



May 3, 2006

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Blvd, Room 2350
Arlington, VA 22209-3939

RE: RIN 1219-AB46

Dear MSHA,

My paternal grandfather, John Dorsch mined coal in Southwestern Pennsylvania for his entire working career. It is because of this family connection that I am delighted to submit comments regarding the Department of Labor's Emergency Mine Evacuation, Emergency Temporary Standard, [RIN 1219-AB46] that was published in the Federal Register on March 9, 2006. The following comments offer recommendations regarding Self Contained Self Rescuer (SCSR) units, evacuation and fire drills, and MSHA notification.

I understand that the Emergency Temporary Standard went into effect on March 9, 2006 and that a final rule will be implemented within nine months or less from the release date. While a quick turn around of a final rule is imperative to ensure that there is improvement to coal miners' safety, it is noted that it may take time to discern the best route of action to promote increased miner safety and develop new and/or improve upon existing evacuation methods.

SCSR Units, Evacuation and Fire Drills

The emergency temporary standards are a positive step to ensure miner safety and need occur as the demand for coal increases. As you are aware, the Federal Coal Mine Health and Safety Act was passed in 1969; this in combination with changes within the industry resulted in a significant decline in the risk of accidental death for underground and surface coal miners. ¹ The Mine Safety and Health Act was passed in 1977 and in 1980 it was required that coal mining companies provide all miners a SCSR with an hour worth of oxygen. 26 years have passed since miners were required to have SCSR units, while this is no criticism of MSHA or the companies that design SCSR units, it is time to improve upon current technology, design and provide SCSR units that contain at least two hours of oxygen.

It has been proposed that emergency evacuation drills and SCSR training be combined into one training session that should take place within every 90 days. It is reasonable to require that donning and changing SCSR units be practiced during evacuation and fire drills. Not only should these drills take place within every 90 days but also whenever the miners move to a completely different area of the mine to work if it occurs in less than 90

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days of the last drill. Additional practice will ensure that the miners are familiar with the evacuation routes and where additional SCSRs are located. While it is important to leave it up to the discretion of each mining company as to what SCSR company they purchase from, it is recommended that mining companies purchase the same SCSR brand and type of unit so that miners are familiar with the units in the event of an emergency. It is also recommended that SCSR units are checked for defects during the training sessions.

It is imperative that additional SCSR units be located throughout each mine. As noted in the Federal Register, in a 1988 MSHA study, they found that there were 234 mines that would take more than one hour to exit, 76 of the 234 would take more than two hours.² SCSR units with more than an hour are needed. During evacuation drills, it should be stressed that SCSRs need to be donned early in an emergency to prevent carbon monoxide poisoning, headaches, and confusion that can occur in smoky and confined areas. The “3 +3 donning” method developed by MSHA and NIOSH should be a requirement that all miners complete before they go into the mine to work.

It is reasonable require that all mines have lifelines with reflective lighting and directional signage. All exits of the mine need to have lifelines and miners need to practice evacuation drills for all mine exits. The more practice and familiarity the miners have with evacuation routes and SCSR units is one less stress factor during an emergency. In addition, miners need to have rope and clips to be able to tether themselves together as they evacuate. I recommend that one or two miners are tasked with carrying the rope into the mine each day or making sure that it is at the area where they will be working for the week, or for the duration of excavation. Additional ropes need to be stored with the SCSRs in case the miners are closer to the SCSR unit when an emergency occurs or if they find the rope at their work site is damaged. Each miner should have a clip with them that is attached to their work belt each day when they enter the mine.

The storage containers for the SCSRs and ropes should have reflective doors so that the outline of the door or even the entire door is reflective so that in case the miner is on all fours during an evacuation they could see the reflective container from the ground-view in addition to if they were walking upright. The lifelines need to indicate when they are approaching a SCSR & rope storage unit by using a different shaped object such as a square instead of a directional cone.

MSHA requested comments regarding if a specific standard should be used to determine where to place SCSR units throughout the mine. I agree with the calculations provided in the Federal Register and encourage MSHA to set a standard for this so that this will be a uniform safety measure in all mines.

The Federal Coal Mine Health and Safety Act of 1969 grants miners the right to participate in the standard setting process.³ I propose that MSHA creates some form of incentive for the coal mining companies to solicit feedback from miners regarding lifelines, SCSR signage and location. The miners offer specific insights to the problem solving process that non-miners do not offer.

Notifying MSHA

The Federal Register, part 50 clarifies that mine operators must contact MSHA in the case of an accident within 15 minutes. "The 15 minute time period begins when the mine operator determines that an accident has occurred."⁴ The concern in my mind is getting into the technical definition of when "the mine operator determines that an accident has occurred." It is recommended that time is allowed for the mine operator to determine the situation and also have the time to bring the phone lines back online in case of power outage, but that it should be a quick response and not one that is several hours later. It may take them more than 15 minutes to assess the situation, but if it takes several hours to assess the possible problem, an upper limit of time needs to be set to prevent hours from passing before MSHA is notified. While the miners may be an hour or two deep in the mine, there may have been sentinel things that could be observed such as change in atmospheric pressure, air flow, or water presence to signify if something has occurred in the mine.

The Pennsylvania Department of Environmental Protection addressed this issue by releasing this statement, "Although the West Virginia law requires notification within 15 minutes, it is our understanding that the time limit is not triggered until mine operators know exactly what type of emergency they face. Our mine safety revisions actually define "accident," removing any guessing, and provide an extensive list of events that require notification because they either immediately or potentially threaten the health and safety of miners. Current law refers to fatal and "serious" accidents, an ambiguity that has led to confusion in the past as to when to notify the department."⁵ It is recommended that MSHA clearly states notification events. There are certain events that warrant an immediate call and it should be clear that mine operators need to call sooner rather than later, especially when in doubt of a possible problem.

Best regards,

Mara Dorsch

¹ "Fatality Rates and Regulatory Policies in Bituminous Coal Mining, Unites States, 1959-1981" AJPH, November 1983, Vol. 73, No.11

² Federal Register, Vol. 71, No. 46 p. 12258

³ "Fatality Rates and Regulatory Policies in Bituminous Coal Mining, Unites States, 1959-1981" AJPH, November 1983, Vol. 73, No.11

⁴ Federal Register, Vol. 71, No. 46 p. 12230

⁵ MINE SAFETY, PA Senate Environmental Resources & Energy Committee
<http://www.depweb.state.pa.us/dep/cwp/view.asp?a=3&q=487126>