

My name is Bob Knisely. I **am** a **coal** miner employed by Consol Energy, at their Robinson mine. I have 30 years experience under ground, all at this location. My mine is represented by the UMWA. I have served several years on the Health and Safety Committee and have many opportunities to **speak** before **such** committees in the past. I now serve on our political action committee. My mine employees approximatly 500 people. We have four continuous miner sections and one longwall. My mine produces aproximately 6 million tons of coal per year.

I had the opportunity to **speak** at the first public hearing in Washington, Pa. on Tuesday, but declined. I did this, not because I liked what I had heard or had seen about these proposed regulations, but instead, I felt that I was unprpared to **speak** at that hearing. Well, guess what, I was not the only one unprepared at that time.

This committee has set forth a proposal which is not only complicated but, in my mind, close to being illegal.

My experience in the **past**, has shown me, that MSHA **has** often lost their way in regulating the mining industry. If it were not for **regular** ,everyday **coal** miners and the UMWA, coming to these hearings and voicing our opposition, I often wonder ; where would the health and safety of the nations miners be today.

Please don't misunderstand me, I take no pleasure in pointing fingers at this committee or its members, nor do I mean my comments **as** a personsl attack to any of you. You must be aware of the frustration of **coal** miners in this **country**, who must sacrifice time off from work and their families in order to attend these public comment peroids. Most of **the** men and women who will address you are **only** workin people who **ask** only that you listen and hear what they are saying to you.

I made a statement earlier that I felt these proposed regulations, In **my** mind, were so flawed that they were close to being illegal. Why?

In the MINE ACT, it is clearly stated the purpose and intent of Congress when this law was enacted: " The First priority and concern of all in the **coal** or other mining industry must be the health and safety of its most precious resource — THE MINERS"

I see no concern for the health and safety of the "most precious resource" in these proposed regulations.

For years we have been working to clean up the **mine atmosphere**. MSHA inspectors have, for the most part, forced operators to a .2mg standard. As flawed as the current dust regulations might be, it is a system that can be enforced much more easily than what you have proposed. There can be no enforcement if no one can understand the regulations. Having had the opportunity to listen to the first round of comments, it is clear to me, that there is nothing in this document which will guarantee or ensure better heath conditions in this nation's coal mines.

The Director for health and safety for the UMWA Joe Main, stated at the first meeting that this committee did not take under consideration the recomendations of

the Advisory Committee, nor NIOSH nor the comments by coal miners during the 2000 comment period.

LESS DUST MORE MONITORING CONTINUOUS
MONITORS

We all see a problem in the industry . At the current dust levels .2mg, we still have coal miners contracting " black Lung". Your approach in this document, would be less sampling and more dust up to , according to Mr. Thaxton on Tuesday, 8mg. Another cornerstone to these proposals, would be to have people wear PAPRs (Powered Air- Purifying Respirators.)

There seems to be a big controversy over single sampling instead of the current averaging of samples. The view of this committee seems to be that this single sample would give us a better view of the true nature of the dust problem. What has changed to make you believe that this one sample would tell you the truth. I can tell you this , that on the day of taking this sample all dust control devices would be in place and would no way show you the true nature of mining coal on a day to day basis. Also how would these regulations address the problem of dust in out by areas such as our belt lines. With the increase tonnage being mined on today's longwalls, these out by areas must be monitored and the dust levels controlled.

You want to use PAPRs for compliance. How many miners must set before you and testify that these do not work and do not aid, and often times hinder their health and safety before you hear them?

UMWA and NIOSH has spear headed the continuous monitoring technology. It was reported in Washington, Pa. on Tuesday that these devices are ready for field studies and will start this month. After all the time and effort, why are we now on the fast track to enact these flawed and complicated and inadequate regulations? It couldn't be because 2004 is an election year? Don't know just wondering.

I as a coal miner that works in the mines every day, ask you , as a committee, to take a step back, look at what you have presented to us and reconsider. Go back and live up to why this committee exists in the first place.. write regulations that make sense and protect the coal mines most precious resource----- the coal miner.

As a coal miner, who has worked the last thirty years underground, I, as many of my fellow coal miners, feel that we have no voice. We look to MSHA as our protector, but often we feel we are ignored or assaulted with the argument that if we insist on a safe work place than the cost to operators would force them out of business.

When did MSHA become an economist for the coal operators?
How did the original intent of the MINE ACT become an economic issue?

On Tuesday, in Washington , Pa., Mr. Nichols asked one respondent, " What do we do to comply, if continuous monitors, shows no compliance."

In response I would ask him: Have we considered slowing down the shearers;; or have we considered cutting one direction on the longwall face;; or not allowing

people in by the shearer as it cuts coal,; or simply making the fines where it would be to the operators advantage to keep the dust control devices in place.

I assure you that if you, as a committee, raise the bar as far as dust in this nations mines, then the mining industry will comply.

We cannot allow more coal dust to legally exist in underground coal mines. We must write regulations which makes sense for the conditions which are encountered in todays mines.

At the mine where I work, in 2002, we were cited 804 times. We have had several citations on dust problems. Many of the citations were for return airways and beltlines. How does this proposed regulation attempt to address these problems? Also our mine has had several dust ignitions in the recent past. What would the outcome have been if legally we can mine coal at four times the dust levels?

Having tried to look through and make sense out of these regulations, I must tell you that I defy any reasonably intellegent miner to make any kind of sense out of these proposed dust regulations. Why do you, as a committee, believe that such regulations, ones which can not be understood, insure that the health and safety of this nations mines would be protected?

We, in this country, have seen many disaters in our recent past. Many people have lost their lives. The whole world joined us in mourning the loss of our citizens.

My question to you is, who will mourn for our brothers and sisters who are suffering or have died from black lung.

The UMWA has a rich history . We have had many champions who were not afraid to stand with us in the many fights we have had in the past. One of the most famous was Mother Jones.. She said one time when asked about the death of some coal miners. She said, " We must pray for the dead and fight like hell for the living."

To answer my own question, I ask you to look at the faces in this room. This is but a fraction of the people who are represented here. Who will fight? I tell you this and please convey this sentiment to the powers that be, We as coal miners will fight like hell for the living!!!!!!!!!!!!!!

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164***

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

FINDINGS AND PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource—the miner;

(b) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal or other mines cause grief and suffering to the miners and to their families;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal or other mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in the Nation's coal or other mines is a serious impediment to the future growth of the coal or other mining industry and cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of coal or other mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(g) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of Labor to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal or other miners; (2) to require that each operator of a coal or other mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal

** This document was prepared within the Office of the Solicitor, Division of Mine Health and Safety, Department of the Interior, and reflects changes to the Federal Coal Mine Health and Safety Act of 1969 [Pub. L. 91-173]. The Changes are based upon the Federal Mine Safety and Health Amendments Act of 1977 [Pub. L. 95-164]. Do not use this document as a legal citation to authority.*