

United Mine Workers of America



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UNITED MINE WORKERS' HEADQUARTERS
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January 22, 2004

Approval and Certification Center
Mine Safety and Health Administration
Box 251
Industrial Park Road
Triadelphia, WV 26059

**Re: Evaluation of International Electrotechnical Commission's
(IEC) Standards for Intrinsic Safety and Explosion-Proof
Enclosures**

To Whom It May Concern:

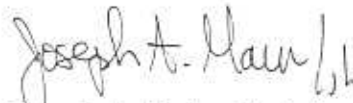
The United Mine Workers of America's (UMWA) Occupational Health and Safety Department files these comments regarding the above-referenced notice published in the Federal Register on December 1, 2003. The notice announces that MSHA has the intention of accepting international approval standards as equivalent to U.S. standards for products used in coal mines. In particular, the proposals address the possible acceptance of international testing and approval standards for electrical apparatus for explosive gas atmospheres, tests of flameproof enclosures of electrical apparatus; and intrinsic safety.

The UMWA raised concerns in the past regarding MSHA contemplating the acceptance of testing and approval standards of other countries as a substitute for standards contained under the Federal Mine Safety and Health Act for materials and equipment used in the nation's coal mines. It appears that MSHA now plans to end the prohibitions of accepting other countries approval and testing standards as contained in regulations developed under the 1969 Coal Mine Health and Safety Act. The existing standards (now threatened by the new MSHA proposals) have protected miners for years from faulty products entering coal mines due to inadequate testing and/or approval procedures. It is critical that equipment, which can result in the smallest of sparks or arcing, to be used in gassy environments of underground mines, be rigidly tested and subject to extensive approval processes. Electrical equipment that has cracks or gaps as small as the thickness of a fingernail can lead to disaster and death by igniting explosive methane gas.

Of particular concern is the manner in which the standards would be tested and approved. Who would conduct the testing and approval? How would MSHA verify appropriateness or the quality of approvals and testing of explosion proof equipment carried out in countries like China, Pakistan, or Ukraine? Exactly how would the IEC standards provide protection for the miners against the danger of explosions as the current MSHA regulations? If false information is discovered regarding testing and approvals in other countries such as China or Pakistan, what procedure would be followed to prosecute and what procedure would be implemented to review areas of standards that are not equivalent to MSHA standards?

The above-listed concerns are important to the health and safety of all miners and the UMWA requests a meeting with MSHA once the agency evaluation is performed, and prior to publishing MSHA's determination in the Federal Register.

Sincerely,

A handwritten signature in black ink that reads "Joseph A. Main". The signature is written in a cursive style with a large initial "J" and a stylized "h" at the end.

Joseph A. Main, Administrator
Department of Occupational Health and Safety