

TRANSCRIPT OF PROCEEDINGS

In the Matter of:)
MINE SAFETY AND HEALTH ADMINISTRATION)
PUBLIC MEETING)
MINE RESCUE TEAM REGULATIONS)

Pages: 1 through 99

Place: Beaver, West Virginia

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UNITED STATES DEPARTMENT OF LABOR

In the Matter of:)
)
 MINE SAFETY AND HEALTH ADMINISTRATION)
)
 PUBLIC MEETING)
)
 MINE RESCUE TEAM REGULATIONS)

United States Department of
 Labor MSHA
 1301 Airport Road
 Beaver, West Virginia

Thursday
 March 28, 2002

The hearing in the above-entitled matter was
 convened, pursuant to Notice, at 9:07 a.m.

PRESIDING OFFICIAL:

JOSEPH W. PAVLOVICH, District Manager
 United States Department of Labor
 Mine Safety and Health Administration
 Coal Mine Safety and Health District Seven
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P R O C E E D I N G S

9:07 a.m.

1
2
3 MR. PAVLOVICH: Well, good morning, and I
4 appreciate everybody coming to the meeting. We have an
5 excellent turn-out, and probably if we had known we were
6 going to have this many, we would have reserved the Red Room
7 downstairs. But I'm certainly glad to see so many faces and
8 so many people here. And we hope to get a lot of good
9 comments and suggestions.

10 Let me go ahead and start out. We have an opening
11 statement that I'd like to read, that's prepared. I usually
12 don't like to read anything, but for the record we will try
13 and stay as close as possible. And after that, we will
14 begin with our speakers and commenters, and then maybe have
15 an open discussion near the end of the session.

16 For those of you that don't know me, I'm Joe
17 Pavlovich. I'm the District Manager with Coal in District
18 Seven, in Barbourville, Kentucky. And with me up front is
19 Eddie Lopez. Eddie is the Accident Investigations Program
20 Manager for Metal/Nonmetal. And I guess your Acting
21 Assistant --

22 MR. LOPEZ: Acting somebody.

23 MR. PAVLOVICH: -- Deputy Administrator right now,
24 okay, all right.

1 We are here on behalf of Dave Lauriski, who is the
2 Assistant Secretary of Labor. And he certainly wanted to
3 welcome everybody here today, and unfortunately he couldn't
4 be here with us.

5 The purpose of this meeting is to gather ideas and
6 suggestions from the mining community on the current state,
7 quality, and preparedness of mine rescue teams. The ideas
8 and suggestions will be considered by MSHA in determining
9 what actions can be taken to improve mine rescue
10 capabilities.

11 Formal rules of evidence do not apply, and this
12 meeting will be conducted in an informal manner. Although
13 with the microphones at the speakers' table, it doesn't
14 appear to be that way, but we'll do it as informally as we
15 can.

16 Those of you who have notified MSHA in advance of
17 your intent to speak or signed up today to speak can make
18 your presentations first. After all scheduled speakers have
19 finished, others can present additional information or
20 ideas. When the last speaker is finished, we will open up
21 for a general discussion.

22 If you wish to present any written statements or
23 information today, please clearly identify them. When you
24 give them to me, we will identify them by the title as

1 submitted. You may also submit comments following the
2 meeting. We would like to receive all comments within 30
3 days, by April 26, 2002, so that we can fully consider them.
4 So after this meeting, if you'd like to send in some
5 additional comments or some written comments to us, please
6 do that within 30 days, and we'll certainly give them full
7 consideration. And we would appreciate any of those
8 comments that you have.

9 A verbatim transcript of the meeting is being
10 taken, and it will be made available, upon request, to the
11 public. If you want a personal copy of the meeting
12 transcript, please make arrangements with the reporter.
13 However, we will post a transcript on MSHA's website within
14 five days after this meeting. So if you are interested,
15 please check on our website.

16 Additionally, an attendance sheet is on the table
17 at the entrance to the room, so you may register your
18 presence.

19 Before we begin, I'll give some background about
20 why we are here today. In the wake of several mine
21 disasters, Congress promulgated the Federal Mine Safety and
22 Health Act of 1977. Congress believed the ready
23 availability of mine rescue capability in the event of an
24 accident would be vital to protect miners.

1 Accordingly, 115(e) of the Mine Act required the
2 Secretary of Labor to publish regulations requiring that
3 mine rescue teams be available for rescue and recovery work
4 at each underground mine. Section 115(e) also allowed mine
5 operators to make cooperative arrangements to provide for
6 the availability of mine rescue teams.

7 On July 3, 1980, MSHA promulgated a new Part 49,
8 in Title 30 of the Code of Federal Regulations, that
9 included requirements for mine rescue teams in the coal,
10 metal, and nonmetal mining industries. The purpose of the
11 rule was to implement 115(e) of the Mine Act by ensuring the
12 availability of rescue teams at underground mines in case of
13 an emergency.

14 The existing regulation generally requires:

15 One. Two mine rescue teams per mine, and allowed
16 outside coverage teams.

17 Two. Five member rescue teams, with one
18 alternate.

19 Three. Team members to have a minimum of one year
20 underground mine experience within the past five years.

21 An initial 20-hour training course in the care,
22 use, and maintenance of the type of breathing apparatus used
23 by the mine rescue team, and a 40-hour annual refresher
24 training course, four hours each month or eight hours every

1 two months.

2 And a minimum of one year underground mine
3 experience in the past five years for instructors.

4 In 1995, MSHA hosted a Mine Emergency Preparedness
5 Conference here at the Academy. Attendees included Mine
6 Rescue Association members, mine rescue team trainers and
7 captains, operators, state and federal government officials,
8 educators, international representatives, representatives of
9 labor.

10 One outcome of this conference was the
11 establishment of a committee to study the issues identified
12 at the conference, and to make recommendations to MSHA on
13 ways to address those issues.

14 The committee identified a number of needs to
15 improve the mining industry's ability to deal swiftly and
16 effectively with mine emergencies. Some of these were the
17 need to increase the numbers of qualified mine rescue
18 personnel, improve the availability of trained mine rescue
19 teams, assure the quality of contract teams, and provide
20 incentives for mine operators to maintain mine rescue teams.

21 In 1998, MSHA established the Mine Rescue Team
22 Initiative Committee to investigate a decline in the number
23 of available mine rescue teams, to make recommendations for
24 maintaining the quality of existing mine rescue teams, and

1 to emphasize MSHA's commitment to mine rescue.

2 MSHA conducted interviews with industry and labor
3 and state agencies to gather input from all facets of the
4 mining community. Given the passage of time since the
5 committee completed its work, and Dave Lauriski's interest
6 in this matter, we are conducting this meeting to gather
7 current ideas and suggestions concerning mine rescue
8 capabilities and preparedness.

9 This meeting will give mine operators, miners, and
10 their representatives, and other interested parties an
11 opportunity to present their views on the actions that can
12 be taken to result in more effective mine rescue team
13 capabilities. We are specifically interested in comments
14 addressing the following issues, although you are encouraged
15 to comment on any relevant issues relating to mine rescue
16 teams.

17 The information received will help us determine
18 the most effective way to address the changing needs of the
19 underground mining industry and its mine rescue team
20 capability.

21 The first one is availability of mine rescue
22 teams. And the question we would like some response on is,
23 how can mine operators be encouraged to provide for more
24 mine rescue team capability.

1 The second is mine rescue team membership. How
2 should an individual's employment history in underground
3 mining affect that individual's ability to serve on a rescue
4 team?

5 Third is training for mine rescue team members.
6 Should additional training be required for a former mine
7 rescue team member who rejoins a team which still uses the
8 same breathing apparatus?

9 Should there be joint training of mine rescue
10 teams not located at the same rescue station? For mine
11 rescue teams not located at the same rescue station, how
12 many hours of joint training would be required?

13 Should both teams participate concurrently in
14 MSHA-supported mine rescue contests or MSHA emergency
15 response drills, or MERDs?

16 Should teams that participate in an MSHA-supported
17 mine rescue contest, or MERD, exercise earn training credit
18 for each participating member?

19 Instructor qualifications. How should an
20 individual's employment history in underground mining affect
21 that individual's ability to serve as a mine rescue team
22 instructor?

23 Availability. The equipment availability,
24 maintenance, and testing requirements. Comments from the

1 mining community have suggested that the cost associated
2 with the current equipment requirements prevents some mine
3 operators from establishing a mine rescue team.

4 In light of today's mine rescue team needs, what
5 type, amount, maintenance, and testing of equipment are
6 appropriate to ensure the same level of protection for
7 miners?

8 Incentives. The recommendation was received by
9 the Agency to consider an incentive in the form of penalty
10 reductions for mine operators that establish and maintain
11 mine rescue teams.

12 The Agency believes this type of incentive would
13 be prohibited by the Mine Act. We would, however, welcome
14 suggestions on other types of incentives which would
15 encourage operators to establish their own mine rescue
16 teams.

17 We will accept comments on these and any other
18 issues relevant to mine rescue capabilities and
19 preparedness.

20 I have been asked whether we are undertaking a
21 rule-making on mine rescue teams. The issues surrounding
22 mine rescue teams are important to Mr. Lauriski. We intend
23 to use the information gathered at this meeting, along with
24 the other information we have received in the past, to help

1 us decide how best to proceed.

2 We would consider rule-making as a possibility,
3 and are open to hearing your views.

4 As I stated earlier, we will begin with persons
5 who have requested to speak. Following their presentations,
6 those of you who have signed up today will also be allowed
7 to speak. And to ensure that we obtain an accurate record,
8 when you speak, please begin by clearly stating your name
9 and organization.

10 All right. Our first speaker today is Joe Main,
11 with the United Mine Workers of America. Joe, if you would
12 like to come up here to the microphone.

13 MR. MAIN: Thank you, Joe. My name is Joe Main,
14 and I am the Administrator of Health and Safety for the
15 United Mine Workers of America.

16 I'm probably going to do sort of a summary today,
17 Joe, because one of the problems I think myself and others
18 may have faced is that this came up on fairly short notice.
19 I just found out a couple weeks ago that, you know, the
20 meeting was going to be held. And for most of us working
21 these days with a ton of things on our deck, it's hard to,
22 you know, sit down fairly quickly and put all this together.

23 And having said that, I am going to reserve some
24 responses until we have a chance to look --

1 THE REPORTER: Excuse me. Can we get you to speak
2 closer into the mike? They cannot hear you in the back.

3 MR. PAVLOVICH: They can't hear you in the back,
4 Joe.

5 MR. MAIN: Okay. Can you hear me now?

6 MR. PAVLOVICH: Why don't we have you pull it
7 closer to you?

8 MR. MAIN: I'll try to keep that as close as I
9 can. But I will do a summary today, and then do some
10 follow-up later on with more details. Because some of the
11 issues raised in here, we haven't sat down and taken the
12 kind of look at it that we need to.

13 And additionally, I think there is information
14 that you may have that would be beneficial for us to get
15 before we provide some final responses. The questionnaire
16 that was done by MSHA I think about two or three years ago?

17 MR. PAVLOVICH: Yes.

18 MR. MAIN: I don't think we've got the, you know,
19 the feedback on that, and it would be helpful to have that
20 to take a look at what's going on and any updated
21 information that you may have regarding that. I know you
22 surveyed rescue teams and this whole rescue issue across the
23 country. That would be helpful to have.

24 I have been involved in this issue for many, many

1 years. I've had the opportunity to work with many rescue
2 teams across the country, and, you know, from Wilford to the
3 Greenwich explosion. Most recently I spent about three
4 months or more at the Jim Walters Number Five Mine. And I
5 think that's given me an opportunity to have a good
6 appreciation for what we have out there.

7 And having looked at the rescue team structure and
8 capabilities in this country over the last several years,
9 and trying to keep up to speed with what's going on, I think
10 it's given us at least an opportunity to have a good
11 eyesight of what's out there.

12 We have attended a number of conferences that's
13 been held on this subject, going back into the early
14 nineties, and was one of the parties that urged the past
15 Assistant Secretary McIntyre to start focusing on this
16 problem right after he took office. Both the Mine Workers
17 and the BCOA had jointly urged attention by MSHA on a
18 situation we thought was in serious need of some change and
19 repair.

20 We saw a number of mine rescue teams across the
21 country being eliminated. With the downsizing of mines, for
22 one reason. And another was a cost factor, where coal
23 mines -- and I'm going to talk particularly of coal mines in
24 my remarks -- where coal mines had, because of like the

1 financial, or the market conditions, rather, started cutting
2 costs. And one entity that was cut was mine rescue teams at
3 coal mines.

4 I remember various mines used to have two teams,
5 that evolved into a one-team operation. I think you'll find
6 that as the standard today. Mostly mines that do have a
7 rescue team that is a mine-based team is a single, a single
8 team. And there are some back-ups or substitutes they have.

9 But we have lost a lot of teams over the years. I
10 know the last data that I have, and I just saw the sheet
11 that was passed around today, that we had about 124 teams in
12 1997 throughout the United States. And according to this
13 sheet that I just got this morning, it appears that we've
14 got, if I'm reading this right, about 118 teams, which I
15 would, I'd like to have the background information on those,
16 what these teams are. Because I think that's important to
17 this whole discussion.

18 The data we had from 1997 had a breakdown of, you
19 know, where the team was, what it consisted of, which
20 separated out the mine-based teams from the state teams, the
21 contract teams. So I'm not really sure what these numbers
22 mean in terms of the 118 teams. How many of those are still
23 mine-based teams?

24 I think that's a critical issue in this

1 discussion, and has been for many, many years. And as we
2 came to these meetings, we have come here with that as being
3 the most important issue that we think faces the industry
4 and MSHA with regard to mine rescue capabilities in this
5 country. And that we have this deterioration of the numbers
6 of rescue teams, and we have the deterioration, we believe,
7 in the quality of teams that exist, because of the different
8 types of teams that are being created that are allowed to
9 fit the so-called letter of the law, as far as contract
10 teams or association teams.

11 And when you get down to the bare bones issue
12 here, when you have a mine emergency, are you going to have
13 the quality teams there, at strength, well-trained,
14 well-skilled, to go in and carry out the emergency response?
15 I think we're getting dangerously close to a situation where
16 that's no longer a guarantee. And I'm going to give you a
17 couple, couple situations and a couple reasons where I think
18 that's the case.

19 The last two major mine emergencies that we had in
20 the east probably, where there's been a large use of mine
21 rescue teams, has probably been the Loverage Mine, where you
22 had the fire, I think it was in June of 2000. And the Jim
23 Walters Number Five Mine disaster last year.

24 We were probably really fortunate in those two

1 cases, because we probably had some of the best base teams
2 and most experienced teams that was available to respond to
3 those.

4 In CONSOL's case, CONSOL probably has the largest
5 number of mine rescue teams in the country. I would say
6 when you look at those numbers, that would be my guess. And
7 was probably the best-equipped, or one of the best-equipped
8 companies with a mine rescue team to respond to an
9 emergency.

10 In the Jim Walters Number Five Mine situation, I
11 think you had, again, the company that maintains a team at
12 every mine, which they had their three mines with rescue
13 teams, plus the large mines that was in the general
14 vicinity, which was Shell Creek, Oak Grove, and North River,
15 had quality teams that were well-experienced and capable.

16 And you had a state team structure that's
17 different than what we have in some of the other models.
18 Which, and I think that's something we all need to look at.
19 When we talk about state teams, what is it that really
20 exists here. But, and their state teams was made up of
21 employees of Jim Walters, Shell Creek, and P&M, that I think
22 had a lot of experience and practice. They was, you know,
23 kept up to speed, and was prepared to respond to mine
24 emergencies.

1 So you had a core group of teams that was close
2 by, that was ready to respond. And I don't think that's the
3 case when you start looking outside the CONSOL Leverage
4 model and the Jim Walters model, should you have a mine
5 emergency occur at a mine that has no mine rescue teams,
6 that has no rescue capability that exists.

7 I worry about, having been involved in those
8 situations, about having quality teams there to do the
9 recovery work, and quality teams to back up the teams who
10 are actually in doing the work. I know if I was on the team
11 on an advance in the precarious situations we place the
12 teams in, and had to rely on a team that I had no real
13 knowledge if they had any experience or, that the quality
14 was there for them to respond, I would be very, very
15 concerned about that. And I think teams ought to be.

16 But as you walk through what's happening in the
17 industry is that when you have a mine emergency, and you
18 have lives in danger, you're going to have responsible teams
19 responding. But I think once that, the recovery of the
20 victims takes place, you have a different set of rules that
21 exists, that a mine operator is not going to easily subject
22 their teams to continue the process of rehabbing a mine or,
23 or putting the mine back in some kind of control where it
24 can go back in a mining operation. And I think there's a

1 lot of us that understand why they do that. You know,
2 sitting in the same situation, we'd probably be making the
3 same decisions.

4 At CONSOL you had a situation where you had a
5 large number of teams that could go in and do the mine
6 recovery work with rescue teams. At Jim Walters, whenever
7 the other teams left, which was the other companies', after
8 we completed the recovery of the victims, you still had a
9 base of Jim Walter teams that was there, that was capable
10 trained to continue the recovery process.

11 You also had teams that knew that mine, and knew
12 the conditions of the mine, going in from the outset. But
13 as the transition left for them to take over the recovery
14 operations, you know, they had a pretty good handle on that
15 mine.

16 Take a mine that does not have that mine rescue
17 team presence at that mine, that knows those things, and is
18 able to take over whenever the rescue teams do leave. Where
19 do we go? And I think that's a concern that we all should
20 have, because that's a reality, and it is going to hit us
21 somewhere someday.

22 One of the concerns we have, too, with the
23 depleted rescue team structure in this country is the
24 reliance on the using of miners to do what was traditionally

1 mine rescue work. And when you think through where we were
2 at 20 years ago, we had the number of teams that was
3 available to go in and, and do the necessary work to at
4 least put enough patches back on the mine, that we could get
5 the miners in to pick up from there.

6 We've got ourselves in a situation where we're so
7 thin on mine rescue teams that the reliance is becoming
8 greater and greater on coal miners to go in and do what was,
9 used to be mine rescue work. And that has created a few
10 problems that we've had to deal with and work through. And
11 I think it's unfair to the miners to have them placed in a
12 situation where they have to go in and do mine rescue-type
13 work, and they haven't had the training and the skill
14 development to do that. I think it's putting them too much
15 at risk, and we've got to figure out how to rectify that
16 problem.

17 The contract teams that exist throughout the
18 country, I think there's different models of those. I'm
19 very concerned about those that exist for the purpose of
20 paper compliance. I think the expectations of all miners in
21 any coal mine should be that there is a well-skilled,
22 well-developed rescue team to come to get me out of this
23 coal mine if something happens here.

24 And I think, to those mine rescue teams that go to

1 those mines, they have to have the comfort that while I'm
2 there doing rescue work, that I have a quality,
3 well-skilled, well-capable rescue team that's backing me up
4 in case I run into problems, and I need rescue team
5 assistance.

6 I don't think that we have that throughout this
7 country today because of the way that the rescue teams have
8 moved from being the company-based teams that we used to
9 have years ago, to these modified versions of teams, that I
10 don't know that we even understand sometimes how they're
11 even structured, or you know, how they operate or exist.

12 And I think when you move away from that mine
13 rescue team, company- or mine-based structure, you lose a
14 lot of intelligence that you would surely love to have
15 should a mine emergency take place, of those quick decisions
16 that you've got to make. You know, those things that you
17 need to know very quickly so you don't put people in harm's
18 way.

19 When you have rescue teams stationed at mines that
20 practice, that understand their mine, I think that is a bit
21 of intelligence that's worth its weight in gold when an
22 emergency strikes. And when you don't have that, and you
23 have new people coming in that hasn't got a clue about a
24 mine, trying to do the quick rescue and recovery work,

1 that's got to go scramble to try to find somebody or find
2 some way to put that information together, it is not a good
3 place for rescue teams to be.

4 We've got battery equipment that's strung through
5 coal mines today that's used, that has a potential to be an
6 igniter of methane, for example. And having that scattered
7 in there is where you have disrupted ventilation, and not
8 knowing what you have, where it's at, or how that may be a
9 potential to trigger an explosion. I mean, there's a whole
10 variety of things that, that people really need to know and
11 have accessible that I think that they may not have if they
12 don't have rescue teams and that kind of thinking in place.

13 There's quite a few things that I'm, like I said,
14 I'm not going to get them all today, that get us beyond even
15 those boundaries. How you train, what kind of equipment
16 that you need to have on the teams. We'll respond to those
17 later.

18 But I think the fundamental problem that we've
19 been wrestling with here since the mid-nineties has been one
20 of how do we get these quality rescue teams back that we
21 used to have, in a way that we can all feel comfortable that
22 we've got a good base across this country to work with?

23 And one thing we all know it comes down to, a
24 matter of money. It costs, I understand, about \$250,000 a

1 year to maintain a well-trained, well-equipped rescue team.
2 Some companies make that commitment, have those teams in
3 place, and pay the money. Some don't. I think it's unfair
4 for those who do to have to shoulder the load, quite
5 frankly. And I think there is a large number that don't
6 shoulder that load to the point that that's part of our
7 problem here, that we've had the deterioration in the rescue
8 team structure. And we've got to figure out a way to fix
9 that.

10 We support any reasonable incentives to get us
11 there. We would urge the Government to provide some help to
12 help beef up financially the rescue team structure in this
13 country. And we're very open-minded about how we get there.
14 But we've got to come up with some way to take care of this
15 funding problem. Because, as I say, it is a matter of
16 money.

17 We look forward to working with folks that are
18 seriously interested in addressing this problem. And we
19 would hope that, as we walk out of here, the priority of all
20 the issues on the table is the rebuilding of the rescue team
21 structure, to have quality teams that exist in large numbers
22 to take care of any emergency that we would envision,
23 throughout the country. Well-skilled, well-trained, and
24 ready to take care of business.

1 Thank you very much.

2 MR. PAVLOVICH: Thank you, Joe. We appreciate
3 your comments.

4 Our next speaker is Ed Rudder. Ed is with
5 Rivertown Coal Production.

6 Virgil, did you pass these out? Did you say?

7 MR. BROWN: A couple of them.

8 MR. PAVLOVICH: Okay.

9 MR. BROWN: Not to everyone.

10 MR. RUDDER: It's a little bit difficult to hear
11 back there, so I'll try to speak as loud as I can.

12 MR. PAVLOVICH: You're probably going to need to
13 pull that microphone right up in front.

14 MR. RUDDER: Okay. I put most of my stuff
15 together last night. I was like Joe; I didn't have a lot of
16 time to prepare this.

17 MR. PAVLOVICH: Ed, would you --

18 MR. RUDDER: My name is Ed Rudder.

19 MR. PAVLOVICH: -- spell it, please?

20 MR. RUDDER: R-U-D-D-E-R. I'm the Safety Manager
21 at Rock Spring Development in East Lynn, West Virginia. And
22 I'm the trainer of the newly-formed RAG, Rivertown Coal
23 Production mine rescue team. I have 20 years' mine rescue
24 experience, and have participated in four actual rescue and

1 recovery operations.

2 Our company, RAG, presently has two competing
3 teams in Colorado, two competing teams in Pennsylvania. And
4 these teams have been a part of the mine rescue community
5 for many years. With the addition of the two new teams in
6 West Virginia, our company, RAG, will have six teams across
7 the country when this is put together.

8 Our team was given approval in December of 2001,
9 with the belief that having our own teams, and not relying
10 on a contractor that operates as a for-profit company, could
11 better serve our West Virginia employees.

12 We have been acquiring BG 174-A machines from the
13 Willow Creek Mine in Utah over the past two months. We've
14 had to refurbish many of the machines with new parts and
15 pieces, at a cost of around \$1300 each. We estimate that we
16 will spend about \$52,000 this year to get our mine rescue
17 station up and legal, and to have all our team members
18 trained as required. This is not counting what the cost of
19 the BG 174 machines would be. But we understood at the time
20 we formed the team, that in 2005 or 2006, I'm not sure on
21 which those, that new apparatuses would have to be
22 purchased, at a cost of nearly \$72,000.

23 Of all the members we now have, only four have any
24 mine rescue training. They came through other mines in our

1 area. With this in mind, we have been training on
2 non-scheduled days off, and our initial training began in
3 late February, and to date it has not been completed. So
4 we're still in the process of trying to get our station up
5 and our people trained.

6 As you already know, many items must be addressed
7 just to have a mine rescue team, from training to
8 maintaining the station, and maintaining the apparatuses to
9 the contest logistics, to establishing a maintaining a
10 training field, to off-site training, to underground
11 training. The list is endless of things that we're having,
12 we're having to do it all.

13 Many teams across the nation have been established
14 for years. Their members have years of experience, and they
15 receive many hours over the required amount of training.
16 While other teams train only the time that is required. But
17 either way, the cost of training is in real dollars. It
18 costs money to put these, to do this.

19 When our company established our team, we really
20 had to do a reality check in order for things to happen. We
21 had to accept that we could pay for training, that we would
22 have to pay for training. We had to accept that we would
23 maintain the apparatuses to the highest standard. We had to
24 accept that we would maintain the rescue station to the

1 letter of the law. And we have to appreciate the fact that
2 we would receive citations from both industry and the state
3 if we were not following the guidelines, even though we had
4 already spent thousands of dollars for up to date.

5 In order for MSHA to help our industry improve
6 mine rescue capabilities, then I feel that they must take
7 that same reality check. MSHA needs to be aggressive in
8 their thinking, and understand that in the near future all
9 mine rescue teams will be placed in a situation where they
10 must have new breathing apparatuses. A lot have already
11 purchased, but a lot haven't.

12 At a cost of over \$75,000 to furnish new
13 equipment, we will most likely see the end of many rescue
14 teams across this nation. Without help, the companies
15 simply will not be financially able to maintain this
16 expense, along with the current expenses to train and
17 maintain those stations that they currently now have.

18 MSHA needs to recognize those companies that have
19 established mine rescue teams with a discount similar to
20 Part 100.3, with the good faith abatement. This criteria
21 provides a 30-percent reduction in the penalty amount where
22 the operator abates the violation in the time set. This
23 would offset some of the cost and keep companies motivated
24 to having mine rescue teams.

1 Another suggestion is, MSHA has state grant money
2 that is distributed each year to 44 states and the Navajo
3 Nation. In 2002 there will be \$7.8 million distributed out.
4 MSHA could purchase this new equipment that was mentioned
5 earlier, and either award it to the states where established
6 teams are located, or lease it back at a nominal cost.
7 Either way, costs could be curtailed greatly.

8 Companies that have mine rescue teams understand
9 the training requirements, as stated earlier. Some do more
10 than others. That will never change. The ever-increasing
11 expense that companies have to endure on maintaining these
12 stations and apparatuses must somehow be shared with MSHA.

13 There are presently 14 teams in West Virginia. I
14 think that's state teams. One has to wonder how many will
15 exist when forced to purchase new equipment in only three
16 years.

17 In closing, I want to thank you for the time to
18 listen to these comments, and know that we sincerely do
19 appreciate the opportunity to present our opinions.

20 Thank you.

21 MR. PAVLOVICH: Thank you, Ed. Appreciate it.
22 Okay, our next speaker is Joe Lamonica, with the Bituminous
23 Coal Operators Association. Joe?

24 MR. LAMONICA: Good morning. Joe Lamonica,

1 L-A-M-O-N-I-C-A, retired, Aiken, South Carolina,
2 representing BCOA.

3 My comments are going to be somewhat scrambled.
4 I, as with Joe, have been trying to address this issue for
5 quite a few years, and becoming very repetitive on some of
6 the comments.

7 But I think we have to look at two things here.
8 One is the survival of mine rescue, and the maintaining of
9 viable teams. And the other is possible revision of Part
10 49. And I see those as two different issues.

11 A strategy that we, as the mining community -- and
12 I might add that I'm only addressing coal, because that's
13 the only thing I know about, but I'm sure a lot of this
14 applies to the metal and nonmetal sector. But a strategy on
15 how we, as an industry, can have good mine rescue
16 capability. And then whatever grows out of that, possible
17 revisions to Part 49.

18 We will have some responses from our members,
19 also, that will be much more detailed. My comments are
20 going to be somewhat general in nature.

21 I might add that I did hear from a few people who
22 could not participate in this meeting because of the timing.
23 This was a bad week for them because of religious holidays,
24 but hopefully they'll be able to submit their comments.

1 It's a matter of the number of mines reduced, and
2 the aging of the work force. I think back in 1990 we took a
3 look, and the average age of a miner was about 50 years of
4 age. And that has a significant impact on their ability to
5 serve on mine rescue teams.

6 In 1985, when, which was the last contest on my
7 watch when I was with the Agency, there were 106 mine rescue
8 teams participating at the national contest: 28 first-aid,
9 62 bench.

10 Last year, the national had 38 mine rescue teams
11 participating. That's a 64-percent reduction. Fifteen
12 first-aid, that's a 46-percent reduction; 37 bench, that's a
13 40-percent reduction, since 1985. And it's this trend that
14 we've been very concerned about, and what can we do about
15 it.

16 We've had many meetings, and the Agency has
17 responded to those meetings. And I appreciate Secretary
18 Lauriski getting this aired again and moving again. Because
19 we were somewhat discouraged that what we had to say sort of
20 fell on deaf ears. I realize that the Agency has a lot on
21 its plate and you have to prioritize. But for those of us
22 who have seen the benefits of mine rescue, there is very
23 little that is as important as this. And I think that the
24 recent event in Alabama sort of reiterates that.

1 Times have changed. We are into a new century.
2 The last century, or at the beginning of the last century,
3 we saw where we had a situation of a first-aid meet at
4 Forbes Field, Pittsburgh, Pennsylvania, that filled up the
5 ballpark. We don't have that now.

6 But we have the beginning of a new century, and
7 now we have to sort of take a look at where are we going
8 with this century, and how does mine rescue fit into the
9 mining industry. We have got to rethink; things are just
10 not the same.

11 I look at it as emergency preparedness. And there
12 are four elements to that.

13 The first is prevention. We need to design our
14 mines -- and this is what we try to do -- to prevent having
15 an emergency. We do that through ventilation, we do it
16 through roof control. We do it through intrinsic safety.
17 All those things. The design of the mine is to prevent is
18 to prevent an emergency.

19 The second thing, the second element of emergency
20 preparedness, is detection. What gives us that early
21 warning that maybe something might be going wrong? And we
22 have, we've gotten much more sophisticated. We're beyond
23 the days of the canary. We're using methane monitors,
24 detectors, ventilation, read-outs, ground movement, the

1 whole nine yards. And we're getting better at it. We could
2 stand to have some more improvement, but we're getting much
3 better at it. But that's the second line of emergency
4 preparedness, the detection.

5 The third element is first response. And this
6 applies mainly when you have a fire. If we can hit the fire
7 at its incipient stage, that goes a long way in preventing
8 personal injury, loss of the mine, damage to the mine,
9 resource losses. And the best people to be the first
10 responders are the work crew.

11 I don't know that we've paid enough attention to
12 this area of first responders. But what training do our
13 crews have to be able to respond? And do a good job without
14 putting themselves in harm's way. Do we have turn-out gear
15 available for first responders? Do they have the training
16 of fire brigade, for instance? Are the water systems
17 adequate to be able to sustain a first response? Things of
18 this nature I think we might have to reexamine.

19 Fire brigades may be a more formal thing than what
20 I'm thinking about. But the ability of a crew, if a fire
21 breaks out on their section, of them being able to attack
22 that and get it under control before things get out of hand.

23 But then we have the situation where, okay, things
24 have gotten out of hand. And then we need a sustained

1 response. And that's where traditionally mine rescue comes
2 in. That's why the regulations talk about a two-hour
3 response time. And you have to put the teams together, and
4 you have got to have a plan, and you have to do the needful.

5 I guess the, in looking at these four elements,
6 one of the things we have to be mindful of, what is the
7 weakest link in those four elements. And we just have to
8 keep refining until we can shore up whatever our weak links
9 may be.

10 Let me jump to mine rescue contests. I have been
11 involved in quite a few national contests, but only from a
12 management standpoint. The dedication of people in MSHA to
13 putting on the mine rescue contests -- and I've also been to
14 the metal and nonmetal contests -- this is unsurpassed, this
15 effort that you folks in MSHA have put into this thing.
16 They are to be complimented.

17 But when we have the number of teams that are
18 participating dwindling, then you're going to have a hard
19 time justifying that level of effort. And I'm afraid that
20 the local and regional contests are suffering the same fate.
21 It's very expensive to send people to the contests.

22 And that gets me to where I'm going, which is what
23 I see as the three elements that could go a long way in
24 solving this problem.

1 The first is money. The second is money. And the
2 third is more money.

3 How are we going to do that? How can we bolster
4 the local and regional mine rescue contests? How can we
5 entice operators to, to those who have teams, to maintain
6 them; those who don't have teams, to think about it?

7 The announcement -- and Joe, you read this thing
8 on the incentive, about the recommendation that was received
9 by the Agency to consider an incentive in the form of
10 penalty reductions.

11 The recommendation was much broader than that. We
12 were, we were looking for anything possible, be it penalty
13 reductions, the gentleman mentioned about good-faith
14 credits. We would like to think that our members strive to
15 not have citations. Therefore, we don't see the rate of
16 return if we reduce our violations.

17 But there were other things that were mentioned,
18 such as tax credits. Looking at the state grant program.
19 Or anything out there, be it from training, to just, there
20 is no, no boundaries on what that could be.

21 It's okay for us to try to recommend some things.
22 But I think that we need a lot of help from the Agency in
23 identifying what can be done. We can make suggestions. But
24 if the answer back is well, no, you can't do that -- I've

1 said just as recently as this morning that when I hire a
2 lawyer, I want to tell him okay, this is what I want to do,
3 how do I do it. I don't want him to say well, what do you
4 want to do, and then tell me no, you can't do that. So I
5 need that help in what is it that I can do. Because that's
6 going to remove a lot of the problems that we are talking
7 about today.

8 We need to have quality teams. We need to have a
9 level that will get us out of a jam in the event that we
10 have a mine emergency.

11 It's already been mentioned that it costs about
12 \$250,000 to maintain a competitive team. It's a matter of
13 our companies are faced with a huge expenditure to replace
14 their equipment over the next couple years. And it's going
15 to be a deterrent.

16 When I was Safety Director for a coal company, I
17 was required to justify why we were spending money for mine
18 rescue teams. And I was able to sell it on the basis that
19 it was the cheapest insurance policy that they could
20 possibly have.

21 I also made the observation that, that people who
22 served on mine rescue teams and later moved on to management
23 positions -- foremen, and superintendents, and general mine
24 managers -- those who were on mine rescue teams, they

1 brought a, they brought a safety element with them to their
2 work. And I thought those were better-run mines. If it was
3 up to me, every mine superintendent in this country would
4 have had to have been on a mine rescue team before he could
5 be a mine superintendent. But, you know, that's just a
6 personal observation.

7 There were some efforts that were done by the
8 National Mine Rescue Association and the Veterans of Mine
9 Rescue. They addressed some issues. I think they generated
10 what position papers or issuance papers. And I would hope
11 that some of those will be able to be entered into the
12 record. They may have a representative speaking down here
13 today, I don't know. But I think that that would be
14 helpful.

15 One of the issues that we were also concerned
16 about was the liability of mine rescue team members who are
17 visiting a mine at the invitation of, of the, a host mine.
18 And then somebody gets hurt. So we're into this legal
19 liability crap. And how do you deal with that?

20 Well, the efforts of the Association, they
21 generated a, a letter, an agreement-type form that companies
22 can look at and perhaps engage in. And they've addressed
23 some other issues that I think might be helpful for this
24 deliberation.

1 I know I have bounced around. Sorry about that.
2 But that's the extent of my comments for now. Thank you.

3 MR. PAVLOVICH: Thank you, Joe. We appreciate it.
4 Okay, our next speaker is Elizabeth Chamberlin, with CONSOL
5 Energy. Elizabeth?

6 MS. CHAMBERLIN: I'm Elizabeth Chamberlin. I'm
7 Safety Director with CONSOL Energy, Inc. I appreciate the
8 opportunity to address you today.

9 The CONSOL Coal Group currently has a number of
10 mine rescue teams located at its various mine sites. Over
11 the years, these teams have been a source of pride and
12 comfort for our employees, and for our company. Therefore,
13 I would like to start my comments by recognizing their
14 efforts, and the hard work and dedication exhibited by the
15 industry's mine rescue teams and trainers as a whole across
16 the United States. Many of these team members have been
17 active in mine rescue for much of their lengthy mining
18 careers.

19 I'd also like to recognize the unselfish
20 commitment and contributions that I've seen made by MSHA and
21 State Representatives, the equipment manufacturers, and
22 other parties who have been instrumental in bringing about
23 the mine rescue competitions, and assisting in the training
24 of the industry's mine rescue teams.

1 I mention this because we are at a crossroads in
2 this industry, and we cannot let these dedicated folks down
3 at this point in time.

4 In the face of the disaster on Mine 11, our mine
5 rescue teams and those many other mining companies, the
6 Government agencies, and the suppliers rose to the occasion.
7 They offered their services for search and rescue and
8 disaster recovery. Their willingness and ability to serve
9 in the face of this terrible disaster is a concrete example,
10 I believe, of the quality and underlying soundness of our
11 mine rescue team structure in the United States.

12 Therefore, in our estimation, the Part 49
13 regulations are not in need of modification at this time.
14 We believe that any changes that might need to be made can
15 be made in the way of technical guidance or under the
16 policy.

17 While the changes raised in the, or the issues
18 raised in the 1995 conference remain today, some of these
19 issues have become much more acute, as you have heard from
20 previous speakers. Particularly the loss of teams that we
21 are observing.

22 If you simply look back at participation at the
23 national mine rescue competitions, you can see the
24 seriousness of this problem. There were 122 teams in 1977.

1 Last year, at the 2001 competition, we observed 38 teams in
2 participation.

3 The loss of the mine-sponsored teams may well be
4 exacerbated, you've heard the other speakers mention, in the
5 very near future, as many of these teams are confronted with
6 the replacement of apparatuses that will no longer be
7 supported by the manufacturer.

8 In addition, while new technology is being
9 developed to assist mine rescue teams, it may be
10 cost-prohibitive for many individual teams to maintain.

11 Therefore, the overriding need, as we see it, to
12 be addressed is to, is for support, particularly financial
13 support, to maintain and expand the mine-site rescue teams.
14 This need will solve the serious problem of the dwindling
15 numbers of teams. And in turn, it will also resolve many,
16 if not all, of the other outstanding concerns that have been
17 voiced with regard to emergency preparedness.

18 Again, as I say, we don't believe that revision of
19 Part 49 is the answer to this problem. It does appear to
20 us, however, that an avenue does exist under the Mine Act to
21 provide some financial support to mines maintaining mine
22 rescue teams.

23 So we are puzzled by the Agency's conclusion that
24 the Mine Act prohibits an incentive in the form of a penalty

1 reduction for mine operators who establish and maintain
2 teams.

3 Section 110(i) of the Mine Act clearly recognizes
4 that the assessment of a civil penalty must take into
5 account, among other criteria, the gravity of the violation
6 charged. Now, gravity determinations are based on the
7 likelihood of injury, and they are also based on the
8 severity of the injury.

9 Obviously, the presence of a mine rescue team on
10 site unquestionably impacts on these factors. And
11 therefore, it should be an appropriate basis for penalty
12 reduction, under the Mine Act as it is written, and clearly
13 within the contemplation of its authors.

14 Such a penalty reduction would mirror, in my mind,
15 the reduction currently provided for good-faith abatement,
16 another penalty criteria under Section 110(i) of the Act.
17 The same considerations may well apply with regard to the
18 negligence determination, and are worthy of MSHA
19 consideration.

20 This may not be the total answer to the problem,
21 but it would be a start.

22 If, upon further review, the Agency again
23 determines that penalty reductions are not possible, then we
24 would suggest that perhaps the Agency needs to act in

1 accordance with the Assistant Secretary's initiatives, and
2 form a team with members from the mining community at large
3 to explore various alternatives that you have heard
4 discussed here, such as tax credits or educational grants,
5 as other avenues to support our mine rescue teams.

6 Finally, we would like to note that the absence of
7 any reference in the Public Hearing Notice to the liability
8 and workers' compensation issues that do relate to mine
9 rescue teams. I would suggest that MSHA should be taking
10 the lead in providing some guidance to the states on the
11 adoption of uniform Good Samaritan legislation, which would
12 eliminate these obstacles in large part, and would assure
13 unfettered cooperation at times of crisis when mine rescue
14 teams have to cross state boundaries to lend assistance to
15 sister mining sites.

16 That is the conclusion of my statement, and I
17 thank you for your time.

18 MR. PAVLOVICH: Okay. Thank you, Elizabeth. Why
19 don't we take about a 10-minute break? I think they brought
20 some more coffee in there. And then we will resume with our
21 next speaker.

22 (Whereupon, a brief recess was taken.)

23 MR. PAVLOVICH: Our next speaker is Dale Byram,
24 with Jim Walter Resources. Dale?

1 And Dale, they have requested, the people in the
2 back of the room, that you really talk loudly into the
3 microphone. Because apparently when we turn or move a
4 little bit, it doesn't pick up real well. Or if you want to
5 use this podium up here where you can face the group, you
6 can do that, too. As soon as Mary gets out of the way.
7 Thank you, Mary.

8 State your name, and spell it, Dale, and your
9 company.

10 MR. BYRAM: Okay. My name is Dale Byram,
11 B-Y-R-A-M. I am General Manager of Safety and Training at
12 Jim Walter Resources in Alabama.

13 As many of you have already experienced in the
14 past, and most recently us, we recognize the value of mine
15 rescue. And we appreciate all the assistance that was given
16 to us in our recent event at Number Five Mine.

17 Within a matter of hours, we had received phone
18 calls from all over the country offering assistance. And we
19 know that they would have been there had we requested them.

20 We had the benefit of having trained teams in the
21 state of Alabama. We had three Jim Walter teams, and then
22 another team made up of our EMS personnel. We had the
23 assistance of Drummond Shell Creek, USX Oak Grove -- is that
24 better? Can you all hear me okay back there? USX Oak

1 Grove, P&M North River, the two State of Alabama Mine Rescue
2 Teams, and the MSHA MEU group. Every one of them were
3 fantastic and gave unconditionally to help us meet our need.

4 We also had the support of the United Mine
5 Workers. Joe and his guys spent a lot of time with us. And
6 the state of Alabama. And many, many vendors supplied us to
7 help us during this event.

8 So I guess from that perspective, we recognize and
9 support anything that's associated with improving mine
10 rescue, not only in the state of Alabama and at Jim Walter
11 Resources, but in the country.

12 A couple of issues I'd like to bring up. One is
13 education and training. Through these recent events over
14 the last few years, I think that I would like to ask MSHA to
15 partner with the different companies who have had mine
16 rescue events, to identify best practices and areas for
17 improvement, that we could maybe reconsider how we are
18 training our teams. And let's identify, as times have
19 changed and needs have changed, to be able to improve
20 through, again, education and training the capabilities of
21 our teams.

22 Another thing that I would like to ask MSHA to do
23 would consider reviewing the MERD exercises to also bring it
24 more up to date with current events, and to focus on best

1 practices. We know enough now to know that if we will
2 invest in our teams, it will come back to you if you ever
3 are faced with the circumstance.

4 The other thing that I'd like to bring up is, and
5 I agree with several of the other presenters, that
6 unfortunately bottom line drives a lot of things. And we
7 need some form of an incentive to help the companies who not
8 only house in-house mine rescue teams, but also these
9 companies who use contract teams or who are just looking
10 down the road to trying to start their own teams. Because
11 there is a certain level of a financial burden that
12 everybody is affected by.

13 We would like to see the opportunity pursued about
14 a percentage incentive for certain levels of citations, too.
15 But yet, we would ask MSHA, if this is not acceptable, would
16 MSHA develop a list of incentives that we could look at and
17 review? Because we're at a point now to where we have
18 identified what's important to us, and so we would like MSHA
19 to identify other options that we might look at.

20 In competition, competition develops instinctive
21 moves for our teams. In the past several years we have made
22 improvements. You now debrief your teams when they come off
23 the field. A lot of our local contests are working multiple
24 teams together at the fresh air base. And this is actually

1 what you do in a real circumstance. We would like to see
2 more of this continue.

3 I would also like MSHA to consider a request that
4 they do, and even though you do these, training seminars.
5 But let's change this again to identify specific needs.

6 Just for an example, let's have a three-day
7 training seminar/contest combination. There's no trophies
8 given away, there's no winners. Give us a mine rescue
9 problem. Let our teams work it. Bring us all back
10 together. Talk about how most of the teams approached this
11 problem, what was good, what was bad. What was the
12 objective of the contest.

13 During that time, have training seminars with
14 various topics that are specific to mine rescue team needs.
15 Those that are out by the fresh air base, and those that are
16 in by the fresh air base.

17 We will be providing some other written comments
18 over the next several days. That's all I have right now.

19 Thank you.

20 MR. PAVLOVICH: Okay, thank you, Dale. Our next
21 speaker is Jim Vicini with Arch Coal. Jim?

22 MR. VICINI: Thank you. Is that loud enough?

23 MR. PAVLOVICH: No.

24 MR. VICINI: You want me to get over there?

1 MR. PAVLOVICH: You're going to have to lean way
2 up close there. Okay.

3 MR. VICINI: Okay, thank you. My name is Jim
4 Vicini. That's V-I-C-I-N-I. I'm Manager of Safety for
5 Laurel Mountain Processing, a subsidiary of Arch Coal.

6 I've been working in the coal industry for
7 approximately 32 years, and have been involved in mine
8 rescue for 30 years as either a team member or trainer.
9 I've worked in several rescue attempts, including mine
10 fires, explosions, and a major disaster. I've served as an
11 officer and Board member of more than one smoke-eater's post
12 in Kentucky and Virginia, and am currently a member of the
13 National Mine Rescue Permanent Rules Committee, and have
14 served on the National Executive Committee.

15 Upon receiving the notice for this meeting, I
16 immediately knew that I wanted to respond to the questions.
17 Because it's obvious from my background that mine rescue is
18 important to me personally, as well as important to our
19 company.

20 I attended the Mine Emergency Preparedness
21 Conference in 1995, and I can remember that a lot of good
22 ideas and suggestions were brought up as to why mine rescue
23 teams were declining, and what could be done to help the
24 situation. That was seven years ago.

1 Seven years later, teams have continued to
2 decline, and little, if anything, has been done to help the
3 situation.

4 Let me say before I continue that it's encouraging
5 to see that you recognize that there is a problem with the
6 number and quality of teams in the country. And I believe
7 that there is a problem. If a disaster happened today in
8 some parts of the country, I doubt that we would be able to
9 effectively respond in a timely manner. And if more than
10 one disaster occurred at the same time in the country, where
11 would we be?

12 Hopefully we won't have a disaster, let alone
13 multiple disasters. But I think it's in our best interest
14 to be prepared in case.

15 In response to the questions in the notice, I
16 think there are three key issues, much like what's already
17 been mentioned, but I'll address them again. And to me,
18 those are education, training, and financial assistance.

19 Education. The mining community needs to be
20 educated to understand how devastating a mine fire or
21 explosion can be. Many of us know and understand, but many
22 do not. MSHA can help communicate this by using data from
23 past disasters and mine fires to educate the mining
24 community in what can happen if you are not prepared.

1 How many fires have happened that have devastated
2 companies, families, and communities? And how many of those
3 mines were never opened again?

4 In comparison, there are a lot of mines that were
5 saved, or that had small fires that never got to be big
6 fires because the companies had properly-trained people and
7 properly-equipped mine rescue teams.

8 Training. Mine rescue competitions are the most
9 effective means of training that there is, in my opinion.
10 People get more out of the training when competing against
11 others, because everyone wants to be the best. And you can
12 be measured when you're in competition.

13 MSHA and the various state agencies have done a
14 good job in the past in conducting these contests, and I
15 encourage you to continue them. I have seen the number of
16 contests decline also in line with the decline of teams.
17 The rules that are used in competition need to be improved,
18 to be more in lien with actual mine rescue work. But that
19 is an ongoing situation, and should be, as has been,
20 directed to the National Contest Directors.

21 I think that Part 49 needs to be rewritten or
22 adjusted to relax the training constraints and
23 qualifications.

24 First, teams that train for hundreds of hours

1 during the contest season should not be required to train
2 four hours a month or eight hours every other month in the
3 off season. There should be a minimum amount of annual
4 training, and once that's achieved, that should be enough.
5 And currently, that's 40 hours.

6 Also, the underground training requirements should
7 be a minimum number of hours annually, instead of every six
8 months.

9 Secondly, in training, once a person has been
10 trained, he or she is trained. Just because that person is
11 not actively on a team doesn't mean that he or she has
12 forgotten all the training that they have received through
13 the years of training. We have quite a few people that have
14 gone through years of training, and have changed jobs or
15 been promoted, et cetera, that can still perform in an
16 emergency, if needed. But they are not on an active team.
17 I think that there should be a minimal refresher outline to
18 use in order to utilize these people if needed.

19 Financial assistance. The public notice referred
20 to incentives. We don't need incentives to do what's right.
21 The incentive for all of us is not losing lives, not losing
22 our companies or jobs, and not devastating families and
23 communities.

24 However, fielding a mine rescue team requires a

1 considerable amount of money. And this places a strain on
2 companies that are competing in an already very difficult
3 marketplace.

4 It doesn't take a rocket scientist to understand
5 that if Company A spends a quarter of a million dollars a
6 year on mine rescue capabilities, and Company B doesn't, who
7 has the edge in a tight market.

8 Again, most of us here are already willing to do
9 this, and are doing it. But if money were available to at
10 least offset the cost, or some of the cost, it would be a
11 tremendous help, and also justification for other companies
12 to start teams.

13 Our company just recently bought six new
14 apparatus, and the cost was just over \$40,000. A new oxygen
15 pump costs around \$10,000. And most companies are facing
16 these same costs because the predominant apparatus, the
17 BG 174-A, is becoming obsolete.

18 I understand that a reduction in penalties may not
19 be possible due to the Mine Act. But I think that MSHA
20 could do a survey to estimate the cost of maintaining mine
21 rescue teams and budget money to provide assistance to
22 companies that maintain teams for emergency coverage.
23 Similar to how states are provided financial assistance in
24 providing training and education.

1 Before closing, I want to commend MSHA for the
2 outstanding job in conducting the National Mine Rescue
3 Advancement and First Aid Contest in Louisville, Kentucky
4 last year. Being on the Rules Committee, I can appreciate
5 all the dedication and hard work that many of you put in to
6 get the job done. And it was a job well done. These
7 efforts do more than most people realize in providing
8 valuable training. It was quite an undertaking, and very
9 well organized.

10 Again, these same suggestions were made seven
11 years ago to the previous Administration. And let's not
12 wait seven more years to act. Miners' lives may depend on
13 it.

14 Thank you for taking the time to listen to me.

15 MR. PAVLOVICH: Thank you, Jim. Okay, our next
16 speaker is Dave Hamm, with the State of Arizona Mine
17 Inspection Unit. Dave? Are you going to try that one, too?

18 MR. HAMM: I am going to speak loud.

19 MR. PAVLOVICH: All right.

20 MR. HAMM: My name is David Hamm, H-A-M-M. I am
21 the Chief Deputy Inspector for Arizona, and I also represent
22 the Arizona Mine Emergency Association. I am here on behalf
23 of the Association, and certainly appreciate the opportunity
24 to speak. We do have a prepared statement, and a lot of it

1 is redundant, so I am going to stick to the issues that
2 haven't been addressed yet.

3 Arizona certainly recognizes that mine rescue has
4 some regional needs. All regions don't require the same
5 level of mine rescue. And so I'd like to read this
6 statement that was prepared by the Association.

7 We believe a blend of local resources, such as
8 fire departments and search and rescue organizations and
9 active mine rescue teams, can be achieved. Team captains
10 and co-captains must remain the responsibility of the mine
11 operator. Support positions could be filled with trained
12 personnel from other professional organizations.

13 In the 1980s, Arizona operated a volunteer mine
14 rescue program using Sheriff's Departments, search and
15 rescue departments, and local fire departments. The program
16 experienced some failures, but also offered some successes.

17 One main obstacle we experienced with the
18 non-miner was the lack of knowledge of the underground
19 environment and the terminology used to describe the
20 underground environment.

21 The groups, particularly the search and rescue
22 groups and some of the fire departments, showed great
23 potential. Their abilities, skills, knowledge, and desire
24 was the main reason these people could work well in certain

1 roles on a mine rescue team.

2 Changing the qualifications and restrictions in
3 Part 49 to be an on underground team combined with continued
4 training, exposure to the underground environment, we
5 believe effective, and useful teams could be built using
6 these resources.

7 And addressing the specific question about joint
8 training, we believe that this should be encouraged, but not
9 necessarily enforced by regulators. Offering grant monies
10 to mine rescue organizations could encourage more challenges
11 for the teams. Grant funding could open up several
12 opportunities for centralized mine rescue training
13 facilities. Some of these areas of expertise not required
14 in underground rescue but used in surface rescues could be
15 incorporated, such as high-angle rope rescues.

16 More and more teams in the west are responding to
17 the ever-present abandoned-mine rescue. In some cases the
18 teams cannot participate because of challenges presented by
19 the old, abandoned workings. With proper funding and
20 training at a central training facility, teams could broaden
21 their ability and skills to enter these workings. Of
22 course, this area opens up the issue of liability on a
23 non-active mining property, perhaps another issue for
24 another day. Although with MSHA's focus on abandoned mine

1 fatalities, this liability challenge should and could be
2 addressed and met.

3 Along the lines of liability, underground mines
4 that have shut down have left behind valuable resources.
5 All of the men and women who served on mine rescue teams now
6 stand idle. They cannot participate because of workman's
7 comp issues.

8 Funding into a centralized training facility may
9 need to include the means to provide insurance for trained
10 mine rescue professionals wanting to continue to serve on a
11 team.

12 Technical skills recognized by MSHA should and
13 could be a proud achievement for teams. Being high-angle
14 certified, low-angle certified, HAZMAT response, collapsed
15 building entry certified, like FEMA, are just a few of areas
16 our teams could set goals to achieve. Team achievements
17 could be worn on the team's diggers or uniforms using icons
18 or simple language. Anyone observing the team in
19 competition or training would see first-hand the skill level
20 a team member or team had achieved.

21 In comment about equipment availability,
22 maintenance, and testing requirement, there is no doubt that
23 small- and medium-sized mines have a difficult and often
24 financially-impossible challenge with the mandate of Part

1 49. Arizona recognized this nearly from the beginning of
2 the MSHA Act of 1977.

3 The Arizona Mien Emergency Association was
4 designed to approach this very issue. We have the largest
5 supply of mine rescue equipment in the western United
6 States. Our goal is to make the equipment and training
7 available to the small- and medium-sized operators at a real
8 bargain.

9 The slowdown of underground metal and nonmetal
10 mining, combined with the dynamics, evolution, and expense
11 of mine rescue equipment is threatening our existence.
12 Currently we have over 200 of the BG 174-As, and only enough
13 of the new positive-pressure units to make up four teams.

14 With Draeger's announcement of discontinuing
15 service and parts for the BG 174-A as the near future, we
16 have been vigorous in our efforts to make the transition to
17 the new units. This is expensive, time-consuming, and
18 economically impractical for a struggling non-profit
19 association with fewer and fewer active mine members.

20 The bottom line is, eventually we may not have a
21 large cache of equipment, but our goal and focus will remain
22 the same. And that is to provide what equipment we have to
23 the mining community at a bargain discount price, and
24 continue to provide training.

1 In my 25-plus years of experience with mine
2 rescue, developing new teams, new programs, and promoting
3 competition, I've discovered it costs more than it should
4 cost, and it takes longer than it should take. The
5 equipment available to underground mining is the best of the
6 best. The manufacturers have responded to the industry's
7 need, and have developed more cost-efficient units that are
8 lighter, safer, and user-friendly. And they certainly
9 should be applauded for their endeavor.

10 We would like to see more effort put into the
11 robotics industry to reduce the exposure of teams to mine
12 rescue fire hazards. And we certainly believe that needs to
13 be pursued and researched further.

14 In Arizona we would like to see more grant money
15 opportunities. This is to offset the expense of buying mine
16 rescue equipment. Furthermore, grant monies would help
17 promote and properly fund mine rescue on many fronts.

18 We would use these types of funds to increase the
19 skill and training of our teams and the teams from other
20 areas looking for new challenges. The MSHA modules have
21 been trained to death with no changes in 20-plus years. To
22 be honest, that gets kind of boring. We need to increase
23 the stakes. And you can do that by providing new
24 opportunities, and being recognized for what efforts have

1 been employed and accomplished.

2 As I mentioned earlier, expanding modules to
3 include high-angle rope rescues and HAZMAT response would
4 draw new blood into the mind rescue arena. Being able to
5 wear and show off your achievements and skill level would
6 help restore pride in the ranks of the aging mine rescue
7 professional. And additionally, the new mine rescue recruit
8 would see the opportunities available to stick it out and
9 remain as a member of an elite mine rescue team.

10 These programs will take big bucks and sustained
11 funding. The support of Uncle Sam will be critical to help
12 us achieve the level of protection that our miners deserve.
13 We certainly recognize that MERD and competition is some of
14 the greatest training that is available to all teams right
15 now, and we certainly would encourage Jim Shaw to put the
16 MERD on the road, and shake down some of these associations
17 and find out where the shortcomings are before they really
18 need to be exercised.

19 We would also like to see a training facility in
20 the west. As it stands today, Beckley is the premiere
21 flagship for underground training, and it costs a lot of
22 money to get our teams from the west out to the east.
23 Having something centrally located, in Colorado or Wyoming
24 or Arizona, would certainly help our teams train out west.

1 And I think that's about it. Thank you.

2 MR. PAVLOVICH: Thank you, Dave. Our next speaker
3 is Rick Hickman with Morton Salt. Rick?

4 MR. HICKMAN: My name is Rick Hickman,
5 H-I-C-K-M-A-N, Safety Manager with Morton Salt. I
6 appreciate the opportunity to talk to you, because it only
7 happened about five minutes ago.

8 I think one of the advantages that I've been lucky
9 to have in mine rescue is in the last seven years, I have
10 been in the metal/nonmetal field of mine rescue. Prior to
11 that, it was 20-plus years in coal.

12 I love mine rescue. I'll probably ask that I be
13 buried with a McKay, and Chemox, and a BG 174.

14 Having said that, I think one of the things that
15 we're missing, and I'm speaking from my experience in both
16 avenues, one of them is not only dollars -- you know, the
17 bean counters of the world push what we do, whether we want
18 to believe it or not. And I have found that out being with
19 the company that I have.

20 I have, up until last month, two mine rescue
21 teams, 14 personnel other than myself, to be able to move to
22 deal with that. The Northern Mine Rescue Association had 10
23 teams in our regional contest. This year, we may have four
24 teams. We might have five. I just talked with Joe Dink and

1 invited the metal/nonmetal national team to compete, so we
2 might end up with six.

3 Not only are dollars a factor, I think one of the
4 biggest factors is personnel. Example. Morton Salt, our
5 mine operates 24 hours a day. We are out under Lake Erie.
6 We try to mine 66-68 hundred tons of salt a day. To do
7 that, we have X number of hourly employees. But due to
8 downsizing, my maintenance staff -- and I use the term "my,"
9 because that's my organization -- my maintenance supervisory
10 staff is three foremen and one supervisor. One per shift,
11 and one supervisor.

12 My foreman staff to run the mining department --
13 and for you guys in coal, consider this. You're moving from
14 a five-entry section and five faces, depending on the cuts
15 you're taking, to our mines has nine entry panels, 50 foot
16 high, 20 foot high, 280-foot centers, and the foreman has to
17 cover several acres, 30- to 40-some faces. So I have four
18 foremen and two supervisors.

19 Now, of that group of people, one of those
20 maintenance people is on my team, and three of those foremen
21 are on my team. So it's not only dollars and sense, as who
22 does the job when I am doing my eight-hour monthly training.
23 Who does the job when I am practicing for a contest, or God
24 forbid we go to help out somewhere.

1 So I think one of the issues that, you know -- and
2 I don't know if the Agency can help support that, but I know
3 that that is a problem out there. And I don't think I would
4 be just speaking just for metal/nonmetal, that's probably
5 with everybody in coal, because I just left coal seven years
6 ago.

7 I think another thing is the aging. If you look
8 around the room, there's a lot of old folks in here like me
9 and you. And what is it out there that attracts the younger
10 person to be on MNM rescue? What is in it for him as a
11 young person? Okay, that's out there.

12 I think one of the things that need to be
13 addressed, and again I reserve, based on a five-minute
14 notice, to put something together more efficiently, Joe and
15 Eddie. I think we need to look at training other than
16 contests.

17 We have battled for years, and still battling and
18 will continue to battle, unless we address, we want the
19 contest to be reality. I've always thought of, as a
20 contest, as the fun side of beating yourself up and learning
21 what it is you're supposed to learn. It's good PR. Your
22 team is out there, you carry the trophy. And it's nice to
23 walk up in front of a group, isn't it, Virgil, and say, "I
24 beat you guys." Okay. That's the fun part.

1 But getting to the reality part, what have we done
2 with that? Okay. And we look at trying to have the
3 contests. Maybe we only need to have a contest once every
4 five years. You know, mine rescue teams don't exist for a
5 contest. That's my viewpoint. We don't exist for a
6 contest. And we spend all of our effort training for
7 contests.

8 Come on, let's stop and think. How much time do
9 we spend in contests, and as training do we spend here? But
10 yet we also say, well, we're learning things that we can use
11 there. Are we really? Is that being looked at closely
12 enough? You know, is the contest part of it that important?
13 And if it is, let's do something different.

14 The term out there that I use is green-light
15 thinking. Another term is get out of the box. You know,
16 turn it around 180 degrees.

17 Cross-training has been mentioned a couple times.
18 I currently have my guys learning some rope work, a lot of
19 confined space stuff. That's out there. It can be
20 applicable to mine rescue.

21 Look at other groups within the arena that can
22 provide training to you as a team. I know back a few years
23 ago, back, there he is, Jerry Buddy and I fuss a lot about
24 bringing guys down here to the lab and what we're doing in

1 the training. But Jerry put together a problem that, you
2 know, your team is called out in the town that you live in
3 because two kids are lost in a sewer drain.

4 Somebody mentioned the 9/11 incident in New York.
5 At our Association meeting, I had all of my teams, my teams
6 in our association, stand up and vow and declare they would
7 go to New York if anybody called. Okay. So look at some
8 other areas out there.

9 I think another thing along the training scenario
10 is, right across the street here is one of the finest
11 facilities that's out there. My personal opinion says that
12 it's not staffed the way it should be, as far as numbers of
13 people, to do some things. What happens over there, there's
14 a lot more can happen. And I would like to see that
15 expanded for not just coal, but all the other teams.

16 And the last thing I want to say is probably not
17 going to be very popular. But I personally believe in it,
18 and I have friends on the coal side and I have friends on
19 the metal/nonmetal side.

20 Right now, Morton Salt Fairport Mine, as far as I
21 know, is the only metal/nonmetal team that is competing in a
22 coal contest in this country. And as long as I'm Safety
23 Manager at Fairport Mines, Morton Salt, they're going to
24 continue to do that. And you know what? I can be done.

1 And I say this for this reason. I think that
2 metal/nonmetal and coal mine rescue should be combined. If
3 not for the contest, for training purposes. The miners in
4 this industry -- remember, if it's not mined, it's grown.
5 And our miners out there, if they work in a zinc mine, a
6 silver mine, a copper mine, or a coal mine, or a salt mine,
7 those people are suffering because we are not providing them
8 the experience and the knowledge that might be just down the
9 street.

10 But because it's a coal mine, I'm not going to
11 talk to them or deal with them. Or because it's a
12 metal/nonmetal mine, I'm not going to talk with them or deal
13 with them.

14 As I said, I've had the experience luckily to be
15 involved on both sides of the fence. There's a lot of
16 knowledge in the metal/nonmetal world. There is a lot of
17 knowledge in the coal world. Both of those in mine rescue.
18 And I think we need to look at some things that are there.

19 Can it be done? Absolutely. When I bring the
20 team that I have down here, it's a salt mine, they deal with
21 the rules. But when I try to train them, I'm not training
22 contest, I'm training mine rescue, procedure, firefighting.
23 And you know what? I have some coal teams in Ohio that want
24 to come with us. So I think that's an area that needs to be

1 looked at, if not for a contest, but for training purposes,
2 cross-training. Okay?

3 I thank you for your time.

4 MR. PAVLOVICH: Thank you, Rick. Next is Robert
5 McGee with the Pennsylvania Bureau of Deep Mine Safety.
6 Robert?

7 MR. MCGEE: My name is Robert McGee, M-C-G-E-E.
8 I'm the Emergency Response and Training Section Chief for
9 the Pennsylvania Bureau of Deep Mien Safety.

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

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

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

1 In Pennsylvania, requirements of Part 49 are met
2 either by company-trained teams at larger operations, or
3 through written agreement with the Bureau of Deep Mine
4 Safety.

5 At present, we provide complete Part 49 services
6 for 82 percent of our bituminous mines, 91 percent of our
7 metal and nonmetal operations, and 100 percent of anthracite
8 mines.

9 Our diversity has provided numerous challenges
10 over the years which have helped, and continue to help, us
11 to improve.

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

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

23 In Pennsylvania, for example, the cost of required
24 maintenance of equipment at our three mine rescue stations

1 over a recent 10-year period totalled approximately
2 \$500,000.

3 Membership on mine rescue teams has been a very
4 dynamic process, with many experienced mine rescue members
5 retiring or no longer participating as team members. This
6 loss of experience and the lack of readily-available and
7 interested miners to take their place has been dramatic.

8 Although BDMS believes that mine rescue team
9 membership must include a work history of working in an
10 underground mine, there may be some benefit in revisiting
11 the employment history requirement described in paragraph
12 49.2(c) of the standard. The knowledge gained through
13 working in the underground environment is essential.
14 However, the present time frame requirements may exclude
15 some individuals who have the desire, physical attributes,
16 and aptitude to become effective mine rescue team members.

17 The training of mine rescue team members is quite
18 prescriptive in the statute. The initial 20-hour
19 requirement is not waived, even for experienced miners who
20 have had a break in service. This could result in these
21 experienced team members not rejoining the ranks because of
22 the time commitment placed on the operator.

23 One possible solution could be that
24 requalification is accomplished through a practical exam

1 and/or demonstration of the individual's knowledge of mine
2 rescue apparatus and principles.

3 Pennsylvania is unique in the three types of
4 mining represented. Cross-training is conducted at every
5 opportunity, as we routinely conduct MERD programs at mines
6 of our participants and underground laboratories maintained
7 by MSHA and NIOSH. These exercises are conducted at least
8 two times per year, and are counted toward Part 49 training.

9 We agree that the Part 48 requirements could be
10 satisfied by this type of training. Additionally, we would
11 suggest that operators not overlook mine rescue personnel as
12 a resource to enhance other training programs.

13 For example, mine rescue trainees could be
14 utilized in a company's annual refresher program for
15 subjects such as emergency response, gas detection,
16 communications, firefighting, first aid.

17 Mine rescue team instructors need to have a vast
18 amount of knowledge in the logistics of conducting mine
19 emergency operations. Qualifications which limit the pool
20 of possible instructors should be understood and evaluated.
21 Certainly the knowledge of underground mining methods,
22 equipment, and technologies, as well as practical
23 underground experience, should be part of the required
24 elements for an effective instructor.

1 It should not, however, eliminate the use of
2 mining engineers and other technical personnel, for the
3 purpose of training miners in the principles of mine rescue.

4 Mine rescue has evolved from a program pioneered
5 by the U.S. Bureau of Mines' mine rescue teams who were
6 employed by the Government. Part 49 prescribes the way, but
7 does not provide the means to assure the nation's mines are
8 adequately equipped with the specialized training and
9 equipment needed to protect the rescuers.

10 It has been noted earlier that if the equipment
11 was provided by the Government, this could remove some
12 obstacles from those wanting to have the capabilities, but
13 lacking the resources. The economics of mining drives many
14 decisions of those attempting to do business in the global
15 arena. Any policy or rule that provides resources to
16 stabilize and complement mine rescue training efforts is
17 encouraged.

18 Thank you for the opportunity to provide these
19 comments. Please feel free to visit our website for
20 specific information on the Commonwealth's mine rescue
21 program.

22 MR. PAVLOVICH: Thank you. Okay, thank you, Bob.
23 Our next speaker is Kent Armstrong. And Kent, I guess you
24 had something on power-point you wanted to show. So while

1 you are setting that up, if you want to take and stretch
2 your legs, or use the bathroom real quick, or grab another
3 cup of coffee, we'll take about five minutes until we come
4 back.

5 (Whereupon, a brief recess was taken.)

6 MR. PAVLOVICH: Our next speaker is Kent
7 Armstrong, with Draeger Safety. Kent?

8 MR. ARMSTRONG: Thank you. Kent Armstrong,
9 A-R-M-S-T-R-O-N-G, Kent, K-E-N-T. I am the Business Unit
10 Manager for Mining and Mining Products for Draeger Safety
11 within the NAFTA Region. That includes Canada, the U.S.,
12 Mexico, and Central America.

13 I'd like to clarify a few issues while I'm here,
14 that primarily being the BG 174. In 1998, our Market
15 Manager, Mary Dawn, and I visited Germany for a business
16 unit meeting within the mining groups. That included people
17 from South Africa, Australia, South America, the NAFTA
18 Region, Europe, both Central Europe, Russia, et cetera, to
19 discuss the BG 174. And what our position had to be.

20 We were told by our very senior management and our
21 production people at Draeger that it would be very difficult
22 to continue on making spare parts and making equipment to
23 equip the BG 174 much longer. The outside manufacturers
24 that make certain dies, that make certain parts, that make

1 certain pieces would have to replace these dies at a very,
2 very expensive cost. They could not see this as a
3 worthwhile endeavor to continue on doing that, both in an
4 economic situation and within business operations at
5 Draeger.

6 We, as a group, sat down in 1998 and said we have
7 to look after the industry that we had out there. We
8 estimated worldwide we had close to 38,000 BG 174s in
9 service, and 174-As. We had to look after the industry.

10 That gave us, we said, until 1996, at the end of
11 1996, to our manufacturers, that they will continue to make
12 parts and supply us parts that we can sell to the industry.
13 Giving you eight years to maintain, make financial
14 investments, do what you have to do to make a changeover.
15 It was too costly for Draeger and our outside suppliers to
16 continue to make those parts. So by the end of 1996,
17 Draeger will continue to manufacture parts.

18 Where does that put the teams in respect to this?
19 We will do every effort to maintain the supply of parts
20 within Draeger, through to 1996, have them available. After
21 that date, it's up to the industry and what's available on
22 the marketplace at that time. When that's past, that's up
23 to the supply and demand and what has been made at Draeger
24 after that point. So we're making a stand at that point.

1 Yes?

2 VOICE: Two-thousand-six.

3 MR. ARMSTRONG: Oh, 2006. Sorry, 2006.

4 Nineteen-ninety-eight to 2006. I'll get into the right
5 millennium here. Two-thousand-six, the end of 2006 will be
6 the end of the supply of spare parts. Okay? So let's get
7 that clarified right here, right now. That's in stone.
8 That is not apparently going to change. It will not change.

9 Okay. I'd like to thank Mr. Lauriski, Joe, and Ed
10 for having us here today and having an opportunity to speak
11 to the group. I'd like to bring up a few issues regarding
12 the manufacturer's point of view, and maybe some comments
13 that we can add into the future of mine rescue.

14 A little history. There is the Draeger NAFTA
15 Region which we are responsible for, which we continually
16 work with. Our operation started in 1989, headquartered in
17 Germany, research and design, gas detection, warning
18 systems, breathing protection, and filter technology.

19 Right now we have about 8200 employees worldwide,
20 and roughly a billion, \$1.2 billion in U.S. dollar sales per
21 year.

22 In 1989, in 1889, Draeger formed in Lubeck,
23 Germany with seven employees. The first patent was a,
24 believe it or not, was a valve to pressurize beer vessels.

1 In 1984, Draeger developed the first
2 closed-circuit respiratory protection apparatus for miners
3 using carbon dioxide absorbers. In 1984, Draeger wins an
4 award at the St. Louis World's Fair for anesthesia machines.
5 Draeger has two divisions; basically, safety and medical.

6 In 1915, Draeger sold the New York Fire Department
7 its, it equipped it with the Draeger breathing apparatus,
8 1915.

9 In 1910 we developed dive rescue units for
10 submarine crews. We did the first dive simulators back in
11 1911.

12 In '33 we developed the CO meter with electrical
13 data transmission. And in 1939, mine rescue teams are
14 called Draegermen. The Draegermen appeared in the first
15 Superman comic, in 1939.

16 In '47 was, we developed the first iron lung for
17 the treatment of polio. Draeger pioneered that process.

18 In '51, the first portable incubators in hospitals
19 were developed within our Medical Group.

20 Where we started in 1977, the Draeger time line at
21 National Draeger, Draeger America Subsidiary in Pittsburgh,
22 Pennsylvania, serving the coal mining industries and
23 industries in the region.

24 Our rebreather technology, 1904 is the first

1 rebreather. In '63, the 174-A, the LAR-5 diving apparatus,
2 and the BG 4 rebreather in 2000.

3 Equipping a mine rescue team. A lot of points
4 were made up about the cost. We understand the needs. We
5 would really like to, I'd like to relate this to Draeger as
6 a company, worldwide, recognize those concerns.

7 When I speak about having concerns about equipping
8 a team, we had a gentleman visit a few years ago from South
9 Africa, a mine rescue competition, a gentleman by the name
10 of Christor DeClerk. Christor is the Manager of Mine
11 Rescue, South Africa.

12 Christor had a very serious concern regarding our
13 timeline between 1998 and 2006, because he had to replace
14 1,400 BG 174s. He is replacing them on a reorganizational
15 scheme of going back to 1,000 BG 4s.

16 Ontario Mine Rescue, Ontario is now looking at
17 purchasing 405 units to replace 525 units. Close to
18 \$3 million of replacement costs. They had to go to their
19 organizations, they have to go to their mining groups and
20 come up with an awful lot of money.

21 We had to give them that timeline. We had to
22 partner with them. We had to show them the benefits and
23 show them the costs of where they could save money, and what
24 is the long-term effect of going to the BG-4.

1 I'd like to say right now, as Christor set up his
2 timeline, he has now received 700 BG 4s of his total 1,000.
3 He is taking the three-year plan to put them into
4 implementation. He has over 1200 mine rescue volunteers
5 that he has to train as part of that program to put in. So
6 those are major costs, especially when the Rand has been
7 devalued by nearly 20 percent in the last two years, against
8 the U.S. dollar, and now the Euro. So that's a major
9 undertaking that had to take place.

10 We recognize that. That's why we gave the
11 timeline of eight years, giving the organizations and
12 companies hopefully time to assess their financial
13 situation, and start preparing for the future.

14 We see it at Draeger, along with our distributors,
15 the CSC Corporation, our distributors in the east, DXP
16 Safety Master in the west, as a partnership with the mining
17 companies and the mining organizations, the state and the
18 federal organizations, to be part of this transitional
19 period involving training, implementation, and looking at
20 other avenues to support the cost of mine rescue.

21 I hope you can see this. But what we had is a
22 basic, if you were starting, we had a gentleman from West
23 Virginia mention that he had just started a team. This is
24 broken down in a quotation form. If you had nothing, if you

1 were just opening your doors, you were going into a mine,
2 you were going to start up, this is what you basically need
3 for 14 apparatuses. Which comes out to \$122,802.30. All
4 right, that's for the coffee after.

5 That's what, basic-line cost if you went out and
6 said I'm going to start off buying everything new.

7 Now, for people that would be having 174 teams,
8 the cylinders on the BG 174 are used on the BG 4, so you
9 don't have to replace the cylinder. That cost is relieved.
10 You don't have to buy new face pieces, because you can use
11 the same face pieces by changing the front housing
12 connection, so that cost is removed. So if you presently
13 have equipment in place, we can reduce that off that, that
14 cost there.

15 Now, what I did was I took a lease option. We see
16 a lot more organizations. We see fire services, we see many
17 more organizations traditionally not getting into leasing to
18 be buying fire trucks on lease, to be buying breathing
19 apparatuses on lease, over a longer period of time,
20 amortizing the dollars.

21 So I broke it basically out into 36 months,
22 approximate monthly payment, and a 60-month. You will see
23 up there, for the \$122,000, that monthly payment of
24 \$2,636.02 over the 60 months, and a buy-out of one dollar at

1 the end, the equipment is owned by the mining company.

2 Remembering that if you have your cylinders in
3 place, you have your face pieces -- and this isn't off the
4 top -- we probably could take \$20,000 off that. Let's say
5 we run with a figure of \$100,000 for 14 apparatuses. That
6 would come down to probably \$2200 or \$2300 a month for 60
7 months, the equipment's yours.

8 So if you were talking about financing, you were
9 talking about going out and acquiring new equipment, if you
10 budgeted on a monthly basis, on a yearly basis, over five
11 years you could be up and running.

12 We also have a rental program at Draeger and
13 Draeger Pittsburgh. Also, this can be coordinated through
14 our local distribution. We will call CCBA's, which is
15 closed-circuit breathing apparatuses, SCBA's, gas detection,
16 and portable instruments. We heard the cost of coming to
17 the academy and bringing apparatuses, if you're doing that,
18 going to places such as this.

19 We have a full rental program at Draeger where you
20 can rent it by the day, week, or month. We'll ship it to
21 the site that you will primarily be using it at. And this
22 also can be as back-up equipment, et cetera, when you're in
23 a mine emergency session. All this equipment is ready to
24 go, tested, on the shelf, can be utilized at any time. So

1 you can add that into your criteria when you're looking at
2 planning and mine rescue emergency back-up systems.

3 Certification and training. Draeger took a more
4 active role about four years ago with mining and mining
5 products in the United States. One of our areas of concern
6 was the level of, of training, the level of certification,
7 both on the BG 174-A and the BG 4. Through our methods of
8 distribution in the past, they had, the distributor had
9 issued, had not issued certain certificates of training. We
10 worry about this a lot at Draeger. We are in a position of
11 liability when training and certifying people.

12 Also, under our ISO program, is we issue
13 certifications for the individuals being trained. So it's
14 very critical that we raise the level within this country of
15 the people that are trained to a level to maintain the
16 equipment in a proper manner.

17 We saw in the past where, at certain mining
18 companies and mining operations, there had been a
19 traditional history of one gentleman retired, but he had
20 trained the next guy; and that guy had gone on to another
21 job. So he trained somebody else. And in the whole
22 transition, as you know, something was lost in the
23 translation.

24 Very critical that we got on board and we got onto

1 our programs, and we raised the level of this certification.
2 And I'd just like to touch on that briefly.

3 Level one is where we come in with your basic mine
4 rescue team members, and we do a use-care-maintenance. That
5 covers setting up, using the apparatus, caring for the
6 apparatus, washing, reassembling, and putting back together.

7 The area that we're really trying to raise is the
8 level two, which is a two-year certified course, which
9 includes everything of level one, plus complete component
10 testing, repair, and service. This is what we call the
11 bench testing. Without it, we can't use bench testing, we
12 have to use levels of certification. This is what our
13 benchmen, or this is what we say our benchpeople should be
14 qualified to a certified level to do. Okay?

15 We have to be aware. We have offered training
16 programs. We offer training programs on the sale of
17 apparatuses to go in and make sure that the people that are
18 maintaining these apparatuses, that are going to the mine
19 sites, that are going to the mine emergencies, have the
20 competency to properly maintain the equipment to Draeger's
21 specifications, as the manufacturer.

22 Thank you.

23 MR. PAVLOVICH: Thank you, Kent. Our next speaker
24 is Bob Peluso. And Bob will be representing today the

1 National Mine Rescue Association. Bob?

2 MR. PELUSO: My name is Bob Peluso, P-E-L-U-S-O.
3 And on behalf of the National Mine Rescue Association and
4 the Veterans of Mine Rescue for the Pittsburgh District, I'd
5 like to thank you for this opportunity.

6 The National Mine Rescue Association was started
7 in 1924, and maintains 12 posts throughout the United
8 States. The Veterans of Mine Rescue of Pittsburgh District
9 was founded in 1928.

10 The object, the mission of the organizations are
11 for the advancement of the science and engineering practices
12 related to the prevention and control of mine fires and
13 explosions, the safety and effective methods of mine rescue
14 and recovery operations following mine fires and explosions,
15 the professional improvement of its members, and the
16 encouragement of social activities among persons who have
17 been engaged in mine rescue and recovery operations.

18 One of the major efforts of the National Mine
19 Rescue Association and the Veterans over the last several
20 years has been to address several issues. The first issue
21 was lifelines. And what we have looked at in that issue was
22 the different techniques, and also the communication
23 associated with lifelines.

24 The second issue we investigated was the incident

1 command system. And that addressed the management of an
2 emergency situation using flow charts to show how, how the
3 work should be coordinated; and also, it brought out to the
4 fact that maybe in addressing new regulations, there would
5 be a requirement for management to be trained.

6 And this is being done right now in several
7 locations. I could tell you for -- and I think you know
8 this -- a lot of the districts do that type of training for
9 the management. Also, I know in the state of Pennsylvania,
10 they require management to attend one of those two sessions
11 that were mentioned earlier.

12 The third issue that was developed by the Veterans
13 and the National Mine Rescue Association dealt with fire
14 brigades. That addressed the issue of first responders, the
15 type of equipment, the training, and the conduct of fire
16 brigades.

17 And the fourth issue paper that we developed was
18 the mutual aid agreement. And the mutual aid agreement
19 dealt with issues that had been raised by other speakers on
20 liability. And this particular issue says that in order to
21 have a program for mine rescue where there is cooperation
22 between two different organizations, two different mining
23 organizations, that a contract would be required to serve as
24 the basis for that mutual agreement.

1 All of these issues that I just discussed are
2 available on our website: www.miningorganizations.org.

3 I want to mention one other activity that we've
4 been involved in in the last several years. Working with
5 some high-tech computer program people, we developed a
6 demonstration CD that could be used to train mine rescue
7 team members. We demonstrated this at our, at our national
8 meeting two years ago, and with rather successful results.

9 The funding for such an operation is, is
10 considerable. And what we'd like to do is recommend that
11 the Agency, both MSHA and NIOSH, look into the possibility
12 of using this type of training in their programs.

13 Also, there are a couple of issues that, that are
14 not the National Mine Rescue Association and/or the
15 Veterans, but we've addressed them in some fashion, that I'd
16 like to bring out today. And one has to do with the
17 funding.

18 I'd like to point out that the Federal Emergency
19 Management Agency provides funds for different organizations
20 throughout the United States. And those organizations are
21 responders to occurrences like 9/11. And so that's, there
22 is a possibility that the Agency can work out some kind of
23 relationship for funding through FEMA.

24 One other final point, and that deals with what's

1 going on in the rest of the world. There are foreign
2 countries that have addressed these issues, and some of
3 their programs should be investigated.

4 Also, I've viewed several contests in foreign
5 countries. And their contests are significantly more
6 complicated than contests that are in the U.S. I think the
7 United States would merit, would benefit from the merits of
8 some of these efforts.

9 Again, on behalf of the National Mine Rescue
10 Association and the Veterans, thank you for this
11 opportunity.

12 MR. PAVLOVICH: Thank you, Bob. Let me make an
13 announcement before we continue.

14 We mentioned that we would accept written comments
15 for a 30-day period. And those can be sent to MSHA, Office
16 of Standards, Regulations, and Variances. And that address
17 is 4015 Wilson Boulevard, Arlington, Virginia, 22203. Or if
18 you'd like to email comments in, they can be sent to
19 comments, C-O-M-M-E-N-T-S, @msha.gov, G-O-V. Okay?

20 And we also intend to make -- yes, Rick?

21 MR. HICKMAN: Joe, is there any attention to, on
22 either of those, presented to the Office of Standards,
23 Regulations, and Variances, is there attention to any one
24 particular --

1 MR. PAVLOVICH: No. No, it'll go directly to that
2 department. And what we intend to do is any of these
3 submitted comments, so that we could make those also public,
4 will be available on MSHA's website.

5 Okay. That was the last speaker that we had
6 signed up. I would like to ask, is anyone else in the
7 audience interested in coming up and giving us any comments
8 or suggestions or ideas? And we certainly would encourage
9 that.

10 MR. DAVIS: Very briefly, Wayne Davis, state of
11 Virginia.

12 A lot of the comments has already been covered.
13 Some things I see as a state agency in MSHA we need to get
14 on board with, before I say anything else, is that why does
15 anybody want to be a mine rescue member?

16 If you really look at what is facing you as a
17 member, it really don't make sense, does it? But several
18 years back, under National Mine Rescue Rules, there's a
19 little emblem right down on the bottom of the right side,
20 that said, "A Special Breed." And you have to be a special
21 breed to even fathom being a person involved in this.

22 Because when you think of yourself, what you're
23 facing if you've got a disaster, you've got to go
24 underground to try to rescue somebody, dead or alive, and

1 you have a family at home. You're putting your life in that
2 danger. And without a doubt, you are a special breed. And
3 I think we should comment on that.

4 Why do you stay with it 20, 30 years? Because,
5 like our firefighters in New York, I mean, how many did we
6 lose? And yet today, we have firefighters that would do the
7 same. And even in here today, if we leave here today and go
8 down the road, and you see a home on fire, and there was a
9 life in there, who would not stop and risk your life to save
10 theirs?

11 With that said, I think there's three things that
12 we face today as far as mine rescue. It's cost. It's the
13 age of the members that we have; we're old. And it's the
14 resources that are available.

15 Like Mr. Hickman said, if I have three foremen,
16 and I have to use two of them one day to practice, that
17 takes away from my resources of the livelihood to even have
18 the team.

19 Next thing is education and training, which was,
20 already has been spoken to, and I'll briefly speak on it.
21 As far as mine rescue training, there's two areas that we
22 need to address.

23 One of them, as problem designers in mine rescue,
24 MSHA state trainers, are we going to step it up a notch? Or

1 are we going to continue to do what we're doing? Are we
2 going to bring in the command centers, fresh air base,
3 brief/debrief, inner problems or on the training fields?
4 Are we going to do that? What's reality?

5 There's a limit to the problems in which we can
6 bring reality into those. But we can step them up a notch
7 and bring the absolutely most reality into those problems
8 that we can. And we can do this by command centers,
9 briefing and debriefing, having teams work together. Put as
10 much into it as we can.

11 Also, with that, our MERD exercises. Underground
12 MERD exercises. Of course, in the state of Virginia we had
13 two of those last year. And the knowledge that just the
14 teams obtained from one problem to the next was unreal. Not
15 only that, but every one of these that we put on, it's not
16 only the teams that really gets the knowledge, it's the
17 company, the management, state and federal, just figuring
18 out what to do, and to get organized.

19 Every one of these that I've ever been to, and
20 still present, getting organized up front just to get
21 underground is a major task. And then when you put four or
22 five different entities in that organization, it makes it
23 rough, it makes it tougher. But if you want to do what
24 we're going to be faced with, try your underground MERD.

1 Organize it, set it up just like a real disaster. And
2 everybody will learn.

3 Not only that, within the training -- of course,
4 we can look at Part 49, and we can look at Part 48, too --
5 every time an individual is away from the mines for mine
6 rescue training, of course Mr. Vicini's already addressed
7 it, about giving the maximum credit for that mine rescue
8 training that you can get, whether it's a contest, whether
9 it's on the practice field at the mine, get the maximum
10 credit.

11 I know we're required eight hours every two
12 months. Every six months you're required underground.
13 Within that year, you know, January to December, annual,
14 give it the maximum credit. If you can carry it over, if
15 you practice for a contest and you go to two or three
16 contests, that can be designed to suit emergency situation.
17 Give a credit if we carry it over to another month, or
18 another two or three months, within that year give the
19 maximum credits that are available. Not only to 49 for the
20 rescue teams, but let's carry it back over into 48.

21 If we can arrange that training to do some of
22 those refresher parts, ventilation, whatever is required in
23 your training plan, let's give them credit -- four, six
24 hours, if it's eight hours -- give them credit for Part 48

1 for your refresher. That takes that individual and puts him
2 back where he needs to be that day, where he'd have to be in
3 training.

4 Also those team members. If we can carry training
5 over for months, within that year, that puts him back where
6 he needs to be.

7 Also within that training, whether you have to
8 evaluate it or not, if it's in mine rescue problems, design
9 the problems that it meets some of that criteria, not only
10 for Part 49 but for Part 48.

11 I've heard state grants mentioned. MSHA giving
12 incentives, funding, the cost to maintain a rescue team.
13 Members away from their jobs for that training, for
14 contests, for whatever.

15 Not only that, but incentives for younger people.
16 If you go to a contest, probably the average age, I have no
17 idea, but I would say it's 40 and above. Where are the
18 younger people at? What's the incentives for those to get
19 in there?

20 Not only that, if we could have grants available,
21 what is available out there? What could be available?
22 Where could you go to get some money? Not only to maintain
23 the equipment, the supplies, but give that operator some
24 money for having a team. Distribute it up. Make it

1 available.

2 If a new member, if you was to get a new member,
3 and they are far and few between, quality of training -- of
4 course, Joe mentioned quality of training. It's been
5 mentioned several times in here today, about cross-training,
6 metal/nonmetal with the underground. That's a highly
7 possibility, good possibility. A lot of things in your
8 firefighting, as far as your fire departments, can carry
9 over.

10 But as far as your quality training, if we can
11 step our training up a notch where we need to be, make it
12 mine-related, make it disaster-related, the quality will be
13 there.

14 Now, how do we get members involved to get into
15 that quality training? Teams have declined since '85. Of
16 course, you've already heard the number how far. I remember
17 in the nationals in the early eighties, first-come,
18 first-served basis. They cut you off if you didn't sign up.
19 And a lot of times you was limited to one team per company.
20 Now they beg you to come, because there's nobody out there.

21 If we address the problem. Of course, as mines
22 goes out of business, those companies that had teams are no
23 longer, don't own it, no longer even have operations. In
24 speaking to what can we do, I would look at several things.

1 Are there special funds available? If there are, where can
2 we find them? How do we go about writing grants to get
3 them? Or what do we do to get them?

4 Ways to give the maximum credit for the training
5 that you receive, Part 48 or Part 49. Is there a need to
6 update Part 49? We talked about a member may be on a team
7 for 20 years. He may go somewhere else for a year or two.
8 Has all the qualifications in the world. But when he comes
9 back, does he have to go back through that 20 hours again?
10 Is there some way that that can be rewritten to give partial
11 training to him to get him back to active?

12 Does MSHA have a contingency plan if more rescue
13 teams goes out? Especially in the state of Virginia, that
14 we cover a lot of operations with state-designated teams
15 that are contracted from other organizations within the
16 state, companies that have mine rescue teams. If all those
17 teams goes out in the requirement, is there a contingency
18 plan to deal with that?

19 And the last thing I will speak to is, I've talked
20 to training, is there a way -- and Jim talked on this
21 earlier -- is there a way to carry contest training over to,
22 not within that two-month frame, can it be legally or can it
23 be addressed that those hours can be carried on that year
24 towards the end of the year for training, and the members

1 actually don't have to come and train? They can carry that
2 training over?

3 Thank you for your time.

4 MR. PAVLOVICH: Thank you, Wayne. Appreciate it.
5 I saw someone else. Gerald, was that you had your hand up?
6 Oh, okay. This gentleman back here.

7 MR. UNDERWOOD: Thank you. My name is Kim
8 Underwood. That is K-I-M, U-N-D-E-R-W-O-O-D. And I am with
9 the State of Illinois Office of Mines and Minerals,
10 Department of Natural Resources. And currently I have the
11 title of Supervisor of Training and Education for the state.

12 And I have had a number of titles in the past, and
13 worked in the mining industry starting in 1974. I was a
14 rank-and-file member, and then in various management
15 positions, with Zeigler Coal Company, and for seven years
16 was on a mine rescue team. And currently, of course, I'm in
17 charge of the state's training.

18 And I just wanted to make a couple of comments,
19 because we are, I think we're all on the same page, but
20 maybe taking a little bit different approach. But in the
21 state of Illinois, in the early 1900s, state law established
22 that we put together rescue stations around the state. So
23 at one time we had six, right now we currently have four
24 mine rescue stations in the state of Illinois. All four of

1 those are fully equipped, two of them with the Draeger
2 apparatuses, two of them have the bio-marine packs.

3 We have the latest equipment. We have, of course,
4 everything that we would ever need, the trucks, et cetera.
5 At two of our stations, Benton and our Springfield Station,
6 we have two rescue teams at each operation. All four of our
7 stations do have a full-time superintendent. Each person is
8 well qualified in mine rescue. They have come out of the
9 mining industry, have a mining background.

10 At the one station in Benton, we have all of our
11 state rescue, or I'm sorry, our state mine inspectors are on
12 that rescue team, cross-trained in a number of things, from
13 HAZMAT to, we have seismic equipment if we have an
14 earthquake in -- southern Illinois, as some of you may know,
15 is on a fault, if we have an earthquake situation. We do
16 rappelling. Some of it sounds like maybe we are out of our
17 realm. But a few years ago, when some teenagers were lost
18 in a cave, the smiles on their parents' face when our rescue
19 team came walking them out of that cave was something I
20 think that everybody still remembers.

21 So we feel pretty good about that. I guess you
22 could say we just contract out. We cover every mine in the
23 state of Illinois. Every mine there has a letter from us
24 that we cover them for mine rescue.

1 Some of them still, of course, have their own mine
2 rescue teams, and some very good ones. But they are
3 dwindling, and it's a concern. And my concern is more of a
4 quality issue, too, of trying to get our teams up and going,
5 making sure that they are the best that they can be.

6 We've gone, in the last few years, I can remember
7 in 1985 when we probably had 30 mine rescue teams sponsored
8 by the coal companies in Illinois. Last year at our rescue
9 contest we had 12 teams compete, four were out of state. So
10 we only had eight in state. And of those eight, I speculate
11 we're going to lose two this year.

12 The lady that commented from CONSOL, our Renn Lake
13 Mine down there is at an idle status starting later in the
14 summer. I would speculate that they probably won't be
15 around to compete. I've not heard that officially, but we
16 have another large mine in the state that's already
17 indicated that they're going to back off of a lot of their
18 mine rescue training. So that may just put us down to six
19 additional teams in the state.

20 The team from Renn Lake, CONSOL last year was our
21 state champions. In 1999 our Marissa Peabody Mine was --
22 Marissa Mine is now closed -- were national champions. We
23 have lost a lot of expertise.

24 Where are we going to pick that up? I'm not quite

1 sure yet. But we're making an effort to try to do that. We
2 are talking, just as a point of thought, we're talking with
3 some of the mines that currently do have rescue teams, but
4 are discussing slowing down their efforts with mine rescue.
5 We are discussing with them about picking up the slack, of
6 being more proactive with first responder teams. Some of
7 this goes along, I think, with other comments from the
8 gentleman with the BCOA.

9 But we're actually in discussions with people
10 about the fact that they would, if they're going to back off
11 on their mine rescue teams, if they would give us a number
12 of their mine rescue team members for us to take and put on
13 our state team.

14 We would -- then, of course, there are some other
15 issues there. One, of course, as everybody has talked
16 about, funding. But we would take the approach that the
17 state would come up with some more money, along with the
18 coal operator, to do additional training, better quality
19 training.

20 I think a number of things that we've discussed
21 here today, you've got some great ideas. The gentleman from
22 the salt mine indicated that work in metal/nonmetal and
23 coal, I think any time we're inclusive, we're all going to
24 win, we're going to get ahead. I think the gentleman from

1 Jim Walters Resources talked about a training contest type
2 of thing, which I've always thought would work. I mean, we
3 all do the war games, as I call it. And how well that
4 prepares us, it's probably as good as it can be. I think
5 the facility out here that's been mentioned is a piece of
6 the training that everybody should go through. And I'm
7 hoping that we'll get our state teams out here in the next
8 year, from Illinois.

9 But I think that, as we go through this process, I
10 hope that while we're all here, I hope that MSHA makes sure
11 they talk to specific team members and people that are
12 actually, the guys that are out there. I don't want to call
13 them the grunts, I've heard them called that, but the people
14 in the trenches that are doing the work, that maybe can help
15 with some of their thoughts and ideas on what we can do and
16 how we can better enhance mine rescue training, and provide
17 for more and better quality teams.

18 Mine rescue personnel, as indicated, they usually,
19 they seem to be the cream of the crop and they rise to the
20 top. They get into better positions with their companies.

21 You take any given day and you take 15, 16 people
22 away from a mining operation, it gets pretty difficult. A
23 lot of operators I've talked to, the budget, the money isn't
24 as big a problem with them; for them, it's the fact of

1 people away from the mine. That losing those people and
2 that day of production.

3 And then from my end of it, and I throw this spin
4 onto it, it causes a ripple effect. Because when they're
5 gone from the mine, you've got to fill in with another
6 person. And we do have a lot of new miners coming in. And
7 so now we're having a situation there of a safety concern,
8 of somebody coming in and maybe doing a job that they're not
9 always familiar with.

10 I will say that's my opinion, and I should have
11 said at the start. Let me say that these are probably all
12 my opinions, and these aren't the official position of the
13 state of Illinois, okay? So I'll throw that in there.

14 I would like to mention, though, something that
15 somebody indicated about the MSHA grants. And it was
16 probably, I lose track of time, 12 or 15 years ago, when my
17 counterpart, who was, at that time he was the Assistant
18 Director of Surface Safety in the State of Illinois, Sam
19 Vancil, set up a meeting in Mount Vernon with Mr. Main.
20 That's the first time I met Joe. I don't know if we've run
21 across each other since; I think we probably have a time or
22 two.

23 But at that time, that meeting was to discuss the
24 MSHA grant funding. Everybody was nervous about trying --

1 let me retract that. Different entities around the country
2 were very nervous about trying to attempt to get additional
3 funding for that grant. And with Joe's help, and I will
4 give him most of the credit there, our appropriations were
5 increased.

6 About that time, though, I believe every other
7 state, or several other states found this little pot of gold
8 that we had kind of kept secret for a while, and got on
9 board with this.

10 I would say that the MSHA state grants is a big
11 portion of why the state of Illinois has first-rate
12 equipment. We have been able to utilize that grant, along
13 with what we get from our state appropriations. And we have
14 excellent equipment. But it came from that grant.

15 And so with Joe's help, we were able to do that.
16 Maybe we are at a point in time where we need to start
17 looking at that. I know we all point to MSHA and say, hey,
18 you're the guys, you need to do it. But they need some
19 help.

20 I mean, in Illinois we have got a gentleman named
21 Dennis Hastert, who is Speaker of the House. I am sure that
22 maybe we could get with him. We've got another one,
23 Congressman Ray LaHood, who seems to be fairly influential
24 in some cases. And I think if we make our case, and this

1 year being an election year for a lot of people, it may help
2 everybody's cause in here, because it just seems that it
3 only makes sense that we try to focus on some things and
4 increase some budgets in some areas where it's needed.

5 I think if we take a nationwide approach -- we all
6 know what happened in 9/11. Everybody was ready to jump on
7 board and dig in. I think if we take a nationwide approach.
8 I don't know if we've got an answer to coming back with more
9 teams. But certainly we can have an impact on the quality
10 of teams. And maybe along with that quality, once we get
11 that, some people will realize how important this is and how
12 solid these efforts are from these people, and maybe we will
13 get some more numbers out there.

14 So with that, I would just like to say thank you.
15 I appreciate you allowing me to take a couple minutes. And
16 we have a website, I don't have the website number, in the
17 state of Illinois. But my phone number is (217) 782-7676.
18 And if there's anything I can help you with, or in Illinois,
19 we go through our channels there. Department of Natural
20 Resources, they're very proactive on the political scene.
21 So if there's anything we can help anybody with that's
22 trying to maybe maximize their funding, et cetera, we'd be
23 probably glad to help with that.

24 So thank you.

1 MR. PAVLOVICH: Thank you, Kim. Anyone else that
2 would like to give us any comments or suggestions? Okay.

3 Let me just, before we close things out, there
4 were some numbers referenced earlier and some other things.
5 And I know many of you would like to provide some written
6 comments. And I don't think everybody got a copy of this
7 sheet. But some of the information that was referenced, we
8 did a survey, and I want to compliment Virgil Brown on some
9 of the work that he has done on compiling information on
10 rescue teams.

11 If any of you look at the MSHA website, look at
12 the mine rescue area, and you'll see that every team that we
13 know of in the country that is providing coverage, and those
14 that even are not providing coverage, is listed on that
15 website. With contact persons, type of apparatus, a lot of
16 other additional information. And I want to commend Virgil
17 on that, because he does that survey by telephone every year
18 to some probably 300 operations, 250, somewhere in that
19 range.

20 The numbers that we took about, sometime in 2000
21 were coal teams, we had 133 teams that were covering 837
22 mines. Of those teams, 133 teams, 71 of them were funded by
23 companies, which is just over -- pardon me? Can I repeat
24 it? Yes. A hundred and 33 coal teams covering at that time

1 837 mines. Seventy-one of those were company-funded teams.
2 So the remainder of those were some organization or state or
3 a private mine rescue station that was selling services or
4 contracting services.

5 The company-funded teams provided services for 235
6 mines. So the 71 company-funded teams covered 235 of the
7 underground mines. Which meant that about 600 were covered
8 by a non-company team, or the majority of mines were covered
9 by non-company-funded teams.

10 We also poll how many teams participate in some
11 kind of a contest or an exercise, a MERD exercise, other
12 than, something other than just the normal four hours a
13 month or eight hours every two months. And of those 133
14 teams in coal, 75 were participating. So about half.

15 On the metal/nonmetal side, Virgil did the same
16 poll, came up with 116 teams covering a total of 259 mines,
17 underground mines. And again, there probably are many more
18 underground metal mines that don't have mine rescue coverage
19 because they fall into one of the alternate coverage zones.
20 But 116 teams covered 259 mines, which is a significantly
21 different ratio than the coal side.

22 Of that 116, 99 were company-funded, or the good
23 majority were company-funded. And those company-funded
24 teams covered 219 of the 259 mines.

1 Metal also had a better ratio of participating
2 teams, as we said, participating in contests, with 84 teams
3 that participated in some exercise other than normal, than
4 the normal type of training.

5 Now, I don't have all that same information for
6 the year 2000, but we'll cover what we have for that. And
7 we could very easily get that information; we just don't
8 have it with us.

9 But for 2000, the total teams in coal are down to
10 118. So you can see, in two years we went from 133 --

11 MR. RODRIGUEZ: Two-thousand-two.

12 MR. PAVLOVICH: What did I say?

13 MR. RODRIGUEZ: Two-thousand.

14 MR. PAVLOVICH: I'm sorry. So from 2000 with 133
15 teams, in 2002 we went to 118. So you can see a significant
16 drop in teams over a two-year period. And our number of
17 competition teams or teams that participated in an exercise
18 went from 75 down to 66. So again, that's a significant
19 drop.

20 On the metal side, for 2002, we're still showing
21 116 teams, which basically -- well, not basically, it stayed
22 the same. Although in 2001, you had an increase to 128, and
23 then it dropped back to 116 in 2002. So 2000 in metal, 116
24 teams; 2001, 128; and 2002, back to 116.

1 The teams that competed in some kind of a
2 competition for metal was 86, which was an increase of, by
3 two over a two-year period.

4 Now, I realize if we look at those numbers and
5 some of the comments that were made, we have several
6 stations out there that are meeting the Part 49 requirement
7 of two teams per station. And I know we also have several,
8 say, non-coverage stations that are located at mines that
9 have one team.

10 And basically, Part 49 says if you don't have two
11 teams, you're not a coverage station. So the teams, for
12 example the ones in Kentucky, the state that I'm now most
13 familiar with, there are five teams at mines that can't even
14 use their own team as a coverage team for their own mine,
15 because they are a one-team station.

16 And we'll entertain any comments in that area, if
17 anyone would wish to comment on that. I guess not. Okay.

18 All right, anything you want to add, Eddie?

19 MR. RODRIGUEZ: No, I think it's all been said.

20 MR. PAVLOVICH: Okay. Joe?

21 MR. MAIN: I see we are getting ready to close up
22 here. I just want to make two comments before we do.

23 One is that I have had the personal opportunity to
24 work with rescue teams over the last several years. And it

1 has been pointed out, they're a special breed of folks. And
2 I know Dale Byram has been asked this question, I have, many
3 times, of why do those guys do that. And it is something
4 that we didn't spend a lot of time here on, that we're
5 getting less folks that answer that call.

6 We have a situation where most of the mining
7 community is what you see in this room, about the same age
8 as are sitting here. And I think it's something that we do,
9 as we fix this problem, we have to figure that out. And I
10 know, when I look at my rescue teams, we had a dinner down
11 there, and everybody had their hats off. Wasn't a whole lot
12 of folks with a lot of hair, was there, Dale? I mean, and
13 that was a crew that we relied on in Alabama that signifies
14 where we're at. And another five, six, seven years from
15 now, you know, we're going to be hurting.

16 And one thing connected with the Alabama
17 experience. Although I pointed out we had, I think, some of
18 the highest-quality folks doing one of the best jobs around,
19 we exhausted every pound of mine rescue resource that we had
20 in Alabama to get that done. And there was days that Dale
21 and some of us had to deal with some tired soldiers, and we
22 had to do a little bit of shuffling around just to keep that
23 exercise going with what we had there. So even in the best
24 of circumstances, we scraped the bottom of the barrel, I

1 think, to get that done.

2 And my last comment is that, as many of us have
3 said, we've been doing this, these conferences, I think my
4 first one was back in the early nineties. Talking about the
5 same things. We do have to figure out some way to bring all
6 of this to a solution, and I think rather quickly, and put
7 something on a track that brings some finality to saving the
8 mine rescue teams that we have, beefing up the team
9 structure, getting quality back in the programs, getting
10 quality training, relooking at the whole training model. I
11 think that's something that we really need to do. It is a
12 cost-cost-cost issue.

13 And I sit back and say why does one company spend
14 \$250,000 and try to do the right thing, and others don't?
15 And, you know, they sort of win if they don't have a mine
16 emergency. I mean, that's not a good way to have the system
17 running. We've got to figure out a way to bring parity
18 across the board so you don't have those folks who are doing
19 the right thing paying the, you know, paying the real price
20 for this.

21 But we're going to do whatever we can to fix this
22 problem. We owe it to the miners, we owe it to the rescue
23 teams that's out there that we depend on every day. And we
24 owe it to ourselves, because we're going to be in a heck of

1 a mess here if we don't figure out a solution to this.

2 Thank you.

3 MR. PAVLOVICH: Thank you, Joe. Okay, with that,
4 I certainly appreciate your attendance today, and your
5 comments, and the participation that we had. And I think we
6 had a good group here. As I said, we'll post this. We'll
7 also be expecting several more comments in the next 30 days.
8 And I thank you all for attending.

9 Thank you very much.

10 (Whereupon, at 12:04 p.m., the meeting was
11 concluded.)

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