

United Mine Workers of America

LEGAL DEPARTMENT


 UNITED MINE WORKERS' HEADQUARTERS
 8315 IFF HIGHWAY

Dairfax, VA

22031-2215

MAY 21 2003

May 21, 2003

 TELEPHONE
 (703) 208-7100
 FAX (703) 208-7134
 EMAIL: LEGAL@UMWA.ORG

 APPROVED Office of
 Standards, Regs,
 and Variances

MAY 21 PM 2:30

 MSHA
 U.S. Dept of Labor

By fax (202) 693-9441
 and first-class mail

Marvin Nichols, Director
 Office of Standards, Regulations and Variances
 Mine Safety and Health Administration
 U.S. Department of Labor
 1100 Wilson Boulevard, Room 2313
 Arlington, VA 22209-3939

Re: Standards for Sanitary Toilets in Coal Mine

Dear Mr. Nichols:

The United Mine Workers of America submits the following comments regarding the above-referenced standards. The direct final rule provides notice of which types of sanitary toilets may be used by listing them directly in the standard. The Union's concern is whether there will be an MSHA approval on the toilet itself. Many manufacturers stamp a MSHA approved seal on products which have gained approval for use underground. Most MSHA inspectors look for that approval seal as a means of determining compliance. How will the inspectors recognize the different types of toilets that will be acceptable?

According to MSHA's website, as of 12:12 p.m., no comments have yet been submitted to MSHA on this direct final rule. However, on May 20, 2003, Dwight Siemiaczko, Sr., a UMWA member submitted comments electronically to MSHA and they have not been posted. These comments should have been posted immediately upon receipt by MSHA. I urge MSHA to review Mr. Siemiaczko's comments and consider his sanitation and environmental concerns.

Very truly yours,

Joyce A. Hanula
 Occupational Health and Safety

AA98(9)-COMM-3