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To Whom It May Concern:

Mine rescue teams need to act fast, but need to be properly aware of the conditions of the mine and must be safe in their actions. MSHA has recognized these needs in crafting Proposed Rule RIN 1219-AB56, which updates 30 CFR Part 49. It has been over 25 years since new standards have been issued, so the rule is not simply timely, but necessary. Given the recent attention this issue has received in the past several years, the question that must be discussed with respect to this proposed rule is not are the costs too high, but are the new regulations providing mine rescue teams everything they need.

Following Executive Order 12866's cost-benefit analysis, this rule would bring greater positive change than it would impose a significant hardship on any particular party. Expected costs of equipment changes are insignificant when compared to the large operating budgets and annual revenue of mining companies, especially given that the majority of new regulations have already become standard in the industry. Of particular concern, of course, are small mines, however, as MSHA's analysis indicates, the proposed rule's economic impact here too would be insignificant. While costs are practically negligible, the benefits of the proposed rule are immeasurable. Mine rescue teams are relied upon to save miners in the event of explosions, fires, and collapses (all of which happen far too frequently). Rescue teams need the most advanced technological equipment and sufficient supplies to make timely, informed, and safe decisions. For anyone arguing that the expected economic costs are too high, I ask them to put a price on their own lives.

While I am not an expert in the devices that keep rescue workers safe, I must defer to comments on the most effective and efficient mine rescue equipment available that were submitted in response to MSHA's previous calls for information and public hearings. Many of these comments call on the agency to do something it has not done with this rule: think outside the box. Most of the proposals in RIN 1219-AB56 simply conform the rules to standards already set by the industry. This is an effective way to keep the costs of the rule low, but does not make for good rulemaking. Clearly, industry standards are not enough. Not only does this rule fail to address weaknesses in the preparedness of the mining industry, it condones them by making these failures the standard. While there is still some debate about what equipment is most effective, MSHA should be taking a more active role in looking towards the future of mine rescue team safety by proposing more ambitious changes in the equipment these teams use.

By neglecting to be more aggressive regulators, it appears that MSHA is favoring the industry's and the President's agenda, rather than the needs of the workers. Cecil E. Roberts, President of United Mine Workers of America International, said it best during a Senate committee hearing on the Crandall Canyon mine disaster, "MSHA is charged with protecting miners, period. There is nothing in any federal mine safety legislation that says MSHA should be helping companies operate more efficiently or at a lower cost. But that's exactly what the agency has been doing over the last several years. The result is more hearings like this one and more legislation written in the blood of coal miners." The government's responsibility is to issue rules that will protect rescue workers, not to issue rules that favor business' interests.

MSHA should move forward with this proposed rule because it is an important and necessary update. However, this proposed rule is not enough and these new regulations should not become the standard for the next twenty-five years. Updating standards can save lives and push the industry

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forward. While rulemaking can be a long and drawn out process, it must be continually done especially in this area.

Sincerely,

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