
Received

18 MAR 2002

MSHA/OSRV

-----Original Message-----

From: Derick, Link (TM 2713 [mailto:lderick@RAG-American.com])

Sent: Monday, March 18, 2002 11:15 AM

To: 'nichols-marvin@msha.gov'

Cc: Burggraf, Chuck (CO) 7581; Conkle, Dick (TM)

Subject: Mine rescue Meeting

Marvin,

Sorry that I cannot attend this meeting, since I will be in a corporate training session in Baltimore. We are very interested in the process and outcome and will actively comment.

Link

AB 20 - Comm - 1

.....
-----Original Message-----

From: Risk Management [mailto:riskmgmt@eastky.net]
Sent: Saturday, March 16, 2002 1:00 PM
To: nichols-marvin@msha.gov
Subject: mine rescue.

Received
18 MAR 2002
MSHA/OSRV

I am holding for my cheese, you will need to send asap due to the reduction in the price of coal.

I note that in F page 5 of the RIN 1219-AB20 note of public meeting that part F was rejected as "prohibited by the Mine Act". This was not the point of the presenter in that STATS that had mine rescue teams divide a portion of the Assessment generated by the agency that is in the general fund . The Senator from Kentucky had a like for the idea.

I hope that as you re look mine rescue you would re think this as some states do not have full time paid team members.

Thanks
Joe Jacobs

AB20-Comm-2

INDUSTRIAL SCIENTIFIC
CORPORATION

1001 Oakdale Road Phone (412)788-4353
Oakdale, PA 15071-1500 (800)DETECTS
Fax(412)788-8353

MSHA
C/o Marvin W. Nichols, Jr.
Office of Standards, Regulations and Variances
4015 Wilson Blvd.
Arlington, VA 22203

Received
28 MAR 2002
MSHA/OSRV

To be read at the public meeting concerning mine rescue teams on March 28, 2003 at the National Mine Health and Safety Academy.

INTRODUCTION:

Industrial Scientific Corporation, the largest manufacturer of portable gas detection products in the world, was originally established with the sole purpose of preserving the lives and safety of underground miners. ISC has been the primary supplier of portable gas detection and monitoring equipment to the underground mining industry, and in particular, mine rescue teams, in the United States for many years. ISC has been and will continue to be a strong supporter of mine rescue teams and mine rescue competitions, as well as supporting MSHA's efforts to enhance the competence and availability of mine rescue teams and equipment. We are fully supportive of this current forum and will contribute in any way possible. Unfortunately, the writer was informed of this meeting fairly recently and was already committed to a full day of training on mine gases and gas detection at a metal/non-metal mine facility. Therefore he would ask that these comments be read into the record.

COMMENTS:

General Comments regarding team availability and participation:

With regard to mine emergencies, two important factors are prevention and preparedness. Everyone in attendance at this forum hopes that their mine rescue team never gets called upon to respond to an actual mine emergency, but at the same time continuously strives to have the best trained, best prepared team in the event that they would be so called. Therefore, the best programs would be those that address both issues: prevention and preparedness. With that in mind, I would like to make the following general comments.

1. I would like to recommend that MSHA establish a program comparable to OSHA's Voluntary Protection Plan program. Under the VPP program, operators that meet certain safety goals, and implement certain programs (in close cooperation with the regulatory agency) qualify for a reduced level of enforcement inspections and hence fewer citations and fines. The experience of the OSHA VPP program is that it really does maintain reduced incidence and severity rates. It also involves a large number of people at the site actively supporting safety programs and fosters an increased general awareness of safety issues. In an MSHA comparable program, one of the requirements to attain the "Star site" or highest level of recognition could be the establishment of two fully trained and fully equipped mine rescue teams on site. This kind of a program would address both prevention and preparedness in a way that provides real incentives for the mine operator, while potentially providing additional mine rescue team availability.

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Provide: Best customer service available

AB20-Comm-3

2. I would recommend that MSHA and the various mine rescue and mine safety associations embrace the idea of having two levels of mine rescue teams. The higher or second level teams would be mine rescue teams as we know them today; fully trained and equipped to handle any potential mine emergency at a moments notice and/or to service other mines in their area as needed. Lower or first level teams could be considered to be mine response teams; would have a lesser level of training, perhaps not be as fully equipped, and would not be prepared or permitted to enter all mine emergency situations. However, they could be trained and permitted to handle less serious situations and/or first assessments depending on conditions. The following is not intended to be a hard recommendation, but only an example. For example, a mine response (first level) team might be permitted to make a first assessment of a situation at their own mine to the extent that 1) mine communications are still operative, and 2) visibility is still good, and 3) all atmospheric conditions are within "safe" limits, and 4) travel is restricted to one hour walk from the mine entry point, and 5) each team member carries, on his person, a one hour SCSR. They could also be prepared to handle first aid, surface activities during mine emergencies, hoisting protocols, etc. Having a first level mine response team category might provide a quick response capability prior to the arrival of a rescue team. It would also provide an opportunity for participation at smaller mines where financial support is limited. It would also provide a training ground for Level 2 teams, either at the same mine or for a local mutual aid team. In addition, a first level response team could become one of the steps toward complete VPP program acceptance if 1. above, is adopted.

3. Recently, millions of dollars in federal grant money have been made available to emergency responders (Fire, Police, EMS, Urban Search and Rescue). While these are generally publicly funded organizations or teams, they are no more or less important than our privately funded mine rescue teams. The victims of mine disasters are likewise no less important or valuable than other victims. I would strongly recommend that MSHA exert some political pressure to allow privately funded mine rescue teams to apply for these grants as well. In fact, the case could be made that our mine rescue personnel are better trained to handle certain types of disaster situations than other responders, and could be called upon for some public disasters as well. Thus they should qualify for the same types of grant funding as other emergency responders. If the grant money could be used for training as well as equipment, then it could also take some of the pressure off of financially burdened mining operators to maintain their teams. I also believe that this would result in better training for our teams, since 1) grant applications would have to show very detailed and structured training plans, and 2) more resources would be available for training.

General Comments regarding training

1. With respect to training, I believe that every team member should have a minimum of one day per month of training. If Level 1 teams are established, they should have a minimum of one half day per month of training. I also believe that there should be a minimum number of required hours of training in each of several categories, to insure competence in all areas of mine rescue; i.e.: apparatus, instrumentation, first aid, hoisting procedures, mapping, emergency construction, in mine simulations, etc.

2. I believe that any fully trained underground miner, whether an employee of the operator, a contractor, supplier or regulatory agency should be permitted to be on a mine rescue team, as long as he/she can train with the team regularly and participate in any rescue contests or MERD that the team does. However, I also believe that a mine rescue team instructor should have minimum requirements in terms of years of underground experience, years of mine rescue experience, and the passing of an instructors competency test.

3. I also believe that, since competitions are some of the best learning experiences for mine rescue team members, "training credit" should be given.

4. I believe that every mine rescue team should be required to participate in at least one MERD or MSHA sponsored mine rescue competition per year that is actually conducted underground in an operating mine or training facility, where the team can work under actual conditions rather than simulated or placarded conditions.

Specific Comments:

The following comments are directed towards specific issues related to hazardous gases and the detection of those gases in mine rescue situations, since those are the areas of Industrial Scientific's expertise.

1. Virtually every real life mine emergency situation in which a mine rescue team may be used, will involve gas or atmospheric problems in the mine; whether they be as a result of explosion, fire, roof falls blowing out stoppings, bleeders, fans down, etc. It is absolutely imperative, therefore, if we want to insure that mine rescue teams are competent and prepared, that every team has a qualified gasman who knows and understands the gas hazards. In a real emergency situation, he must be prepared, to monitor those hazards, even in unusual situations, but also to calibrate and/or repair instruments in a very timely manner to expedite the team's entry. Industrial Scientific has worked hard over the last eight years to introduce the Gas Detector Bench Contest into mine rescue competitions, in an effort to elevate the competency of teams in the area of gases and gas detection. The contest has been adopted into the 2002 National/International Metal/Non-metal Mine Rescue Competition. I would strongly recommend that this contest be adopted into the National Coal Competition as well. As in metal/non-metal, Industrial Scientific will offer to sponsor the competition, provide trophies, develop problems, train judges, and actually run the regional contests during the first year prior to its introduction into the nationals. In addition, I would further recommend that this contest be increased in difficulty and complexity each year in order to elevate the expertise of the teams.
2. Each mine rescue team should have at least three multi-gas monitoring instruments (captain, gasman and spare) capable of measuring up to 5% methane, oxygen, and toxic gases normally or potentially encountered in their mine (always carbon monoxide, plus nitrogen dioxide, hydrogen sulfide or others if applicable). Mine rescue instruments should be equipped with on board data logging, so that they will record all conditions encountered and can be downloaded upon completion of duties. Every team member should know how to use these instruments, and at least one team member (the gasman) should be capable of calibrating, troubleshooting, repairing, replacing sensors and other parts, and verifying proper operation. The mine rescue instruments should be calibrated and maintained monthly by a team member, not by someone else at the mine.
3. In emergency situations mine rescue teams should also be equipped with instruments capable of measuring carbon dioxide, high volume methane, and toxic combustion products. Understanding the financial burden that purchasing this additional instrumentation might place on some mines, Industrial Scientific is prepared to create a number of "mine emergency kits" to be continually ready to go. These mine emergency kits will be available to teams or to MSHA on a rental basis for training purposes. In the event of a mine disaster they will be shipped directly to the teams on site.
4. In addition, Industrial Scientific is prepared to offer training, as needed, to mine rescue teams and MSHA personnel on hazardous gases and gas detection equipment.

Respectfully submitted,

Richard H. Black, CMSP
Business Manager - Mining

Received
28 MAR 2002
MSHA/OSRV

ROBERT MCGEE

Commonwealth of Pennsylvania
Department of Environmental Protection
Bureau of Deep Mine Safety

March 27, 2002

On behalf of the Pennsylvania Bureau of Deep Mine Safety, I would first like to thank Mr. Lauriski for providing this forum on the subject of mine rescue and emergency preparedness.

Mine workers and operators alike in the Commonwealth of Pennsylvania are all too familiar with the tragedies associated with mine disasters. Any opportunity to continue to make improvements in this area is both welcomed and encouraged.

In 1979, in anticipation of Part 49, Deep Mine Safety laid the foundation of our existing mine rescue program. Bearing the responsibility for the health and safety of underground miners in Pennsylvania, the Bureau has recognized that our role as educators is at least equal to - if not greater than - our duty to enforce the mining law.

In Pennsylvania, the requirements of Part 49 are met either by company-trained programs at larger operations or through written agreement with the Bureau of Deep Mine Safety. At present, we provide complete Part 49 services for 82% of our bituminous mines, 91% of our metal and nonmetal operations, and 100% of our anthracite mines. Our diversity has provided numerous challenges over the years which have helped and continue to help us improve.

Having said that, I'd like to provide a few comments to the issues outlined in Mr. Lauriski's letter dated March 7, 2002 from the Bureau of Deep Mine Safety.

Regarding the availability of mine rescue teams, we feel that all of mining could be better served by MSHA funding all or part of the costs related to emergency preparedness. These costs, which include the purchase and maintenance of items required by Part 49, as well as the costs associated with the training of mine rescue teams, limit the number of operations that would consider such an undertaking.

In Pennsylvania, for example, the cost of the required maintenance of equipment at our three mine rescue stations over a recent ten-year period totaled approximately \$500,000.

Membership on mine rescue teams has been a very dynamic process with many experienced mine rescue members retiring or no longer participating as team members. This loss of experience and the lack of readily available and interested miners to take their place has been dramatic. Although BDMS believes that mine rescue team membership must include a work history of working in an

AB 20- Comm-4

that mine rescue team membership must include a work history of working in an underground mine, there may be some benefit in revisiting the employment history requirement described in paragraph 49.2(c) of the standard. The knowledge gained through working in the underground environment is essential; however, the present time frame requirements may exclude some individuals who have the desire, physical attributes and aptitude to become effective mine rescue team members.

The training of mine rescue team members is quite prescriptive in the statute. The initial 20-hour training requirement is not waived even for experienced miners who have had a break in service. This could result in these experienced team members not rejoining the ranks because of the time commitment placed on the operator. One possible solution could be that re-qualification is accomplished through a practical exam and/or demonstration of the individual's knowledge of mine rescue apparatus and principles.

Pennsylvania is unique in that three types of underground mining are represented. Cross training is conducted at every opportunity as we routinely conduct MERD programs at mines of our participants and at underground laboratories maintained by MSHA and NIOSH. These exercises are conducted at least 2 times per year and are counted toward Part 49 training. We agree that Part 48 requirements could be satisfied by this type of training. Additionally, we would suggest that operators not overlook mine rescue personnel as a resource to enhance other training programs. For example, mine rescue trainees could be utilized in a company's annual refresher training for subjects such as emergency response, gas detection, communications, fire fighting and first aid.

Mine rescue team instructors need to have a vast amount of knowledge of the logistics of conducting mine emergency operations. Qualifications, which limit the pool of possible instructors, should be understood and evaluated. Certainly the knowledge of underground mining methods, equipment, and technologies, as well as practical underground experience, should be part of the required elements for an effective instructor. It should not, however, eliminate the use of mining engineers and other technical personnel for the purpose of training miners in the principles of mine rescue.

Mine rescue has evolved from a program pioneered by the United States Bureau of Mine's rescue teams who were employed by the government. Part 49 prescribes the ways but does not provide the means to assure that the nation's mines are adequately equipped with the specialized equipment needed to protect the rescuers. It has been noted earlier that if the equipment was provided by the government, this could remove some obstacles from those wanting to have the capabilities but lacking the resources. The economics of mining drives many decisions of those attempting to do business in the global arena. Any policy or rule that provides resources to stabilize and complement mine rescue training efforts is encouraged.

Thank you for the opportunity to provide these comments. Please visit our web site for specific information on the Commonwealth's mine rescue program at <http://www.dep.state.pa.us/dep/deputate/minres/dms/>.

From: Kovac, John G. [jkk5@cdc.gov]
Sent: Tuesday, April 02, 2002 12:34 PM
To: 'comments@msha.gov'
Subject: National Mine Rescue Association & Veterans (Bob Peluso's) commen ts



NMRA&Veterans.ppt

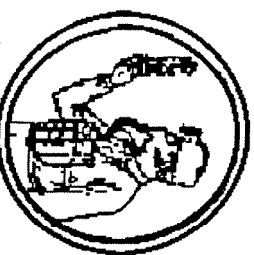
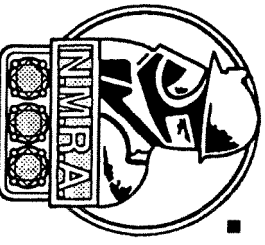
To who it may concern:

Attached please find a Power Point file that formalizes the presentation given by Bob Peluso on behalf of the National Mine Rescue Association and Veterans of Mine Rescue at the public hearing at the Beckley on March 28, 2002 <<NMRA&Veterans.ppt>>

Received
2 APR 2002
MSHA/OSRV

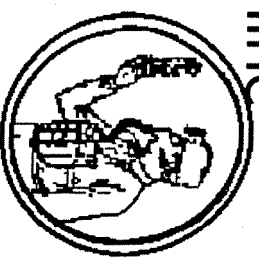
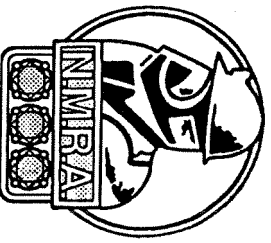
Background

- National Mine Rescue Association
 - Founded 1924-*Smoke Eaters Association*
 - 12 Posts
 - NMRA National Post, PA
 - Welch, WV
 - London, KY
 - Western Maryland/ North-Central West Virginia
 - Tri-State (PA, WV, OH)
 - Big Stone Gap, VA
 - Birmingham, AL
 - Benton, IL
 - Beckley, WV
 - Madisonville, KY
 - Washington, IN
 - Western Post, ND
- Veterans of Mine Rescue of the Pittsburgh District
 - Founded 1928



Objective

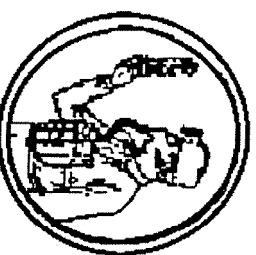
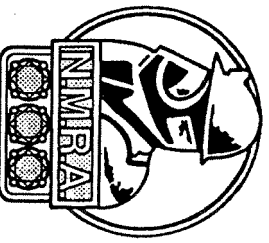
- “The object of this association is for the advancement of the sciences and engineering practices related to the prevention and control of mine fires and explosions, the safety and effective methods of mine-rescue and recovery operations following mine fires and explosions, the professional improvement of its members, and the encouragement of social activity among persons who have been engaged in mine-rescue and recovery operations. ”





Issues Committee

- All materials developed by the NMRA/Veterans should be applied to Coal and Metal/Nonmetal Mine Rescue Teams
- Issues Books
 - Life Lines
 - Incident Command System
 - Fire Brigades
 - Mutual Aid Agreement
- Found at www.miningorganizations.org

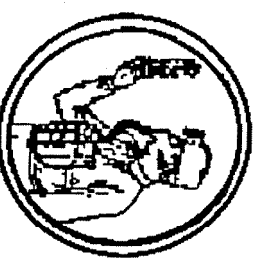
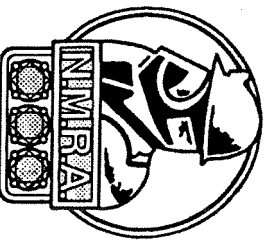


www.miningorganizations.org



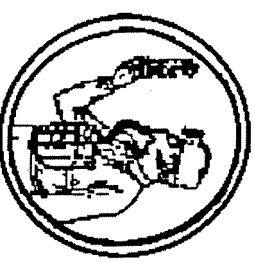
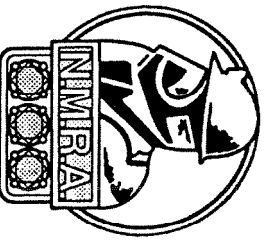
Life Lines

- A life line should be used in mine rescue, because it is a safe line of retreat.
- A lighter, stronger life line, which can be more easily deployed should be used
- A life line that can be deployed in sections (200 ft per team member – 1200 ft total length) should be used
- Radios which allow all team members to communicate with each other as well as the fresh air base should be used



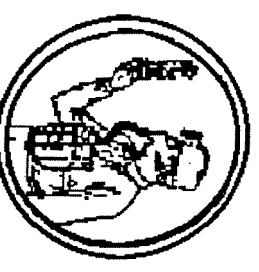
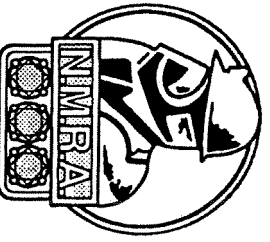
Mine Emergency Command System

- A Mine Emergency Command System is an organizational structure designed to respond to any mine emergency.
- Series of flowcharts that gives management of a mine emergency appropriate controls for dealing with: Command, Liason, Information, Safety Operations, Planning, Logistics, and Finance
- Consideration should be given to making MERDS for management a requirement.



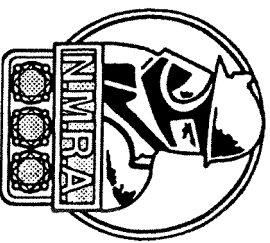
Mine Rescue Team Reciprocity Agreement

- The Issues Book contains a sample agreement that is legally sound and can serve as a basis for a contract between mine operators to provide rescue teams in the event of an emergency.
- It deals with issues arising from liability considerations, wages, and shared responsibility.



Virtual Reality CD-ROM

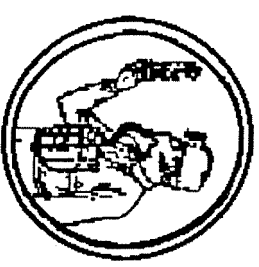
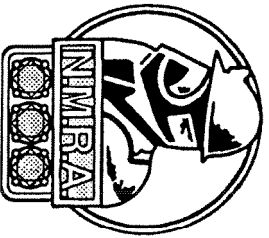
- NMRA and Veterans developed a demo CD for training mine rescue teams using virtual reality.
- Both expensive to create, and requires mine rescue expertise in its development
- MSHA and NIOSH should invest time and funding to periodically generate realistic training via virtual reality.
- Virtual reality training can be adapted to meet all health and safety training.





Incentives

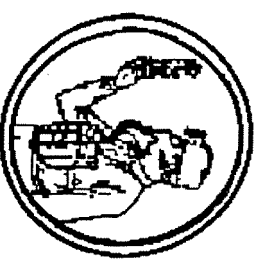
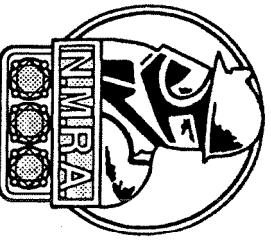
- Funding from other Government agencies (examples: FEMA, DOD, DOE) should be investigated.
- Mine rescue teams can be usefully deployed for other emergencies (examples: 9/11, Three-Mile Island, urban search and rescue)





Foreign Countries

- Mine Rescue arrangements, programs, and contests in foreign countries should be studied and evaluated for its applicability to U.S. problems.



MSHA
Offices of Standards Regulations & Variances
40150 Wilson BLVD
Arlington, VA.

3-25-02

Received

*15 APR 2002
MSHA/OSRV*

Re: Public Meeting – Mine Rescue – Beckley, WV. March 28, 2002

Please add the following Arch Coal Inc. comments to the public record for the above-mentioned meeting.

1. Arch Coal Inc. does not support the implementation of any new regulations that will require companies to expand the current training and qualifications of mine rescue team members. The current regulations are more than sufficient to provide the training needed. The current rules and provisions of Part 49 need to be altered to allow for flexibility in training times for current members and qualifications of non-training, former members.
2. Arch Coal Inc. would like to see some move by the agency to require MSHA personnel to be present at the district office 24 hours a day, 7 days a week, in the event a mine rescue team is working underground on an actual mine emergency. The MSHA personnel stationed at the mine do not have the authority to make changes needed by the mine without calling someone that may be at a ball game, shopping, out to eat, etc. A person with the ultimate authority to make the decisions should be at the district office with all facilities at his disposal.
3. Arch Coal Inc. also requests that all inspections of mine rescue stations be conducted to allow for correction time in the event a possible citation is issued for anything other than mine rescue equipment maintenance.
4. Provide additional monetary assistance to all companies that are maintaining qualified mine rescue teams. Provide the assistance according to the number of teams that are maintained. The additional funding could be appropriated through the MSHA budgeting process, with MSHA help in new legislation, or appropriation of funds from one of the Sept. 11th funds that cover protection of energy services.

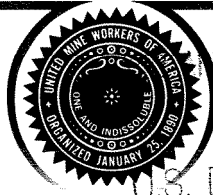
Thank You,

Charles Russell III
Director- Corporate Safety
Arch Coal Inc.

AB20-Comm-6

RECEIVED Office of Standards and Regulations
April 26, 2002

United Mine Workers of America



APR 30 AM 9:15 TELEPHONE (703) 208-7200

MSHA
U.S. Dept of Labor

UNITED MINE WORKERS' HEADQUARTERS
8315 LEE HIGHWAY

Fairfax, VA

22031-2215



April 26, 2002

Mr. Marvin Nichols
Director, Office of Standards, Regulations and Variances
Mine Safety and Health Administration
4015 Wilson Boulevard,
Arlington, VA 22203-1984

Dear Mr. Nichols:

On March 28, 2002, MSHA held a public meeting regarding the current state of availability, quality and preparedness of mine rescue teams. This letter contains additional comments in response to that meeting.

As a starting point, it must be noted that the Federal Mine Safety and Health Act (the Act) under Section 115(e) requires mine rescue teams to be available for rescue and recovery work for each underground coal mine. The Act directed MSHA to develop regulations implementing that requirement. Regulations implementing Section 115(e) of the Act went into effect in 1980.

While those regulations brought about effective mine rescue protections for miners in that era, things have since changed. Miners no longer can count on a large number of well trained and highly skilled mine rescue teams being available to respond to mine emergencies. The major reason for this is that several mines have closed, thus eliminating their mine rescue teams' many mines across the country have reduced their number of mine-based rescue teams. Many large coal mines that once had two teams have reduced to one as a cost savings measure. Mine operators are relying more and more on mine rescue teams that are not single-mine-based teams. Some are state teams made up of state inspectors from across the state. Some are association-type teams made of miners and supervisors from different mines, sometimes are combined with state Agency officials. Many mine operators have apparently found it cheaper to sign an agreement with an association or state rescue team than have their own team. The backbone of the mine rescue team structure, which are the individual mine-based teams, has diminished as a result. At an estimated cost of nearly a quarter of a million dollars a year to maintain a team, the burden of individual mine-based teams has fallen on a few.

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MSHA statistics provided at the March 28, 2002, mine rescue conference showed that the number of coal rescue teams in the United States dropped from 133 in 2000 to 118 teams in 2001. That is a disturbingly large reduction to occur in the space of one year. The MSHA statistics also identified the dilution of mine operator teams. According to the data the Agency collected in 2000, there were about 71 company funded teams that provided mine rescue coverage for some 235 mines. That left about 62 of the other state or association type teams to provide rescue team coverage for nearly 600 mines.

Many mine rescue teams do not participate in competitions designed to prepare the teams for mine emergencies. According to statistics provided by MSHA, of the 118 coal mine rescue teams existing in 2001 throughout the United States, 44 % did not participate in competitions at all. Mine rescue teams must rely on other teams to back them up when they enter a mine to conduct emergency work, which can far too often be life threatening. Like miners, rescue teams want and need well trained and prepared teams they can count on.

Mine operators who have teams are reluctant to send their teams to other mines in response to mine fires and explosions if there are no miners trapped or otherwise in jeopardy. Once miners or victims are retrieved following a mine emergency, it is now expected that mine operators pull their teams from the mine if it is not one of their mines.

The shortage of mine rescue capability is placing increased burdens on miners. Because of the reduced number of rescue teams, miners, who often lack the extensive mine rescue preparedness and training are being cast into increasingly crucial roles during mine recovery following a mine fire or explosion. This places them at greater risk. Recovering a mine following a mine fire or explosion is not only different from the normal mining activities miners have been trained to do – it can be more life threatening.

The diminishing number of mine rescue teams in the United States and the problems incurred as a result of this have been recognized for some time. Several meetings and conferences have been held on this important issue over the past 8 years where both labor and industry have expressed similar concerns. Unfortunately, we continue to discuss the same problems without solution.

Many industry officials have held that the deterioration in the numbers of mine rescue teams and the lack of competition participation is a matter of money. One approach that has been pursued over the past few years is the development of financial incentives to increase the number of mine-based teams and the amount of team training and competition. To date, this plan is simply not succeeding. In the March 12, 2002, Federal Register it was announced that penalties could not be adjusted for mine operators that provide mine rescue teams. MSHA has been urged to look at other possible reasonable incentives. If such reasonable incentives cannot be developed quickly, there will be no recourse other than to revise the rescue team rules contained in Part 49 of Title 30 of the CFR. Such revisions would have to require mine-based rescue teams that are well trained and tested through competitions as the rule instead of the

exception.

In closing, I urge MSHA to act quickly and effectively to respond to the continued decline in the number and quality of mine rescue teams. We also offer our assistance to improve the quality of mine rescue teams for the nation's miners.

Sincerely,

A handwritten signature in black ink, appearing to read "J. A. Main". The signature is written in a cursive style with a large initial "J" and "A".

Joseph A. Main
Administrator, Occupational
Health and Safety

O. GENE DISHNER
DIRECTOR

CHARLES M. HALE, JR.
CHIEF DEPUTY DIRECTOR

BENNY R. WAMPLER
DEPUTY DIRECTOR

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2002 APR 26 PM 4:48

MSHA
U.S. Dept of Labor
COMMONWEALTH of VIRGINIA
Department of Mines, Minerals and Energy

Division of Mines

P.O. Box 900

Big Stone Gap, VA 24219-0900

(276) 523-8100

Frank A. Linkous, Chief

April 24, 2002

Department of Labor
Mine Safety and Health Administration
Office of Standards Regulations and Variances
4015 Wilson Boulevard
Arlington, Virginia 22203

Re: Mine Rescue Teams, Public Hearing, March 28, 2002, Beckley, WV
Comments on the current state of availability, quality and preparedness
of mine rescue teams

Thank you for this opportunity to provide written comments relevant to the public hearing conducted March 28, 2002, at the National Mine Safety Academy concerning issues facing the nations' mine rescue standards and capabilities. The Commonwealth of Virginia, like other states employing underground mining operations, is concerned with the reduction in mine operator supported rescue teams available for emergency response when needed by our miners.

The Coal Mine Safety Laws of Virginia allow the Director of the Department of Mines, Minerals, and Energy (DMME) to establish a "state-designated" mine rescue program. Currently, the DMME, Division of Mines coordinates this program with three coal company mine rescue teams that function as state-designated mine rescue teams. These teams provide mine rescue services for 52 underground mines in Virginia that have no other resource for meeting Part 49 requirements for mine rescue coverage.

The following recommendations are offered MSHA for consideration in enhancing the viability of mine operator sponsored mine rescue programs.

1. Training and Contest Activities

- a. The national mine rescue competition rules should be amended to provide for mine rescue contest problems that incorporate the practical elements of coordinating mine rescue work in briefing and debriefing of mine rescue teams, two mine rescue teams working together at the fresh air base, command centers, and rotation of teams during the working of the same problem.

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- b. State agencies and/or MSHA should develop and make available a practical underground Mine Emergency Rescue Drill (MERD) exercise for mine rescue teams to participate in each year.
- c. Mine rescue contests should provide time and resources for a problem review session at the completion of the fieldwork. This would bring competing teams together to review the problem, concepts, and design and layout. Also, during this session, training on various topics specific to mine rescue teams could be provided. (such as, teams working outby the fresh air base and those working inby the fresh air base, functions of command centers, etc.)
- d. 30 CFR Part 49.8 (a) should be revised to allow an active miner who is an experienced mine rescue person not presently on an active team, to be available as needed after receiving refresher training on the breathing apparatus being used; in lieu of the current required 20 hour training. For example, if an emergency arises at an operation that requires mine rescue services, and additional people are needed, personnel that have prior experience as mine rescue team members and that are physically capable should be allowed to work during the emergency, once they have received refresher training on the use, care and maintenance of the breathing apparatus used by the rescue teams.
- e. 30 CFR Part 49.8 (b) should be revised to allow greater flexibility in meeting required training for team members. Presently team members are required to receive at least eight hours training every two months. Mine Rescue Teams that compete in local mine rescue contests and MERD exercises receive additional hours of training that may not be credited to the 40 hours required by this section. This section should be revised to state that a total of 20 hours of approved training be received in a six month period.
- f. 30 CFR Part 49.8 (b1) This section requires teams to have a training session underground each six months. If a mine rescue team participates in an underground MERD exercise monitored or directed by representatives of State agencies and/or MSHA, this should be credited for the underground training requirement for that year.

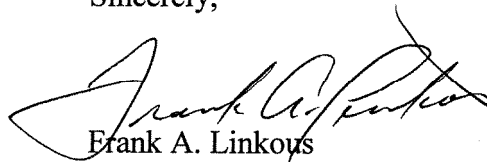
2. Financial Incentives For Mine Rescue Program

Financial assistance for mine rescue should be given priority through federal grants. Grants received should be administered by the State and distributed to those companies maintaining mine rescue teams that meet certain qualifications, such as:

- Mine Rescue Team participating in the "State-designated" Mine Rescue Program
- Operations maintaining a mine rescue team
- Mine Rescue Team participation in a mine rescue contest
- Mine Rescue Team participation in a State and/or MSHA directed MERD exercise

3. MSHA should develop a contingency plan that would address the requirement for an underground operation concerning mine rescue coverage if no mine rescue teams are available.
4. MSHA should recognize mine rescue stations that only have one (6 member) mine rescue team, as a "TEAM". However, before the team could work in a disaster, backup would have to be available.
5. Mine rescue instructors should possess underground mining experience, have practical experience as a mine rescue team member and have completed an approved State or MSHA instructor's training course.

Sincerely,



Frank A. Linkous
Chief, Division of Mines

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MSHA
U.S. Dept of Labor

April 26, 2002

Mr. Marvin W. Nichols, Director
Office of Standards, Regulations & Variances
4015 Wilson Boulevard
Arlington, VA 22203-1984

Dear Mr. Nichols:

Please be in receipt of my comments concerning Mine Rescue, which was the subject of the public meeting held at the MSHA Academy on March 28, 2002. I did attend that meeting, and gave a very short presentation. My mine rescue involvement includes well over 20 years in Coal, and over 7 years in Metal/Non-Metal.

First, let me begin by expressing dis-satisfaction with the fact that this meeting was not publicized...had I not accidentally been on the MSHA web page on the Friday prior to the meeting, I would not have been aware that it was to be held. I'm sure there are plenty of other industry persons who may have wanted to attend, but were not aware of it. In following, I will address each of the subjects as proposed by the suggested agenda of the meeting.

Availability of Mine Rescue Teams:

MSHA may come up with different means to encourage operators to provide and maintain mine rescue teams, but the crux of the problem is manpower. With the reduced supervisory and labor personnel available, it is extremely hard for companies to "field" teams. Not only is lack of personnel a problem, the cost factor must also be considered.

Whatever incentive MSHA chooses, it must be quite lucrative to industry. Many feel that adjustments may be made in penalty assessments, per the "good faith" passage. Whether this is a viable area or not, MSHA must make that determination.

Mine Rescue Team Membership:

The question of an individual's employment history affecting his ability to serve on a mine rescue team may be interpreted various ways. One thought is that the person should be actively employed in underground mining if he is going to serve on a team. Supporters of this concept would provide many reasons for their belief.

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Closely related, but with a slightly different point of view, is the idea that there should be some time frame marking a "cut-off" as to when it would no longer be okay to serve on the team...say, once the person has been away from active employment in underground mining for over 3 years. This concept infers that after 3 years, the person has mysteriously lost their experience and qualifications.

Totally opposing the first viewpoint, is that there should be NO time limit on his absence from being actively employed as an underground miner to serve on the team. This idea probably would require "some" time frame for absence.

My viewpoint is, that if the person is physically qualified and has current training on the apparatus to be worn, participation on a team should be allowed if they have not been absent from active employment for longer than 3-5 years. The person possibly should receive a prescribed amount of training during the inactive employment time period.

Training for Mine Rescue Team Members:

If a member who rejoins a team should have additional training if the same apparatus is being used: If it is the same apparatus, all that should be required is a short (1 hour) review course.

Should there be joint training of mine rescue teams not located at the same station? Absolutely. Other than an emergency, which isn't that often, the only "association" teams get, is through competition throughout the year. They are working as a singular entity...they need work together...and joint training would do that.

How many hours of joint training is required? I feel that a minimum of 8 hours would be a starting point.

Should teams participate in MSHA contests or MSHA MERDS? I feel that too much emphasis is placed on contest work. To me, a contest serves these purposes: (1) as a public relations thing for companies; 2) as a tool to get the team members to function together; and 3) to sharpen a few skills that may be required when in an emergency situation. I feel more emphasis should be place on MERD's. Whether MSHA sponsors them or not, to me, this is what is needed. Individual companies could conduct drills, inviting other teams to participate, but first, their own sites need to work with the management at that site AND their own teams.

When I have taken my teams to the Mine Academy Fire Lab...I set up the MERD's utilizing our own teams and those teams who have joined us in the training. This allows the individual team members to get the "feel" and experience of what goes on in a command center or fresh air base.

Should teams that participate in MERD's or contests earn training credit? I feel that contests should not be considered as part of the required training...but MERD's should. The current contest protocol could be altered more, but currently would not be considered as training.

How should an individual's employment history in underground mining affect that individual's ability to serve as a mine rescue team instructor?

I feel that an instructor should have a mining background (10-15 years minimum) and should have served on a mine rescue team (minimum of 3-5 years). The only exception to this, would be "specialty" instructors.

A specialty instructor may be a person knowledgeable in a particular subject, but not meet the experience mentioned above. The information they have could serve as being valuable in the overall training of the team. This instruction could be integrated into the overall training of the team, and satisfy the hourly requirements.

In looking at the question from another perspective, I don't feel the person would necessarily have to be an "active" mining employee to fulfill the instructor role. Someone who has retired may serve as an instructor, provided they would meet the requirements.

I also feel that those persons serving as instructors should receive additional training on the various related subjects pertaining to mine rescue work.

Equipment availability, Maintenance, and Testing Requirements

Costs preventing companies from establishing mine rescue teams? I feel the true cost is not in dollars but in manpower...availability of personnel. With the reduced workforce, including both labor and management, this is the major issue.

I feel the currently required testing requirements are satisfactory.

Incentives

This issue was partially addressed previously. I don't really know if MSHA can do anything to provide incentives for companies to sponsor teams.

Individual Thoughts

Some things which I feel would help the mine rescue "world" are:

1. Less emphasis on contest work and more emphasis on real-life training (MERD).
There is a tremendous amount of training that teams could receive which would help them in an emergency situation, other than contest work.
2. I feel the Mine Lab at the Academy requires another full-time instructor and full-time technician. This facility should be devoted almost entirely to training of teams, other than the required blocks that inspectors go through.

The Lab requires additional set-ups and equipment for training. Some of this may be purchased, but other parts could be built on site by the instructors and technician.

3. I feel that each mine rescue team should be required to attend/participate in a MERD at least once every two years, if not every year.
4. I feel the "outside" groups utilizing the lab should be curtailed, so that it could be devoted more to the teams and inspectors.

5. Another item, which I whole-heartedly support, is the combining of Coal and Metal/Non-metal mine rescue. As stated previously, it can be done. The effort at this joint venture most recently, was not "pushed" enough from "the top".

There is too much knowledge and experience on both sides to NOT do this. The miners and the industry is suffering because of the individuals involved not wanting to make this change.

This would definitely be an area for increased training...if a salt mine had a problem and down the road 10 miles was a coal mine...why couldn't the mine rescue team from coal assist? At present, they wouldn't, probably, because "it wasn't coal". Who suffers?

Training scenarios could be set up at the Mine Lab to deal with much of this training...conditions, etc. As far as I know, mine gases, etc., are pretty much the same in all mines, just different levels and different situations....a trained mine rescue team should be able to deal with these situations. Sure, they may not work in that type of mine, but they could be trained to assist if needed.

I thank you for the opportunity to submit these comments. I attended the last meeting in 1995 and have been waiting for something big to happen, and it hasn't yet. I was selected as one of the six-person committee to assist in putting together the rules and protocol to combine Coal with Metal/Non-metal...and that has been stopped. I truly would like to see more positive things occur in mine rescue and would volunteer to participate at whatever level possible.

Respectfully,



Richard Hickman
Safety Manager
Morton Salt Company

Cc: Joe Pavlovich