

## **Response/Comments to the 17 additional items addressed in the Public Hearings MSHA Requests for Additional Information**

The Emergency Standard. Under the Mine Act requirements, the emergency standard serves as the proposed rule. As stated earlier, we will use the information provided by you to help us decide how best to craft the final rule. In addition to the provisions of the emergency standard, we are also considering the following issues, and seek further information from you on these issues.

As you address these issues, either in your comments to us today, or in comments sent to us in Arlington? Please be as specific as possible with respect to impact on miner safety and health, mining conditions, and feasibility of implementation. Here are the additional issues.

1. Should miners have the ability to tether themselves together during escape through smoke-filled environments? If so, what length of tether between miners should be required?

**We believe this should be left up to management and their workforce to determine and should not be regulated. The tethering of mines rescue teams is a controlled situation and not comparable.**

Should a miner's tether be capable of clipping easily to another's, so that any number of miners could be attached together to work their way out of a mine? How should the tether be attached to the miners' belts, or should there be a place other than the miners' belt to attach the tether to the miners.

**We do not believe this should be a regulated issue but rather a mine by mine decision.**

Should the tether be constructed of durable and/or reflective material? Where should the tether be stored on the section, or could it be a part of the miner's belt? Should it be stored with additional SCSRs in a readily accessible and identifiable location, or in a separate location?

**We do not believe this should be a regulated issue but rather a mine by mine decision. However, if we are forced to tether together, we believe the tethers should be clipped to the miners belt.**

**If tethering is required it should be of a durable material. This material could be very small but strong. We do not see any reason to have it reflective. A tether could be short in length and within arms reach of the person you are tethering too. You can also run your hands along the tether to determine its length and location.**

2. Should a training record under new paragraph 75.1502(c)(3) not only include a requirement that mine operators certify all miners who participated in each emergency evacuation drill, but also additional information such as a checklist. The checklist could be used to itemize the successful completion of each step of the training, as outlined in the approved program of instruction.

**We believe a check list may be beneficial to some organizations but this should be something an operator wants to use as an aid and not a requirement.**

MSHA should only require that training be completed and not become involved in how the company is to record the information in the form of a check list. Check lists can be effective but can vary in size and complexity. A check list is not the only way to manage record keeping. Requiring a check list would only provide additional redundant record keeping for some mines.

3. When should a miner don an SCSR during an evacuation? Currently, miners are told to don an SCSR when they believe they are in danger, or when smoke is encountered. This may leave miners vulnerable to irrespirable air, such as air that contains lethal carbon monoxide levels or low oxygen. MSHA is considering requiring that at least one miner in a group of miners, and an individual miner when working alone have at least one multi-gas or air quality detector with them.

**At first this seems like a good idea. With today's technology, there are many multi-gas detectors that are constantly monitoring the mine atmosphere and would be a good indicator of danger. Some items to consider when requiring this type of regulation would be:**

**To make this an effective regulation you would need to provide multi-gas detectors to every person who works underground. Trying to maintain the numbers of instruments, which would include monthly calibration, could be a monumental task.**

**In requiring people to have an instrument you would need to provide task training in the use of this instrument or require them to be qualified in gas detection. Providing instruments would require continual training with the instrument. MSHA has stated that people need to be training every 90 days to maintain their ability to don the SCSR. You could have a similar situation in providing instruments to people who may not use them or use them on a limited basis. They would have to know what levels of CO or low oxygen would be safe or dangerous to be in.**

**We believe a more effective means would be a device like a badge that would change colors to indicate an unsafe level in CO or area of low oxygen rather than requiring an instrument.**

4. In the preamble to the ETS, we discuss a method to locate additional SCSRs, based on a joint MSHA-NIOSH heart rate study. MSHA solicits comments on the heart rate method; whether this is the most appropriate method to determine location, whether it is realistic, and any other comments you may have on the heart rate method. What other reliable alternatives exist for determining where to position additional SCSRs in the mine.

**We believe each operator should be able to determine what the average distance their employees can travel within an hour time frame. This could vary from mine to mine depending on the slope, coal height, etc. One method could include the physical condition of the employee(s) and the characteristics of the mine.**

**We believe this regulation will be altered by the "miners act of 2006" which would require caches for the distance an average miner would travel 30 minutes. The bill also addresses the "aggregate" number of SCSRs in the mine.**

5. MSHA is considering a requirement that additional SCSRs under new paragraph 75.1714-4(c) be stored in all escapeways at intervals of 5,000 feet for mines where the escapeway height is above 48

inches, and 2,500 feet for all other mines. Would such a specification standard be more appropriate than the performance oriented heart rate method provided in this ETS?

The “miners act of 2006” now will require additional SCSR caches at distances an average miner will travel in 30 minutes. This would allow the mines to see how far the average person can travel and not the heaviest.

Regarding such a specification oriented standard, what would be more appropriate? 5,000 and 2,500 foot intervals for heights greater than 48 inches, and heights 48 inches or less, respectively, or some other specific interval?

Interwest Mining Company thinks each operator should be able to determine what the average distance their employees can travel within an hour time frame. This could vary from mine to mine depending on the slope, coal height, etc. However, The “miners act of 2006” now will require additional SCSR caches at distances an average miner will travel in 30 minutes. This would allow the mines to see how far the average person can travel and not the heaviest.

6. Should all underground coal miners be required to use SCSRs exclusively? If so, is it appropriate to prohibit the use of filter self-rescuers in all underground coal mine’s.

NO. Interwest Mining Company believes with the current configuration of the SCSR units there could be a diminution of safety created by the SCSR, such as ergonomic concerns and damage to SCSRs when being worn on the Longwall faces as well as other mobile equipment. Interwest Mining Company suggests utilizing the smaller SCSRs (the 20 minute units) because of their size, shape and ability to be easily worn.

A filter self rescuer will not provide any oxygen to the wearer but will protect the miner from carbon monoxide up to a certain limit. This unit does not provide the same protection as an SCSR but they are only used to be put on to get to the readily assessable SCSR for the individual. If MSHA was to prohibit the uses of filter type self rescuers would they do away with the storage plan or allow oxygen units of less than one hour duration to be used in place of the filter type self rescuers?

In addition, MSHA is considering adding a new provision to 75.1714-4 that would allow the use of new SCSR technology to comply with the standard, such as SCSRs that have the ability to provide up to two more hours of oxygen per unit. Is such a provision appropriate?

We believe that if the technology becomes available and functional, it would minimize the amount of additional SCSR’s to be carried and/or stored

If an SCSR could be developed that would be the same size or even smaller than the current SCSR and still provide the two hours of coverage this would be an appropriate SCSR unit. If a two hour unit is developed that is larger in size it will be prohibitive for the miners to wear. Also, if a two hour unit is larger than the current sized SCSR it would be no different than requiring a person to pack two of the SCSRs now in use. Any new technology should focus on an SCSR of a smaller size that will make it easier to pack and perform work with the SCSR on the person.

7. Manufacturers sometimes lose track of which mines purchases their SCSRs. When a mine shuts down, SCSRs are often sold to another mine. In the past, problems have been discovered with all brands of SCSRs. MSHA is considering requiring that the following information be reported for each SCSR at each mine. The total number of SCSRs, the manufacturer, the model, the date of manufacture, and the serial number. Is it appropriate to require mine operators to report to the relevant MSHA district manager the total number of SCSRs in use at each underground mine? If so, should any additional information be reported?

**We believe that it is unnecessary to report SCSR information to MSHA.**

It may be appropriate for the operator to have a record of the SCSRs at their location which would indicate the manufacturer name, model number, date of manufacturer, and the serial number of the unit. We do not believe it is appropriate to create another reporting requirement to provide non essential information to MSHA with no specific purpose. If MSHA wants information on the SCSRs they can always obtain this from the operator at any time.

8. Because in the past, MSHA did not always learn of problems associated with SCSRs, MSHA is considering a requirement that mine operators promptly report to the MSHA district manager in writing all incidents where an SCSR required by 75.1714 is used for an accident or emergency, and all instances where such SCSR devices do not function properly.

In addition, when any SCSR device does not function properly, the mine operator would be required to retain the device for at least 90 days for an MSHA investigation. These requirements would help assure that MSHA is notified of problems in a timely manner, so that MSHA can provide timely notice to both manufacturers and users to assure that the affected SCSRs are available for testing and evaluation. Should MSHA include such requirements in the final rule?

**Interwest Mining Company does not have a problem reporting SCSRs that do not function properly in an emergency to MSHA.**

MSHA should work with the manufacturers of the SCSR to make sure they will be functional. Failure of an SCSR is a manufacturer issue and should deal with product control. Checking of SCSRs should be done at the manufacturers level and when SCSR come to the property they should not have defects that would affect there operation.

9. SCSR storage locations in escapeways may not be readily accessible to all person's underground, such as pumpers, out by crews and examiners. Are there other ways to provide readily accessible SCSR coverage for these miners? Are there other storage locations that would be readily accessible to such persons?

**We believe that our storage plan will accommodate out by crews and examiners.**

The designated escapeways may not be "Readily Accessible" but an SCSR storage plan can still require that SCSR be at a "Readily Accessible" location which will cover the person. This may mean placing SCSR to cover employees such as pumpers. All persons, no matter what area they are in,

should try and get to a designated escapeway as soon as possible. The “Readily Accessible” locations provided by the storage plan can help them achieve this.

10. MSHA sought comments on the appropriateness of requiring that signs to help locate SCSR storage areas be made of reflective material. MSHA also asks whether there are alternative methods available for making SCSR storage locations easy to locate when conditions in the mine might obscure storage location. What methods exist that would make SCSR storage locations readily visible.

With the lifeline requirements, we believe that SCSR’s could be located by attaching lifelines to the storage containers.

Signs being of a reflective material will be helpful in clear air. They can be seen for long distances and can be very helpful. Reflective signs in smoke will still be hard to find and/or read. We do not see a problem with requiring the back ground of the sign and/or the words be of a reflective material.

11. Under new paragraph 75.1714-4(c), operators are required to have separate SCSR storage in each escapeway. Where a mine has parallel and adjacent escapeways, under what circumstances would it be appropriate to allow a hardened room, or a "safe haven" to serve both escapeways with one set of SCSRs?

We believe there are benefits to having SCSR’s stored between two stoppings. Additional supplies such as water, food could be stored and would give our employees clearer air to exchange SCSR’s.

In the public hearings for the Emergency Temporary Standard there was testimony given concerning the use of air locks between two stoppings or having an SCSR storage in a stopping that is accessible from both sides while still maintaining separation. We believe a room could be created by using normal stopping construction and still maintain the atmosphere in the affected area(s). We do not think this room needs to be equipped with doors such as those referenced in the public hearing by MSHA such as submarine doors. A good solid stopping with a door that would seal properly would work fine.

A hardened room is a room constructed with permanent seal techniques, submarine type doors opening to both escapeways, and positive ventilation from the surface through a borehole. Is a safe haven an acceptable alternative? If so, what should be the minimum criteria for MSHA to accept a hardened room or safe haven?

We believe a well constructed stopping with well maintained man doors would be acceptable for a safe haven. Some mines have 2000 feet of cover or more and would make boreholes for positive ventilation impractical.

We would not discount the added protection provided by a safe room. We do not believe this room must be constructed using seal techniques. Normal ventilation construction practices with a good seal should be sufficient. Submarine type doors seem a little extreme. The doors would need to seal properly but not need to be of a submarine design. In some areas it may not be possible for a hole to be drilled to the safe room. In these instances it may be acceptable to store oxygen or carbon monoxide scrubbers or other similar type devices to help protect people who may be trapped.

12. Currently, cone systems on lifelines vary, some with the cones pointing toward the face, and others pointing away from the face. Miners may become confused in an emergency as to the direction of escape. Should cones, or other directional indicators on lifelines be standardized? Following a NIOSH recommendation, and for ease of movement, should the point end of the cone be toward the face?

We believe that the pointed end of the cone should point towards the inward portions of the mine. This would allow the hand of the employee to slide over the cone easily and through training realize that he/she is heading in the right direction. If the employee comes to the blunt or flat end of the cone, this would indicate travel in the wrong direction.

13. Miners should be able to safely evacuate a mine without the use of mechanized transportation. There may be unique escapeway conditions, including ladders, man doors, airlocks, and overcasts, where hands-on experience of these conditions is required in order to quickly and safely escape the mine. It is reasonable to require that miners walk the escapeways at least under these unique escapeway conditions. Should all miners be required to walk the escapeway in its entirety rather than use mechanized transportation during the drills required by new paragraph 75.1502 (c)? We are considering including a requirement in the part 48 training program for new miners that new miners travel, at least in part, both escapeways. Would this training be appropriate, and should the training include walking part or all of the escapeways?

We believe that if the normal way out of the mine would be in the mantrip we see no reason why they could not use the mantrip for a drill if the mantrip is normally available and would be used in an emergency.

Miners should know their escapeway which would include any abnormal conditions such as changes of direction, moving from one air course to another, etc. Just having miners walk an escapeway for the purpose of walking it is just covering ground. In addition many primary intake escapeways have large volumes of air coursing through them. There are many mines where the primary intake escapeway is the main intake of the mine. These areas can have extreme cold conditions. Having people walk these areas provides no benefit. If they can travel in a vehicle and still become aware of the escapeway why expose them to such conditions.

In addition the new regulations require life lines in the escapeways which a person can hold on to and travel out of the mine. If the escapeway was filled with smoke they still should be able to hang on to the life line and get out of the mine. We do not see any benefit of requiring people to walk the escapeway if it is not necessary or provide any benefit.

14. A more instructive emergency evacuation practice may be provided by using realistic drills. For example, conducting a drill in smoke, or using a realistic mouthpiece that provides the user with the sensation of actually breathing through the SCSR, commonly referred to as expectations training, are more realistic than simulation training. What other realistic emergency evacuation practices and scenarios would ensure that miners are better prepared to act quickly and safely in an emergency?

We intend that scenarios required by the Approved Program of Instruction under paragraph 75.1502(a) be used to initiate the drill, and to conduct the mine emergency evacuation drills required under that paragraph. For example, to initiate the drill, a section foreman may choose one of the mines approved explosion scenarios.

The foreman would gather the miners on the section and state where the explosion occurred, any special circumstances of the event, and conditions requiring immediate donning of SCSRs. The foreman and miners would then physically follow the best options for evacuation as they evacuate the mine. When the miners travel to the place or into conditions that require immediate SCSR donning, the need to don the SCSR must be made clear, so that it is understood by all.

15. We expect that scenarios developed as part of the mine emergency and firefighting program of instruction under 75.1502(a) would be included as part of the emergency evacuation drills, under 75.1502(c), making the drills more realistic. Should we further clarify this issue in the final rule? Are there additional requirements that should be included in this training to make it more realistic, such as conducting SCSR donning in a smoke-filled environment?

We have included the scenarios in our Mine Emergency and Fire Fighting Program. We continue to believe the company needs more flexibility to address the many different scenarios that can occur for which training can be provided.

16. We are considering putting all emergency evacuation drill requirements in 75.1502. As you know, for example, the escapeway drill requirement under 75.383 pertaining to the frequency of drills, how far miners travel in the drills, and the number of miners involved in each drill. I am sure you are familiar with those. They would be incorporated in two requirements under 75.1502.

Under 75.383(b)(1), each miner must participate in a practice escapeway drill at least once every 90 day, but is only required to travel to the area where the split of air ventilating the working section intersects a main air course, or 2,000 feet out by the section loading point, whichever distance is greater. Under new 75.1502, during the emergency evacuation drills, the miners must travel to the surface, or to the exits at the bottom of the shaft or slope.

Section 75.383(b)(2) and (b)(3) require that practice escapeway drills occur at least once every six weeks, but this only involves two miners and a supervisor. Miners systematically rotate taking these drills, so that eventually all miners would have participated under that provision. Under new 75.1502, emergency evacuation drills are required for all miners and at periods of time not to exceed 90 days. We will have to reconcile these time differences.

MSHA is requesting comments on incorporating all evacuation drill requirements in 75.1502. We are also considering requiring section bosses to travel both escapeways in their entirety, prior to acting as a boss on any working section or at any location where mechanized mining equipment is being installed or removed.

We believe that all drills should be conducted on a quarterly basis and not a 90 day basis. This would be comparable to the annual retraining requirements that indicates being trained in a 12 month period but the operator has the entire 12<sup>th</sup> month to complete the training.



We disagree with the regulation concerning the time frame of 90 days. This 90 day time will require the mine to complete the training before the time frame is up. This will keep moving the time frame and will be less than 90 day between drills. It would be a much easier and workable procedure to require the drill to be held on a quarterly basis. Allow the mine to schedule the drills during a specific month and be allowed the entire month to complete the drill. This would allow for more effective scheduling of people and resources. MSHA could prohibit drills to be held on back to back months or have the mine choose which month they will conduct the drills to keep them on a quarterly basis. A 90 day time frame becomes a scheduling nightmare which can be eliminated by the quarterly approach.

If a section foreman is assigned to a section they will have an escapeway map on the working section showing the escapeway out of the mine. This will normally be a straight travelway from the working section to the head of the section. Requiring the foreman to travel the escapeway before working in the section will only require him to participate in a walk-a-thon. The escapeway will have a life line and is normally isolated by stoppings. We do not see any need to put foreman through this type of exercise for no perceived benefit.

MSHA is requesting additional information concerning these drills. It is our opinion that this information should have been obtained before implementing the Emergency Temporary Standard. Much time and effort has been given to implementing the Emergency Temporary Standards. We as a company have many questions as to what MSHA really wants and with these additional requests what is still to be expected in the future. We disagree with the piece meal approach to proposing new regulations.

17. And I believe this is the last issue, anyway, that I am going to read at this time. We are also considering requiring that all mine fires be reported to MSHA, including fires shorter than 30 minutes duration.

This would address all mine fire hazards, including situations where a number of short duration fires occur. Should the definition for accident in 50.2(h)(6) be revised to include all unplanned underground mine fires, or fires of a particular type or duration, or occurrences at particular locations in the mine?

**We believe the criteria in part 50.2(h)(6) should not change. Generally, these smaller fires get investigated and the mine operator puts provisions in place to prevent similar occurrences.**

We understand the importance of mine fires and the reporting of such. We do not believe that every mine fire needs to be reported. For example, a mechanic is cutting a piece of metal. A small amount of grease next to the cutting torch catches on fire. The mechanic taps it and puts the fire out. Is this going to be a fire that needs to be reported? Is MSHA going to make a determination as to what is reportable or leave this up to the company? If MSHA is wanting every fire reported we believe they will become overwhelmed and complacency will become the norm. We feel that the 30 minute time frame will address those fires of a significant exposure and duration. We do not see any reason for change this regulation for reporting fires.