

We have been told that the new rule eliminates mine operator compliance sampling; furthermore, compliance sampling will be reduced by as much as 90% with substantial increases in unhealthy respirable dust concentrations by as much as four times the current dust levels. **At the maximum, dust levels would have to go well over 9 mg before MSHA would issue a citation.**

Moreover, instead of MSHA verifying the mine operator's dust control plan, the new rule allows the mine operator to verify their own plan -- **we call this letting the fox guard the hen house!** There will not be full shift compliance sampling, and in some mines, the rest of the mines will be sampled only one shift a year. **And, what about the mandatory requirement for continuous dust sampling – it's not in there!**

With the higher levels of dust permitted as recommended by the proposed rules, we may very well see an increased danger of mine fires and explosions. This year alone, three fires have broken out at three long wall mines owned by Consol Energy.

Along with countless other miners, I remember well the days of dust so thick one could not see his buddy working along side of him. Furthermore, if I were still working in the mines today, I would not be willing to go back to those working conditions again. Moreover, I am not willing to sit by and allow today's coal miner to labor under those horrible conditions without lifting my voice in condemnation of such inhumane working conditions.

In the past few years, our VBLA staff person has talked with and assisted several miners in their forties and fifties that have been diagnosed with complicated black lung. **Now, imagine this same scenario in the next few years, and look at how young and disabling the miners will be if MSHA goes ahead with these proposed rules.**

Clearly, these proposed rules ignore the 1969 and 1977 Mine Act, the 1996 Federal Advisory Committee Report on recommended actions for the elimination of pneumoconiosis among coal miners, NIOSH criteria, and ultimately, the health and long life of coal miners.

Sincerely,



Boone Sutherland
Rt. 2, Box 588
Haysi, Virginia 24256

AB14-COMM-155
AB18-COMM-151

U.S. Dept. of Labor

MSHA

2003 JUL 14 3:14

RECEIVED Office of
Standards, Regs,
and Variances