

November 13, 2007

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

Patricia Silva, Director

The attached comments represent the views and concerns of the United Mine Workers of America regarding the Agency's *Mine Rescue Teams and Equipment; Proposed Rule*. The Union will be happy to answer any questions that these comments raise with appropriate representatives of MSHA or to expand on any comment that requires additional clarification.

If you have any questions or comments, please do not hesitate to contact my office.

Sincerely

Timothy J. Baker, Deputy Administrator  
Department of Occupational Health and Safety

**United Mine Workers of America  
Comments on the  
Request for Information**

[Federal Register: January 25, 2006 (Volume 71 Number 16)]

**Underground Mine Rescue Equipment and Technology**

The United Mine Workers of America (UMWA or Union) is pleased to have this opportunity to offer comments regarding Underground Mine Rescue Equipment and Technology. The Union has pushed for many years to have the mining industry incorporate new and advanced rescue and other health and safety technology at their operations with the same vigor they embrace more productive mining equipment. Unfortunately, in the mining industry that is rarely the case. Because of that lack of desire on the part of industry to invest adequate resources in miners' health and safety, we find ourselves here today discussing issues that should have been settled long ago.

The comments you have heard today from members of the UMWA, many of whom are members of mine rescue teams at their particular operations, is not new to anyone on this panel. They, like so many miners who have testified in previous hearings, understand best what is needed to preserve and protect miners health and safety not only after disaster hits, but while they are doing the routine work of mining coal. It is the hope of each of them and their Union that these proceedings bring about much needed change in the industry.

In order for that to occur, the Mine Safety and Health Administration (MSHA) must return to its core functions of enforcing the federal Mine Safety and Health Act of 1977 (Mine Act) and promulgating regulations that move forward the intent of Congress. The Agency in recent years has been seen as an obstacle to miners rather than the protector that Congress intended. It has been seen as more concerned about the operators' bottom line than the health and safety of the miners. When businesses fail to do what is necessary to remain viable, profits slip and stockholders lose money. When MSHA fails to fulfill its mandate tragedies like Sago and Jim Walters and Alma happen. In the past 12 months failures have taken the lives of 43 miners. This is unacceptable and the response must be better regulations and stronger enforcement.

In this Request for Information (RFI) the Agency is seeking specific answers to a multitude of questions from a variety of sources. The Union applauds that effort and will offer whatever expertise it has. However, it will be unacceptable if MSHA drags its feet seeking the perfect technology and fails to implement technology that is available today. A communication or tracking device that works 50 or 75% of the time is far better than what miners currently possess. We will not tolerate waiting for a fool-proof product. We must give miners the best chance of survival, based on what is available now. When more perfect equipment becomes available industry must then be required to use it.