secretary Richard E. Stickler, I want to welcome all of you here today.

At this moment, I would like it if, just days after we have paused in reflection of the one-year anniversary of the accident at Crandall Canyon, I would like it if I could ask all of you to pause with me for a moment of silence in memory of the miners who lost their lives in that tragic accident, as well as the workers-- the rescue workers--who also lost their lives. And that included one of MSHA's own inspectors.

So if you would, please, pause for a moment of silence, and also ask we remember all of the miners who have lost their lives so far this year--to all in this nation's mines, as well as mines throughout the world. So if you would pause with me, I would appreciate it.

Thank you.

At this point, let me introduce the members of the MSHA panel who are primarily responsible for developing the proposed rule that is the subject of this day's hearing.

And to my right is Ronald Schell. And as some of you might know, Ron is retired from MSHA after many years with MSHA and the Department of Labor, who has come back to help us on this project. And he is the team leader for the project.

To his right is Michael Hockenberry, and he is with MSHA's Office of Technical Support, the Approval and Certification Center.

To my left, Michael Kalich. Michael is with the Office of Coal Mine Safety and Health.

And to his left, Matthew Ward, who is with our Solicitor's office--the Office of the Solicitor, the Division of Mine Safety and Health.

And lest I not forget, in the back of the room, Leah Davis, who is in my office, but who is responsible for the rulemaking docket, for assembling and coordinating everything in the rulemaking docket--and that includes the transcripts, which are going to be the product of this hearing, as well as the comments that you send in.

As you know, this is the first of four public hearings on the proposed rule. We will hold the remaining hearings in Lexington, Kentucky, on August 21; Charleston on August 26th; and in Birmingham, Alabama, on August 28th. The comment period for the proposal ends on September 8th. MSHA must receive your comments by midnight Eastern Daylight Savings Time on that date. You can view all comments on the Agency's website, [www.MSHA.gov](http://www.MSHA.gov). In the back of the room, we have a few copies of the rule that you might get.

At this point, let me let all of you know that on this Thursday there will be an extension of time in the Federal Register--in Thursday's Federal Register--and we will extend the time for commenting on the request for information. That was a companion document to this proposed

rule. We would expand the time for commenting on the request for information until September 8th, which is the same deadline as the deadline for this proposal.

Section 11 of the Mine Improvement and New Emergency Response of the MINER Act of 2006 required that the TSP be established. The TSP issued its report in December of 2007, and the proposal is consistent with the TSP's recommendations.

At this point, let me summarize some of the more significant provisions and issues in the proposal.

The proposal would establish a new Part 14 and require that conveyor belts in underground coal mines meet the Agency's Belt Evaluation Laboratory Test, or BELT Test.

In addition, it would revise MSHA's quality assurance, audit, and recordkeeping requirements. MSHA requests comments on the proposed five-year retention period for approval holders to retain conveyor belt sales records.

The proposal would allow applicants for approval, approval holders, and those seeking extensions, a one-year period to gain approval of

the new conveyor belt, or to transition to approval of the new belt. During the one-year period, approval holders could apply for an existing Part 18 acceptance or a new Part 14 approval. After one year, all approvals would be processed on the Part 14. The Agency solicits comments on the impact of the one-year transition period on manufacturers' inventories.

Under this proposal, for a period of one year mine operators could purchase conveyor belts accepted on existing Part 18, or approved under Part 14. After one year, operators would be required to purchase belts meeting the requirements of proposed Part 14. Under the proposal, operators would be permitted to use existing inventory until replacement is necessary.

Proposed 75.156 would require that miners assigned tasks as Atmospheric Monitoring System, or AMS, operators be qualified before they perform these duties, and that AMS operators demonstrate proficiency to MSHA inspectors. The proposal would require existing AMS operators to become qualified. To assist operators with training programs, MSHA intends to develop a model training plan.

The proposal would require an AMS operator's duty to be a primary responsibility, specify the contents of annual retraining, and require AMS operators to travel underground every six months. The proposal would provide a two-month delayed effective date for operators to submit AMS training plans.

The proposal would apply to all underground mines, and proposed 75.333 (c) would apply to all underground mines and would require an airlock where the air pressure differential between air courses creates a static force exceeding 125 pounds on closed personnel doors along escapeways. MSHA solicits comments on other suitable pressures and on the number and costs of airlocks that would be required under the proposal. Under the proposal, operators would have a three-month period to establish airlocks.

The proposal proposed 75.350(b) would require that the use of air from a belt entry to ventilate the working section be permitted only when evaluated and approved by the District Manager in the ventilation plan.

In the ventilation plan, the operator would have to provide information that the use of

air from the belt entry affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. MSHA proposes to allow mine operators currently using air from the belt entry to ventilate working sections three months to submit a revision to the ventilation plan to the District Manager.

If the District Manager does not approve the use of air from the belt entry to ventilate working sections, a citation would be issued for failure to have an approved plan. MSHA would not revoke the plan until completion of current mining under the proposal. The Agency solicits comments on this proposed process.

The proposal would establish a minimum air velocity of 50 feet per minute in mines that do not use air from the belt entry to ventilate the working section. It would establish a minimum of 100 feet per minute, and a maximum of 1000 feet per minute air velocity in mines that use air from the belt entry to ventilate working sections. These proposed velocities assure that the contaminants of a fire are carried downwind to carbon monoxide sensors. Under the proposal, where these velocities cannot be established and maintained,



adjustments may be approved in the mine ventilation plan. This proposal includes a 12-month delayed effective date.

Proposed 75.350(b)(3) would require that where miners on the working section are on a reduced respirable coal mine dust standard below 1.0 milligram per cubic meter of air, the average concentration of respirable dust in the belt entry must be at or below the lowest applicable respirable dust standard on that section. The Agency solicits comments on this provision.

Proposed 75.351(e) would require that smoke sensors be installed in areas where air from the belt entry is used to ventilate working sections. This proposal would become effective one year after the Secretary has determined that smoke sensors are available to detect fires in underground coal mines. The sensors would be in addition to carbon monoxide sensors. MSHA will provide notice to the public when the sensors are available. MSHA solicits comments on this approach to require smoke sensors.

The proposal in 75.380(d), as well as 75.381), would establish new requirements for lifelines in underground bituminous and anthracite

coal mines. These requirements would require that lifelines and escapeways have tactile signals to identify impediments to travel, SCSR caches, personnel doors to adjacent escapeways, and refuge alternatives. The proposed rule, which has a six-month delayed effective date, would also require nationwide standardization of all tactile signals. Under the proposal, each of the signals would be distinguishable from other markings. The Agency specifically solicits comments on alternative tactile signal markings.

The proposal would require that the primary escapeway have a higher ventilation pressure than the belt entry. Under the proposal, the operator can submit an alternative in the mine ventilation plan to protect the integrity of the primary escapeway. The proposal would apply to all mines using belt haulage, and would have a six-month delayed effective date.

The proposal would discontinue the use of point-type heat sensors and require the use of carbon monoxide sensors for fire detection along belt conveyors in all underground coal mines. The proposal requires that all point-type heat sensors, except those used to activate fire suppression

systems, be replaced with carbon monoxide systems within 12 months of the effective date of the final rule.

MSHA is proposing that the warning level for carbon monoxide sensors be ten parts per million above the ambient level. The Agency solicits comments on this proposed level.

Proposed 75.1731 would be a new requirement for belt entry and belt conveyor maintenance applicable to all underground coal mines using belt haulage. The proposed rule would: Require damaged rollers and other malfunctioning belt components to be immediately repaired or replaced; require conveyor belts to be properly aligned; prohibit the accumulation of noncombustible material in the belt entry; and require that splicing of any approved conveyor belt maintain the flame resistant properties of the belt. This proposal would include a two-month delayed effective date.

MSHA has estimated the economic impact of the proposal and has included a discussion of the costs, benefits, and paperwork requirements in the preamble to the proposal and in the Preliminary Regulatory Economic Analysis, or the PREA. The

PREA also contains estimated supporting data on costs and benefits.

The Agency is also soliciting comments on the following: MSHA is considering including a specific requirement in the final rule that the operator make changes or adjustments to reduce the concentration of methane present in the belt entry as measured 200 feet out by the section loading point. At this point in the rulemaking, MSHA is considering that operators take action when methane is between a range of 0.5 and 1.0 percent. MSHA is soliciting comments on the appropriateness of such a standard and on the specific level at which changes or adjustments should be made.

MSHA has proposed a requirement that point-feed regulators must be equipped with a means to be remotely closed. However, the Agency has not included a requirement for providing a means for re-opening the regulator as recommended by the TSP. This is because MSHA believes that once evacuation is completed, the need for remote re-opening of the regulator will be rare. The Agency solicits comments on whether a requirement to remotely re-open the regulator should be included in the final rule and the reasons for such a requirement.

MSHA requests comments on all proposed delayed effective dates.

MSHA also requests comments on all of the estimates of costs and benefits in the preamble and in the PREA, and the data and the assumptions the Agency used to develop the proposed estimates.

As you address these provisions--and I cannot emphasize this enough. For those of you who've heard me in prior hearings, you know that this is a constant refrain--that when you address us, either in your testimony here today or in written comments, please be as specific as possible and include: Your suggested alternatives; your suggested rationale; if you would address the safety and health benefits to miners; technological and economic feasibility; and data to support your comments. The Agency will use this information to help us evaluate the requirements in the proposal and produce a final rule that will improve safety and health for underground coal miners in a manner that is responsive to the needs and concerns of the mining public.

And as I just said--I will reiterate--the more specific you are in your comments, the more useful that can be to us as we move forward

to help craft a final rule.

The hearing, as most of you know, will be conducted in an informal manner. Formal rules of evidence will not apply. The Panel may ask questions of the witnesses, and the witnesses may ask questions of the Panel.

MSHA will make a transcript of the hearing available on the Agency's website within one week of today's hearing. As most of you know, time is of the essence in developing this final rule, which must be finalized by December 31, 2008.

If you wish to present written statements or information today, please clearly identify your material and give it to the court reporter.

We ask that everyone in attendance sign the attendance sheet. And if you have a hard copy--as you heard me say--or electronic version of your presentation, please provide the court reporter with a copy.

We would now begin. And also, if you will clearly state your name and organization and spell your name for the court reporter, this will help ensure that we have an accurate record.

We will now begin today's hearing, and

our first speaker is Arthur Brown with Fenner Dunlop.

Before Mr. Brown comes up, we brought these, and so--I went over something in my opening statement talking about tactile indicators, and so we brought these to just show. And I'm sure maybe some people in here have seen these.

These are the cones for the lifelines and the escapeways. And the cones--we said that, and the proposed rule requires--the standardization of the cones. And so the directional indicator is that the tapered end points inbound, toward me, so you're going out this way. You can see that there.

And the other part of the standardization process of it was that six of these cones were to represent SCSR caches, four represent personnel doors, and two of them together would represent impediments in escapeways. And then this last spiral--I guess we had a name for this--spiral indicator would represent the location of the refuge alternative. So this would be, obviously, what would be included in the emergency evacuation training--drills and training.

So now we will have our first speaker; and our first speaker, Arthur Brown.

MR. BROWN: My name's, Arthur Brown, A-R-T-H-U-R, Brown, like dirt, with Fenner Dunlop Conveyor Belting. Really, you answered my questions. I just wanted to clarify. There's a 12-month period you're proposing that says current 2G approved belting can still be sold by the manufacturer. After that 12-month period, it becomes the new Regulation 14, which is the BELT standard. Any belting that was 2G approved is able to be utilized in a mine until it wears out--

MS. SILVEY: Yes.

MR. BROWN: --that's what I understand?

MS. SILVEY: Yes.

MR. BROWN: Okay. That's all my questions. Thank you.

MS. SILVEY: Does anybody else have any comments?

MR. TUTTLE: Kevin Tuttle, K-E-V-I-N, T-U-T-T-L-E, Energy West Mining. We will be submitting written comments, but I have some initial questions and concerns. One would be on 75.371(yy), and probably also on (zz), "location of airlock doors are installed between air courses."

Is it the Panel's recommendation that we--every time we want to install an airlock door--



put that in the ventilation plan? If that is the case, I would totally be opposed to that. We have a very cumbersome system on approving ventilation plans; and every time we have to identify a location in a ventilation plan, that takes a complete step. It requires us to draw up a plan, get approval from our workforce, also submit that, time to get back. It takes time to identify those. That would be a continuing process, very burdensome to the mine operators.

It would be better, if you want that information, to have that put on the mine map so it's available for reference. That is the most logical place for that. If you have any kind of emergency, that's where we're going to go to look at ventilation controls is on the mine map. The ventilation plan is not the proper place for location of airlock doors or pressure differentials. You're going to look at the mine map and see where the entries are, and maybe the reason for that pressure differential.

I would just ask you to look at that and not put that into the ventilation plan. They are burdensome right now.

Also on the tactical (sic) feedbacks,

one of the questions I would have is: Are you wanting them on the lifeline themselves, as opposed to an offshoot of that lifeline which would direct you to a refuge chamber, SCSR storage, or other locations? When we look at lifelines--and we've just gone through proposed regulations on lifelines. And I'm totally for lifelines, don't get my wrong on this--but we talked about reflective material and cones.

Reflective materials, you are only going to see that in a clear environment. If you encounter smoke, reflective material is no longer useful. I'm afraid if we get going along and all of a sudden we have six cones together, four cones together, our people aren't going to know what we are trying to identify on that. I don't know if I have any better ideas on that, but--I'm not really opposed to standardization. I think that might be a good option on there. But to try to run your hand over six cones in a row and try to count those in smoke is going to be a difficult process. And so I would just encourage you to take a look at that tactile feedback and make sure we're providing the right method for that.

We'd probably rather not have those on

the lifeline themselves. As we come along the lifeline--like on our mine, we have two indicators that indicate when you get past those two cones, we will have a cord or something leading to the self-rescuers or refuge chambers, but not on the lifeline themselves. Trying to run your hand across that on a continuing basis in smoke can be very disserving, in my opinion, so...

Also, "back to back." What is your idea of "back to back"? Is that the large area back to back and the other--the small cones back to back? You need to be specific on what you mean by "back to back." Is it the cones all facing the same direction as back to back, six of them in a row, or four of them in a row? But I can see a lot of people having some difficulties with what is actually "back to back"--when I consider the large portion of the cone as the back portion of that cone. It's going to cause some confusion; so I ask you look at that issue, also.

75.1103-5(g), "...warning signals will be activated during calibration of sensors, personnel manning the surface location must be notified prior to and upon completion of calibration. Miners on affected working sections,

areas where mechanized mining equipment is being installed or removed, or other areas designated by the approved miner (sic) emergency evacuation and firefighting program of instruction must be notified at the beginning and completion of calibration."

I would ask you to look at the word "miners." If we're doing a calibration, if we have to go identify every miner within that area, we're going to have people just fighting that. I have no problem contacting a section when we're doing that so that they know when the alarm's going off. But if you put "miners" on there and we have to start running down every miner in that area, that's going to cause an issue. I would rather have it to notify the area so somebody in that area is aware of that and knows what's going on there, but not necessarily have to find every miner within that location.

75.1731(a), reference to "Damaged rollers and other malfunctioning belt conveyor components must be immediately repaired or replaced."

If we're specifically talking about the roller where it is not functioning, that would be

an issue where heat can be generated. If we have a belt roller assembly, we're going to get this confused between the roller and the belt structure itself. And a lot of times, we will see a roller that may be starting to have some problems; we'll identify that. Don't want to get caught in a situation where we have a roller that's still functioning, but we're trying to determine whether it's damaged or not. And I would just ask you to look at the--this "immediately being replaced." I understand the issue with hot rollers--if we have a roller that can cause heat, those types of things. But there are other damages that would not affect the integrity of that belt system. So just look at that, if you would.

Also, on the training of the belt, 75.1731(b). "Conveyor belts must properly be aligned to prevent the moving belt from rubbing against the structure or components."

I really don't have an issue with belts being aligned. Once in a while a belt will come over and brush against a hanger. Don't want to get into a situation where we have an inspector walking down there, and a belt comes over and it brushes against that with no heat or friction caused

there--it's an intermittent-type thing--and to have a citation to try to keep that right down the middle. Sometimes they will wander over and brush against a hanger. At times, I can see the issue with having belt hangers, if they get warm--are warm or hot to the touch--there's potential there. But just because the belt rubs against the roller periodically does not create a fire hazard. So I'd just encourage you to look at that, also. Be specific on that, or else we're going to have some issues with the inspection on that. Thank you.

MS. SILVEY: Thank you, Mr. Tuttle.

Let me go back to your comment about the indicators, the tactile indicators, and the lifeline; because clearly, for the training to be of its maximum effectiveness, everybody has to have a clear understanding of the meaning of the indicators, and that--those--and where things are located in the escapeway.

You were asking should they be on the lifeline or an offshoot. Now, tell me, again, where exactly do you-all have it in your mine now? I mean, what's your--

MR. TUTTLE: We have indicators every 75 feet.

MS. SILVEY: No. But I mean when you said on the lifeline or an offshoot, just what do you envision? Maybe I'm--I'm trying to figure it out.

MR. TUTTLE: We have our lifeline coming out of the mine. We have cones every 75 feet. Now, if people run up against two cones, they know immediately after that second cone will be another lifeline, or another cord, going to a self-rescue storage station.

MS. SILVEY: Okay.

MR. TUTTLE: But if I'm on the lifeline--if I'm in smoke, and I'm hustling down there--you will be hustling in smoke--all of a sudden I got four or five people behind me and I come up against a bunch of cones, am I going to stop and try to physically feel each one of those and count them? I got people pushing me behind here. I understand we need to know where these things are. But I think we're just going to--we have a--we have a hard time training people and donning self-rescuers and keeping that information in their heads. We want the 90-day check on that, and that's a very good thing. But we still have people that will have a hard time keeping that in

their head.

Now we're trying to say we've got two cones, four cones, six cones, a little swirly thing there.

MS. SILVEY: Yeah.

MR. TUTTLE: I don't want to get confused with people trying to get out in an emergency, because they are not going to care about whether I got one, two, three cones. They're going to use the lifeline. And, to me, the lifeline ought to be a simple method to get people out of, or through, smoke. I don't want to throw so many things in it confuses them--that they are trying to guess at what does "six" mean, what does "four" mean.

I'm afraid we may be getting too complicated on a simple lifeline concept. And I think it's a great thing to have a lifeline. If you are in smoke, it would be a lifesaver. I'm for that. But I don't want to get it so complicated that we have problems with it--also maintaining it.

MS. SILVEY: I would like, you know--we would like--the Agency would like to hear from others on this issue. As many of you know, the



Technical Study Panel recommended that these indicators be standardized; and so we carried through with the Technical Study Panel's recommendation.

But I would like to hear from others in today's arguments, or before the comment period closes, as well as we'd like to hear from miners on the issues. Because as you said, and as we have said earlier, the training is going to be very important and for everybody to have a good, clear understanding of what these devices mean.

MR. TUTTLE: On the--the squiggly over there, the--

MS. SILVEY: The spiral.

MR. TUTTLE: --spiral.

MS. SILVEY: The spiral.

MR. TUTTLE: If you read the regulations, I'm a little unclear, even right now. It says--if I could find which one it is here: "Marked to provide tactile feedback distinguishable from markings to indicate the location of refuge alternatives. The tactile feedback for a refuge alternative location shall be a two-foot length of rigid spiraled cord (cork-screw type). Another line must be attached from the lifeline to the

refuge alternative."

Are you saying--are those two separate lines? I'm just trying to look at this. I have a spiral. Now I have another line that must be attached from the lifeline to the refuge chambers. So I got two lines--or is that just one line? In my mind, I've got confusion right now of how I'm going to set that up. Why would you want two? Why would you not want that--if I'm following the lifeline out, and if I have another line going to my refuge chambers, why wouldn't you want that on that? And you indicated I have something off to the side and then have that on the same part of the lifeline. Why do you want to have somebody let go of the lifeline and try to indicate what this is and get back onto another lifeline and try follow it someplace? You're in smoke. You have no idea where you're at.

MS. SILVEY: Well, I think the thinking was this: When they get to this, when this indicates the location of the refuge alternative, then--and we set another line, a separate line, that's going to go to the refuge alternative--the refuge alternative line--

MR. TUTTLE: So that would be on the

lifeline itself, and then we have another line going to the refuge chamber?

MS. SILVEY: Yeah.

MR. TUTTLE: Okay. Well, when you explain it to me, I understand what you're saying now. But if I read this regulation, I'm questioning what are you wanting on that. That's why I say, you need to let us know if this is on the lifeline, or if--like we've talked about-- another line goes to the refuge chamber. We have us a line going on the lifeline. If we have another line going, that's an indication by two cones. And so we know as soon as we get to that two cones, we're going to have something going to a self-rescuer, or a chamber, or--if we have these on every door in line, we're going to have so many doubles and fours and sixes on there that people are going to get confused what's what on them. Every time we have an obstruction in the lifeline-- I just don't want people to be confused in trying to find out what we got going on here. We need to make it as simple as possible.

Six cones in a row, to me--it's hard to get over six cones in a row. It really is. That's a lot of cones to get your hand over the

top. Now you got to try to count. Am I at four? Am I at five? Am I at six? I'm in a hurry. You can't see them. All I got is feel. If you are using the lifeline, you're in smoke and you ain't going to see nothing.

Will you show me what "back to back" is? Could you show me what "back to back" is?

(Ms. Silvey demonstrated with the cones.)

MR. TUTTLE: That's front to back. That's front to back. But back to back is the back--turn it around. That's back to back.

MR. KALICH: No.

MR. TUTTLE: And in my mind, that could be back to back. You're saying front-back. So we need to understand, that's what I'm saying.

MS. SILVEY: Okay.

MR. TUTTLE: It might even be good to have a picture in your regulations showing what back to back is.

MS. SILVEY: Thank goodness Ron thought it about and remembered to bring these.

MR. TUTTLE: I appreciate that. And, you know, I have no problem with it. I just want to make sure we install them, because I don't want to spend a lot of money.

MS. SILVEY: I know.

MR. TUTTLE: We're just redoing our lifeline, and we're on solid cones. So we have to go out and buy attachable cones, now, to meet that regulation, unless we want to break the lifeline and hook these on with a solid cone.

MS. SILVEY: First of all, we know that at the start, they were first put in to be directional indicators--

MR. TUTTLE: Yes.

MS. SILVEY: --right? Isn't that right? That's the first thing.

Then we said to taper in, because in the Emergency Mine Evacuation Rule, we were not so prescriptive then. We said, If cones are used, to taper the end points inbound.

So then, here comes the Technical Study Panel recommendation. We say, Well, they said that they should be standardized. So then, to standardize them, the tapered end, for directional purposes, should point-- must, not should--must point inbound. So as a directional indicator, they go this way.

Then you start adding to them for the location of things in the escapeway, whether they

be personnel doors, impediments, or SCSR cache. So that's when, as you put it, you start adding to the numbers.

But we would be interested in everybody's comment on this; because, you know, the most effective regulation we are going to write is more in which everybody understands it. And when everybody's trained on it, in a emergency situation they will react quickly and not have to stop and think about it, because that takes away from the response time.

MR. TUTTLE: And my thoughts on that is that's front to back. And you're saying back to back. And because--maybe a drawing on there. I think you'll have the capability to show in a drawing what you are actually wanting on that. I agree with the--make a standardization and have it point to the section. No question, that's how we do it. And, you know, let's get it done and get it moving.

But I also like when I'm holding onto a lifeline, if I go over two cones and I have a directional lifeline going someplace else, to a chamber or a self-rescuer, that's where, maybe, my identification ought to be is on that, not on the

lifeline itself, because that's just the way I'm used to doing things. But it's something to think about. Rather than having everything go on the lifeline itself is having an indicator that followed this indicator that would be a tag line or another line going to a refuge chamber, SCSR, whatever. That would give you an indication of what you're looking at as far as what it's going to lead to, rather than to have them on the lifeline. That's a personal idea on identification, but just something to think about. I just get real concerned about, in smoke, trying to put my hand over six of those cones in a row, because I'm going to be in a hurry.

MS. SILVEY: Right. This discussion between Mr. Tuttle and us made me think about one additional point that, you know, while it may not be the direct subject of this public hearing, it is important; and that is, that one of the longstanding principles in mine emergency response is that in the event of a mine emergency, the first line of defense is for the miner to try to escape. And so we still ascribe to that, even as we talk about the tactile indicator, this one being for the location of the refuge alternative. And even as we

finish up, just completed the--as some of you know, you participated with us in the refuge alternative public hearing--that the first line of defense is still for the miner, if at all possible, to get out of the mine. So we still want to iterate, reiterate, or stress that longstanding principle.

MR. TUTTLE: On that corkscrew there, I see you got it tied in with nylon. Our main line is going to be cable. I still have to find some other way to attach that around cable without it sliding on down the--down the--down the--we can wrap it in--on the sections, we could wrap it into the cable like you have it right now. But if you have a cable on there...

MR. KALICH: Well, in the standard, the line has to be fire resistant. And the polypropylene meets that--

MR. TUTTLE: I understand that.

MR. KALICH: --for the main line cable after we reach that. So you could use either.

MR. TUTTLE: Well, all I'm saying is now attach that thing to a cable. What kind of attachments you going to put there to keep them from sliding? That one there, you could tie it in right there, and it's going to hold in one



position. But if you put it onto a cable now, now it's going to be a little bit easier--a little harder to secure it in place so it doesn't move.

And I, you know, applaud MSHA for requiring the lifelines. I think it's one of the best things we have done. It's a little hard sometimes to maintain it, but I think if you got somebody in smoke, it would be a lifesaver. And so we just don't too complicated, and we have a lot of issues with it, because we've already had some issues with it already with reflective material.

Initially, it come out and just said "reflective material." We've had to go back and modify that already. It seems like this lifeline thing is a continually changing thing. We're putting a lot of time and effort into trying to keep it up. Thank you.

MS. SILVEY: Okay. Thank you, Mr. Tuttle.

Is there somebody else in the audience who wishes to comment? Somebody else?

MR. BAILEY: My name is Brent Bailey, B-R-E-N-T, B-A-I-L-E-Y. And I am a miners' representative of the UMWA at Energy West Mining, Deer Creek Mine. I'm also the chairman of the

Health and Safety Committee of our mine.

And I just want to say that we--and then when I say "we," I'm referring to our mining committee--we just had a meeting yesterday and we talked about this. I just want to say we disapprove of ventilating sections with belt air altogether. Even though there's lots of regulations to protect the miners in the working section that's been put in place, we feel the best protection would be to use that belt air and ventilate it away from the sections. We feel that the belt lines has had the greatest potential for a fire import ignition. And to have that air going into a section, we don't think enhances the health and safety of the miners.

And we feel that, you know, if there is a fire, the best thing is to get them out quickly. And by the time the sensor notifies the monitor on the surface--or the operator on the surface, and he turns around and notifies the section; then, in turn, that section guy tries to get ahold of everybody to get out with the requirements on the belt air that needs to be going in there, that we don't think that that's appropriate time, that they can get out in time. And that's just our feeling.



Any questions of me?

MS. SILVEY: When you say your Health and Safety Committee and you met yesterday.

MR. BAILEY: Right.

MS. SILVEY: So I assume your Health and Safety Committee--is that a joint committee of the labor and management?

MR. BAILEY: Yes, it is.

MS. SILVEY: And that was a joint recommendation from the Committee?

MR. BAILEY: Well, the recommendation was the--actually, the management wasn't there yesterday when we talked about this.

MS. SILVEY: Oh, the management wasn't there.

MR. BAILEY: No. So this isn't necessarily the opinion of the management.

MS. SILVEY: Okay. Okay.

MR. BAILEY: This is the opinion--

MS. SILVEY: --of the laborers' section.

MR. BAILEY: Of the laborer, right.

MS. SILVEY: Okay. All right. Well, let me ask you something else: Is your--your--I take it--well, let me ask you rather than me say it: Is your mine a belt air mine?

MR. BAILEY: Yes. We do have belt air on one--on their long haul, is all.

MS. SILVEY: Oh, yeah, okay.

MR. BAILEY: We are required to ventilate with intake air on the long haul. But we feel that it was-- it used to--didn't use to have to go out. We feel it was better the way it used to be than it is now.

MS. SILVEY: And so you feel it was better the way it used to be than it is now--

MR. BAILEY: Right.

MS. SILVEY: --than with the belt air going to the face?

MR. BAILEY: Yes. When the belt air was ventilated out away from the face.

MS. SILVEY: And so how long has it been being ventilated like it is now?

MR. BAILEY: I'm not sure. Quite a while.

MS. SILVEY: Quite a while.

MR. BAILEY: Yeah, it's been quite a while.

MS. SILVEY: Well, have you experienced any problems?

MR. BAILEY: Actually, no. I don't

think of any problems. But with the dust that goes in there, and the--the dust is a big problem. The belt air--you can always get dust on the belt air, and it's going into the sections--and the potential of fires and of the smoke going in.

MS. SILVEY: But there is a--if--you talk about the dust. If it's intake, the dust still has to be kept to a certain level--

MR. BAILEY: Right.

MS. SILVEY: --under the current regulation.

MR. BAILEY: Right.

MS. SILVEY: And we have some additional things in this proposed rule.

MR. BAILEY: Yes. But even a little bit is going to be more--worse than, you know--if you say your requirement's 2.0 and you have .5 going into the section off of the belt, you have 1.5 in the section. Without that belt air, you don't have 1.5. So it would still be better than--you know, I don't know if I can explain it myself.

MS. SILVEY: Yes, I understand. I understand. Fine. Okay.

MR. HOCKENBERRY: Is this a two-entry long haul?

MR. BAILEY: Yes. The head gate is a two-entry long haul, right.

MR. KALICH: So the line is under 101 ), petition for the use of the belt air?

MR. BAILEY: Yes.

MS. SILVEY: Okay. Thank you very much, Mr. Bailey.

Does anybody else have any comments? Anybody else like to provide comments?

If nobody else wishes to provide any comment or testimony, then we will--why don't we take a 15-minute break, and then we'll see--we will reconvene in 15 minutes.

(A break was taken from 9:57 a.m. to 10:17 a.m.)

MS. SILVEY: At this time, we will continue with the Mine Safety and Health Administration's public hearing on the Agency's proposal that would implement the recommendations of the Technical Study Panel.

I would like to ask if there is anybody in the audience who wishes to make additional comment or testimony. Anybody?

If nobody wishes to make additional comment or testimony, I will conclude the Agency's public hearing on the proposal that would implement

the Technical Study Panel recommendations.

I would like to thank everybody in the audience for their comments. We got some useful comments for your commented testimony, and we appreciate that.

I would like to also elicit from everybody--you heard some of the issues that we discussed this morning. And so from everybody here, I would like it if you-all would submit additional--if you have such to do--submit additional comments before the record closes on September 8.

As we have said many times, when you do submit your comments, please be as specific as you can with your specific suggestions and your specific alternatives. If you have suggested alternatives, include in the rationale for your suggestions.

Again, for those of you who came today but did not testify, we appreciate your attendance, because to us--to the Agency, that shows that you have an interest in this important rulemaking. And as you-all know, we have--we have to finalize this rule by December 31, 2008. So all of us working together have a big job ahead of us. And we





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CERTIFICATE

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I, Michelle Mallonee, a Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That the proceedings of said matter was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said proceedings so taken and transcribed;

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*Michelle Mallonee*  
Michelle Mallonee, RPR, CSR

