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MSHA/OSRV

June 22, 2006

Office of Standards, Regulations and Variances
Mine Safety and Health Administration
U.S. Department of Labor
Room 2350
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: Emergency Mine Evacuation RIN 1219-AB46

Dear Sir or Madam:

The Salt Institute is a trade association representing producers and processors of all forms of rock, solar and evaporated salt. Salt is used in greater quantities and for more applications (more than 14,000) than any other mineral.

Of the three types of salt, mined rock salt is by far the largest volume of salt produced. The main application of rock salt is for winter highway maintenance. Because of the treacherous road conditions that are so often encountered during our winters, the application of mined rock salt has made a major contribution to the country's winter economy by allowing our roads to remain open and fully functional. Needless to say mined rock salt used for road deicing has also saved countless lives. The miners who are employed by our Members companies risk their lives to save the lives of others.

As with many other mining companies, all Salt Institute Members operating in the United States are significantly impacted by the Mine Safety and Health Administration's temporary standard on emergency mine evacuation issued on March 9, 2006. Of particular concern are the provisions of 30 C.F.R. 8 50.10 addressing notification of MSHA within 15-minutes by mine operators when an accident occurs.

The requirement that MSHA be notified of accidents is fully understood and not an issue of contention. However, it is difficult to believe that it is MSHA's intent that its notification requirements take precedent over the efforts to save lives in the event of a mining accident. Surely, that could not be the purpose of this provision.

While there may be instances where this may be possible, it is not realistic to insist upon notification to MSHA within 15 minutes of an accident's occurrence in all instances. There are just too many things going on while the clock is ticking away, and having the 15 minute rule hanging over everyone's head like a Sword of Damocles would only distract mine personnel from the many critical actions needed to be taken in order to save lives. This requirement is impractical and has the potential to greatly contribute to risk.

Depending on the mine or even the particular operating shift, there will be instances where the requirements of the 15-minute rule will clearly increase the risk to miners involved in an accident. The first few minutes of any emergency are filled with a great many activities. Decisions have to be made, rescue strategies worked out, equipment has to be rushed into place – the focus has to be exclusively on the miners in danger – period.

In the midst of all this is the requirement to drop your focus and place a phone call to MSHA personnel, who will in all likelihood, be unable to respond quickly enough to justify the distraction that the notice represents. This will not contribute to saving lives – on the contrary, it may well hinder the efforts to do so.

In everyone's interest, we ask that the 15-minute rule be thoughtfully reconsidered and if it is to remain a requirement, the language be modified to take into account the added risk to miners that it implies. A possible example of this would be:

Mine operators must notify MSHA within 15-minutes after determining that an accident has occurred, unless the efforts to make such a notification may increase the risk of death or serious injury to miners.

This language will ensure that the spirit and purpose of the 15-minute notification is honored in the majority of cases, but gives authority to the judgment of the trained emergency response personnel on the scene.

As it now stands, the 15-minute rule could increase the risk of death or serious injury to miners, and contravenes the functional intent of the Federal Mine Safety Act. It must be reconsidered to the benefit of our miners.

Respectfully submitted,



Morton Satin
Director of Technical and Regulatory Affairs