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Sent: Wednesday, November 14, 2007 11:37 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: Rin 1219-AB53: Mine Rescue Rules

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zz MSHA- TO:Standards Comments to Fed. Reg. Group

FROM: RANDY DUNCAN
DATE: 29 October 2007
SUBJECT: 30 CFR Parts 49 and 75; Mine Rescue Teams & Equipment Proposed Rules
; With Recommended Changes

Summary

The proposed rule would revise MSHA's existing standards for mine rescue teams. It would increase equipment requirements, increase training requirements, and implement stricter composition, availability, and certification requirements for coal mine rescue teams. The proposed rule would also require additional requirements and training for the person employed on each shift at a mine site who is knowledgeable in mine emergency response.

Equipment Requirement Changes (per mine rescue station); A properly equipped mine rescue station should provide sufficient equipment for two mine rescue teams.

- Twelve 4-hour capacity SCBAs (was 2-hour)
- Retain supplies of pressurized oxygen & CO2 absorbent chemicals to sustain each team for 8 hours
(Was 6 hours)
- Two additional fully charged O2 bottles for every six SCBAs (was one per six)
- Four gas detectors; able to measure 0-100% CH4, 0-10,000ppm CO, 0-20% O2 (was 2 gas detectors appropriate for gases that may be encountered at that mine)
- Twelve permissible cap lamps & charging rack; must be dedicated equipment for the mine rescue station.
- NOTE: Equipment previously required; must be maintained at the designated mine rescue station.

Mine Rescue Team Training

11/15/2007

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- Initial 20 hour mine rescue course
- 64 hours of annual refresher training (was 40 hours); recommending 48 hours
 - 8 hours every 2 months
 - Session underground at least once every 6 months (new)
 - 2 hours under O2 in SCBA every 2 months
 - Auxiliary equip. training
 - Wearing apparatus in smoke or equivalent at least once every 12 months (new)
 - Participate in at least 2 mine rescue contests or MERDs per year (new)
- Will be ineligible if over 8 hours is missed until training made-up
- Training conducted by instructor with minimum 1 year experience as a mine rescue team member or instructor in past 5 years & has MSHA approval as a mine rescue instructor
- Record of training maintained one year

Justification for Recommendation: Current regulations require 40 hours of annual refresher training for mine rescue team members. The proposed rule requires 62 hours. The proposed rule also requires at least 8 hours every 2 months. We recommend 48 hours of annual refresher training, which aligns with the 8 hours every 2 months requirement.

Mine Rescue Team Members

- Team consists of 5 team members & one alternate
- Every operator shall establish or arrange for services to assure 2 mine rescue teams are available at all time when miners are underground within one hour ground travel time from the designated mine rescue station for that mine. (all existing mines & upon initial excavation of new mine entrance); (was within 2 hours)
- Transport for teams and equipment must be arranged in advance.
- Pass an annual physical as per MSHA form 5000-3
- Familiarity of operations at covered mines (new)
 - Through training at that mine; no minimum time at mine is established

Requirement	Type of Mine Rescue Team		
	Mine-site	Composites	Contract
Team members must participate at least annually in two local mine rescue contests.	YES	YES	YES
Team members must participate in mine rescue training at the underground coal mine covered by the mine rescue team.	Annually at Large Mines. Semi-annually at Small Mines.	Semi-annually	Quarterly at Large Mines. Semi-annually at Small Mines.
Teams must be available at the mine within 1 hour ground travel time from the mine rescue station.	YES	YES	YES
Team members must be knowledgeable about the operations and ventilation of the covered mines.	YES	YES	YES
Teams must have team members which include at least two active employees from each of the covered mines.	YES

Requirement	Type of Mine Rescue Team		
	Mine-site	Composite	Contract
Team must be comprised of persons with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.			YES
All mine operators must provide for two certified mine rescue teams. Large mine operators shall provide one team mine-site mine rescue team or a composite team.			

*Note: Team members of State-sponsored teams who are full-time State employees whose primary job duties in ground mines for compliance with State safety laws or (2) training mine rescue teams or (3) conducting mine safety duties that would enhance their mine rescue knowledge may substitute their regular job experience for 50 percent (annual training which includes mine rescue contests and mine-site training) for non-State employee mine rescue team

Types of Certified Mine Rescue Teams

Proposed Rule:

§ 49.20 Requirements for all coal mines.

(a) The operator of each underground coal mine shall make available two certified mine rescue teams whose members—

- (1) Are familiar with the operations of the mine, and
- (2) Participate at least annually in two local mine rescue contests.

(b) Team members shall meet the following:

- (1) *Mine-site team.* Members who work at the mine and participate in mine rescue training at the mine at least annually at large mines and semi-annually at small mines.
- (2) *Composite team.* A mine rescue team that covers multiple mines and whose members—

(i) Include at least two members from each covered mine,

(ii) Are knowledgeable about the operations and ventilation of the covered underground coal mines, and

(iii) Participate in mine rescue training at each covered mine at least semi-annually at large and small mines.

(3) *Contract team.* A mine rescue team that is provided by an arrangement with another coal mine or with a third party and whose members—

- (i) Are knowledgeable about the operations and ventilation of the covered underground coal mines, and
- (ii) Participate in mine rescue training at a covered large mine at least quarterly and at a covered small mine at least semi-annually.

(4) *State-sponsored team.* Members who are State employees and participate in mine rescue training at a covered large mine at least annually and at a covered small mine at least semi-annually.

§ 49.30 Requirements for small coal mines.

At mines with 35 or fewer employees, mine rescue team members shall be knowledgeable about the operations and ventilation of the mine.

§ 49.40 Requirements for large coal mines.

At mines with more than 35 employees, one of the two certified mine rescue teams shall be an individual mine-site team or a composite team.

Recommended changes to Proposed Rule Pt. 49.20, 49.30, & 49.40:

49.20 (b) (2) : Composite Team(s). Mine rescue teams that cover multiple mines and whose members – Are knowledgeable about the operations and ventilation of the covered underground mines

Justification for Recommendation: This change would allow an operator with multiple mine sites within 1-hour ground travel to use individuals from each covered mine to form 2 composite teams that would cover these multiple mine sites & participate in training at a covered mine at least semi-annually. Without these changes to the proposed rule: in order to form 2 composite teams for multiple mine sites, each covered mine would be required to provide 2 individuals ; which

would equate to 4 individuals from each mine covered.

49.20 (b) (4) : State-sponsored team. Members who are State employees, who participate in mine rescue training, and who conduct at least 4 regular mine inspections per year at the covered mine or participate in 2 MERDS shall be exempt from mine rescue training at these covered mine sites.

Justification for Recommendation: This would prevent the loss of over a dozen current state inspector mine rescue teams. Mine inspectors that regularly inspect mine sites 4 times per year would be intimately knowledgeable of all facets of covered mine site operations.

49.40 : At mines with more than 36 employees, mine rescue team members shall be knowledgeable about the operations and ventilation of the mine.

Justification for Recommendation: The proposed rule discriminates against contract mine rescue teams and limits the options of a mine with over 36 employees. Recommended changes could be made to the proposed rule with all statutory requirements of the Miner Act being met.

Requirements of Local Contests (new)

- At least 3 teams must participate
- Conducted using MSHA rules
- Conducted using judges completing annual MSHA judges training
- Wear SCBAs during contest
- MERD drills & actual mine rescue can substitute as a contest

Person Knowledgeable in Mine Emergency response

- Responsible person on each shift miners work underground (in addition to previous responsibilities outlined under current 30CFR 75.1501(a))
 - Knowledge about mine's Emergency Response Plan & Mine Rescue Notification Plan
 - Trained annually in mine emergency response coordination and communication
 - Receive training in:
 - Organizing a command center
 - Directing firefighting personnel
 - Deploying firefighting equipment
 - Directing mine rescue personnel
 - Establishing a fresh-air base
 - Deploying mine rescue teams
 - Providing for mine gas sampling & analysis
 - Establishing security
 - Initiating an emergency mine evacuation
 - Contacting emergency personnel
 - Communicating appropriate information related to the emergency
 - Duration of training is not prescribed; *MSHA expects the operator to ensure the responsible person is adequately prepared to respond*
 - Training must be certified by signature and date

Current Regulation:

(a) For each shift that miners work underground, there shall be in attendance a responsible person designated by the mine operator to take charge during mine emergencies involving a fire, explosion or gas or water inundation. The responsible person shall have current knowledge of the assigned location and expected movements of miners underground, the operation of the mine ventilation system, the location of the mine escapeways, the mine communications system, any mine monitoring system if used, and the mine emergency evacuation and firefighting program of instruction.

Recommended changes to Proposed Rule Section 75.1501(a)

Delete all proposed additions and instead alter the current regulation to read:

.... and mine emergency evacuation, mine emergency response, and firefighting programs of instruction.

Justification for Recommendation: This would meet the statutory requirements of the Miner Act without the overuse of additional verbiage and regulatory language.

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