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OFFICE OF STANDARDS, REGULATIONS AND VARIANCES }
MINE SAFETY AND HEALTH ADMINISTRATION }

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BEFORE THE DEPARTMENT OF LABOR

U. S. DEPARTMENT OF LABOR }
OFFICE OF STANDARDS, REGULATIONS AND VARIANCES }
MINE SAFETY AND HEALTH ADMINISTRATION }

PROPOSED BELT AIR RULE FOR UNDERGROUND COAL MINES

PUBLIC HEARING

Holiday Inn North
5000 10th Avenue, N.
Birmingham, Alabama

Tuesday,
April 29, 2003

The above entitled matter came on for Public Hearing pursuant to Notice at 9:04 a.m.

PRESENT WERE:

On behalf of MSHA:

MARVIN NICHOLS, Director, MSHA Office of Standards, Regulations and Variances
WILLIAM P. KNEPP, Chairman of Belt Air Committee
WILLIAM FRANCART, Pittsburgh Safety and Health Technology Center
KEVIN HEDRICK, Electrical Safety Division, Approval and Certification Center, MSHA
MARK ESLINGER, District 8
HERMAN NARCHO, MSHA Solicitor's Office
DEBRA JANES, Office of Standards, Regulations and Variances

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P R O C E E D I N G S

MODERATOR NICHOLS: Good morning, everybody. My name is Marvin Nichols, I'm the Director of the Office of Standards, Regulations, and Variances for MSHA. I want to welcome you here today. The Assistant Secretary Dave Lauriski also wants to welcome you. I will be the moderator for today's public hearing on the use of belt air in underground coal mines.

I also have a number of other colleagues with me that I'd like to introduce. Herman Narcho down on the end, Herman is with our Solicitor's Office. Bill Francart is with our Tech Support Group, the Ventilation Division in Pittsburgh. Bill Knepp, Bill is the Acting District Manager in Morgantown, West Virginia and Bill is also the Chairman of the Belt Air Committee. To my right is Mark Eslinger, Mark is a Specialist in the District Office in Vincennes, Indiana. Kevin Hedrick is with the Electrical Safety Division of Technical Support. And Debra Janes at the end is with my office in Arlington, Virginia.

This is the fourth of five hearings on the proposed rule that would allow for the use of belt air to ventilate working sections in underground coal mines. The first three hearings were held on April 3 in Grand Junction, Colorado; April 8 in Charleston, West Virginia; April 10 in Washington, PA. The remaining hearing will be held on May

1, that's this Thursday, in Lexington, Kentucky at the Holiday Inn North in Lexington.

The initial announcement of these rulemaking hearings was contained in a Notice of Proposed Rulemaking published on January 27, 2003 in the Federal Register. Three of the hearings were rescheduled due to conflicts with other hearings the agency will be holding on the plan verification and single sample rules. A modified hearing location and date notice was published in the Federal Register on March 12, 2003. Both documents are available in the back where you signed in, if you would like copies of those. Also, many of you were notified by me by e-mail on March 7, or your organization was.

The purpose of these hearings is to receive information from the public that will help us evaluate the belt air proposed rule. The scope of the issues we are addressing with this proposed rule are well defined in the rule and this hearing will be limited to soliciting public input on these issues.

Let me give you some background that led us to this proposed rule. MSHA's proposed rule is based on careful consideration of existing ventilation rules, a review of belt entry ventilation ordered by the MSHA assistant secretary in 1989, a Secretarial Advisory Committee in 1992 and MSHA's experience in granting over 90

petitions for modifications where belt air has been safely used in underground coal mines.

MSHA published a proposed rule to revise safety standards for ventilation of underground coal miles in January of 1988. Included in that proposed rule were provisions to allow for the use of belt air. In response to public comments and information submitted during six public hearings in June 1988, the Assistant Secretary called for a thorough review of safety factors associated with the use of belt air, that occurred in March 1989. MSHA completed this review and concluded in August 1989 in the Belt Entry Ventilation Review Report that "...directing belt entry air to the face can be at least as safe as other ventilation methods provided carbon monoxide monitors or smoke detectors are installed in the belt entry."

After the Belt Entry Ventilation Review Report was issued, we reopened the ventilation rulemaking record and held a seventh public hearing in April 1990 to receive comments on issues raised in the report. Comments received during and after the seventh public hearing expressed widely divergent views on the recommendations of the Belt Entry Ventilation Review Committee. Some commented that the use of belt air provides positive ventilation and reduces the possibility of a methane build-up in the belt entry. Other commenters maintained that the use of belt air reduces

safety due to increased fire hazards and greater dust levels.

Due to these divergent views, when the ventilation rule for underground coal mines was finalized in 1992, it did not include provisions that would have allowed mine operators to use belt air. However, MSHA's existing standards continued to allow for the use of belt air on a mine-specific basis through the petition for modification process.

MSHA decided that the use of belt air to ventilate working places should continue to be evaluated. As part of this effort, the Secretary of Labor appointed an Advisory Committee in January 1992 and charged it to make recommendations concerning the conditions under which belt air could be safely used in the face of underground coal mines. This committee was designated as the Department of Labor's Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production (Face) Areas of Underground Coal Mines and Related Provisions. This Advisory Committee held six public meetings over a six month period. After reviewing an extensive amount of material, the Advisory Committee concluded that belt air could be safely used to ventilate working places in underground coal mines, provided certain precautions were taken. These precautions included the use of new AMS technology.

The Advisory Committee made 12 recommendations to support this conclusion. The Advisory Committee submitted its report to the Secretary of Labor in November 1992. MSHA published a December 1992 Notice in the Federal Register announcing the availability of the Advisory Committee's final report and stated that we would review its recommendations.

In the preamble of this proposed rule, we discuss the recommendations of the Belt Entry Ventilation Review Report and the Advisory Committee. The proposed rule also incorporates MSHA's experience with petitions for modifications under 101(c) of the Federal Mine Safety and Health Act of 1977. In instances where we have not followed a recommendation made in the Belt Entry Ventilation Review Report or the Advisory Committee Report, or a term and condition from the petitions for modifications, we provide an explanation in the preamble.

MSHA has included definitions of "Appropriate Personnel", "Atmospheric Monitoring System", "AMS Operator", "Belt Air Course", "Carbon Monoxide Ambient Level", and "Point Feeding" in the proposed rule.

Proposed Section 75.350 maintains the prohibition that the belt air course cannot be used as a return air course and requires that the intake and return entries be separated with permanent ventilation controls. It would

allow the use of belt air to ventilate sections so long as certain requirements are met. These requirements include the installation, operation, examination and maintenance of an Atmospheric Monitoring System; also, training requirement; the establishment of designated areas for dust monitoring; and monitoring primary escapeway for carbon monoxide or smoke. When belt air is used to ventilate the working section, point feeding would be allowed only under the following conditions:

- if the point feed and belt air course are monitored for CO or smoke,
- there is a means available to remotely close the point-feed regulator,
- a minimum velocity is allowed through the point feed,
- the location is approved in the mine ventilation plan, and
- an AMS is installed, operated, examined and maintained.

Section 75.351 of the proposed rule also includes provisions for the following:

- requirements for the AMS operator and a designated surface location,
- minimum operating requirements for the AMS,
- location and installation of AMS sensors,

- establishment of alert and alarm levels,
- establishment of CO ambient levels,
- installation and maintenance requirements for the AMS,
- sensors,
- time delays,
- training, and
- communications.

Section 75.352 of the proposed rule specifies actions by the AMS operator and miners in the case of alerts, alarms, malfunctions, and insufficient air velocity.

The proposed rule in Section 75.371 would add six requirements subject to ventilation plan approval. That includes:

- designated areas,
- location of point-feed regulators,
- additional CO sensors and belt air course, if required,
- time delays,
- reduced alert and alarm settings, and
- alarm levels for monitoring.

The proposed rule in Section 75.372 Wednesday require the location and type of all required AMS sensors on the mine ventilation map. Section 75.380, escapeways, would be modified to address the use of point feeding.

The issues surrounding the use of belt air are important to us. They have been studied for a long time and we welcome all of your comments and particularly on the two following issues:

1. The benefits of integration of slippage switch monitoring into AMSs for belt air mines and the cost of such requirements, and any difficulty operators may experience in accomplishing this action, if required;

2. Whether or not lifelines in escapeways are needed; if so, what are the associated costs and maintenance issues.

These two issues were discussed in the January 27 Federal Register document. We will use the information provided by you to help us decide how best to proceed in this rulemaking. These five hearings will give manufacturers, mine operators, miners and their representatives and other interested parties an opportunity to present their views on this proposed rule.

To date, we have received four comments on the proposed rule. And you can view these comments on our website at the following address: http://www.msha.gov/regs/comments/beltair/beltairdocket.htm.

The format for this public hearing will be like all of our public hearings, it will be conducted in an

informal manner and the formal rules of evidence will not apply.

Those of you that have notified MSHA in advance of your intent to speak or have signed up when you came in today will be allowed to speak first and then anyone else, after we get through that list, will be allowed to speak.

If you wish to present any written statements or information today, please clearly mark it and identify it to me. You will also have a chance to submit additional comments. The post-hearing comment period on this rule closes June 30, 2003.

Of course, we have a court reporter that's making a verbatim transcript of the hearing. That will also be posted on our website as quick as we can get it up. It usually takes about a week.

Okay, we'll begin by working from the signup sheet and our first presenter is Keith Plylar with UMWA Local 2397.

THE REPORTER: Excuse me, sir, will you spell your last name?

MODERATOR NICHOLS: Oh, I failed to mention that. When you come up, please state the organization you're representing, give your name and spell it for the court reporter.

MR. PLYLAR: My name is Keith Plylar, P-l-y-l-a-r.

I'm a member of United Mine Workers, Local 2397 and I'm currently the Chairman of the Health and Safety Committee also representing that local, which I'm employed with Jim Walter Resources, Number 7 Mines.

I'd like to -- on behalf of the members of my local, I'd like to thank you for the opportunity to be here today at this public hearing to address some comments and concerns that we have with this proposal. Marvin I know very well, seen him at several public hearings, Mr. Francart I've seen up at the academy. Some of your faces I recognize but don't recognize the names, but it is a pleasure and honor to be here.

We believe that, as the Safety Committee at Local 2397, that the new regulations significantly reduces the safety protection that the miners currently enjoy at the mines. I want to read a couple of excerpts from NIOSH, if I could.

It says the National Institute of Occupational Safety and Health (NIOSH) previously concluded the practice of ventilation with belt air at any velocity is unsafe and unhealthy. NIOSH also stated the use of belt air to ventilate the working faces is not a safe practice. The allowance and use of belt air to ventilate the working areas of the mine is a diminution of the protections to miners' safety and health as provided by the Mine Safety and Health

Act of 1977.

Section 75.351(a) states in part that 75.350(b) and 75.350(c) will not apply after a 24 hour period. We strongly disagree with this language in the new proposal in that if the belt line is being used to ventilate the working sections where people are working and by this area should be monitored at all times.

There have been several occasions where there has been a smoldering fire burning for several hours up to several days that could linger on and take several days before it could actually flame up and cause an ignition explosion on that beltline, which in turn would cause severe damage to the mines and also affect the health and safety of the miners. So we believe in part that this belt line should be -- if the ventilation coming up this belt line is going to be used at the working face or where people are working, it should be continuously monitored at all times, regardless of whether the belt is idled or not.

Section 75.351(b) states that the operator must designate a surface location at the mine or another location approved by the district manager where signal from the AMS will be received and two-way communication is maintained with each working section or area where equipment is being installed or removed.

This section, we feel like, should not allow the

district manager to approve other locations. This is strictly going back -- it's just a milder form of the 101(c) petition. If you promote a regulation to use belt air and then you turn around and let the district manager start deciding -- changing any parts of the regulations, we feel like that this should be part of the regulations and stipulated in the regulations and not have no variance from it. We also believe that the person monitoring this AMS system should be on the surface of the mines where it is being operated. The way the regulations read -- this part of the regulation reads -- you could actually have the monitoring from underground or you could actually have it off the mine site, which would increase the -- if it was off the mine site, it would increase the time frame that it would take to respond to a danger underground. And if you had the monitoring system underground, if you had a disaster or something like happened back in September at Jim Walter Resources Number 5 Mines, you could very easily lose your whole system quickly. So we feel like the operator must be maintained on the surface of the mine.

Actually, the way we're reading the new proposal, Section 75.351(b)(2) is really in conflict with 351(b)(1) in that it says that it requires the AMS operator to be on the surface, where I just talked about that 351(b) allows the district manager to approve other locations. So it's kind

of a conflict of them two sections of the proposal there. One allows the district manager to make other decisions and the other one says where he will be. I've read and reread thinking maybe I'm reading this wrong, but the way I'm interpreting it anyway, it's definitely a conflict between them two sections.

Section 75.351(c) only requires an alert signal to be seen or heard by the AMS operator. We feel like that this is not providing the maximum safety to the miners in that the alert signal should be able to be seen or heard on the working section where people are working. Even though you might not withdraw them at that point, it would be an early stage for them to now that something is going on with that belt line or a possible fire. So once again I'll repeat, the alert signal should be sound on the working area or anywhere people are working in by that sensor that's in the alert stage.

Section 75.351(n) only requires sensors to be visually inspected once a shift when belts are operated. It does not address the visual examination of sensors that are being used to monitor transformer stations, battery charger stations, substations, rectifiers or water pumps. In our mines, we have numerous rectifiers, substations, power centers that are being monitored by the system, CO system, presently in place. They vent them to the belt line and

then they have a sensor located up 50 feet in by that area. This should -- the new proposal should go back and address these areas too, that they should be visually examined if they're being used to monitor any of the other areas.

A record of all visual examinations of the sensors should be made in an official book for that purpose and should be signed by the person that was conducting that examination. How can we be assured that on a daily visual examination, that it's being conducted, if we don't have anyone signing or writing or recording that it has been visually examined? I know I've heard people say well during their pre-shift or on-shift, they're going to visually inspect this. I can sit here and tell you now as a fire boss, someone holding fire boss papers, I have examined belt lines before and haven't visually examined these sensor locations because I wasn't directed to. So I know it would be very easy for a fire boss in his routine of pre-shifting or on-shifting a belt line, not to visually examine these. So I feel like that we need a record maintained of this visual examination.

The new proposed regulation also requires the operator to train all persons annually in the -- AMS operator annually. I'd like to say that over the past few years, MSHA has been adding, and continuously adding things that people at the mines has to be trained and given during

our eight hour annual retraining class that we have every year. It is getting impossible for a person to get adequate training during this eight hour training course that's required once a year. I know at our mines, we have new miners, 2300 miners that come in, petitions that gets throwed into this training, we have noise that gets throwed into this training, evacuation proposed rules or evacuation regulations that's just approved. We're running out of hours. I would like to ask MSHA how do you think you're going to get adequate training if you continue to put all this in your annual eight hour training.

If we're going to be required to do this, then MSHA must propose or must insert a new regulation or something requiring more than eight hours training. I definitely think you need to take a look at this and this should be specific training just on this regulation and dealing with AMS system and not throw it in with your regular other annual training that we're required to have.

One thing I'd like to say before I go further is, so I won't forget it, is about these public hearings we've been having. It has become real evident to the United Mine Workers, especially I'll speak on behalf of my local, that the public comment hearing process is not working. I know over the years and I guess this year this is the second one I've been in and it sees like MSHA holds the public

hearings, we come and we testify, we make comments to why the regulations won't work, but yet the next thing we know, the regulation is put in place. we receive very, very, very few minor changes in any proposed regulations any more after the comment period is closed. It seems like MSHA goes through the motion of having the hearings and once they're closed out, the rule is published as is. I think MSHA needs to take a look at that.

The AMS sensors should not only be located in the middle of the entry, as the proposed rules require, but the sensors should be staggered in locations throughout this belt entry, so that you get a more adequate definition of where the smoke is going. And also, the company should be required to go down and take maybe smoke tubes or something and see where the air is going to be directed throughout this entry where you can get a true reading in case you did have some CO concentrations in this entry. To just say you're going to put them in the center of the entry, 12 inches from the roof, would not necessarily provide the protection that the miners need. I think we need to do a lot of evaluation on this and at the very least, until we can have the tests run, at stagger the sensors, so you'll get a true reading of the whole entry.

Section 75.351(k) states that the AMS system must be installed and maintained by personnel trained in

installation and maintenance of the system. This part of the proposed regulation does not require this person to be retrained on the proper maintenance of the AMS sensors. The way this regulation here reads, it just says that the person will be training in the maintenance of it and installation of the system, but he never has to go back and get any updated training. And we all know things change over the years, so I think he should also be required to be retrained.

Thank you, sir.

Section 75.351(e)(3) states that you must have 50 feet per minute velocity to be able to have your sensors located at 1000 foot intervals. But this section only addresses the minimum velocity. I think some of y'all have probably been in the Jim Walter mines and we have extreme amounts of velocity throughout this mines, we have to dilute and render harmless the methane.

I cannot believe that we are proposing a new regulation that does not put some cap or some maximum amount of ventilation. The mines that I presently work at and have worked at for 20 years, there has been times that we've had more ventilation coming up our belt line to the working face than we have our intake entry. And that is ridiculous. Why drive an intake entry if you're going to push more air up your belt line. Not only does this create the possibility

of exposing miners to mine fires or CO concentrations from mine fires, but also increases the coal dust, coal accumulation and everything on that belt line.

I am asking now that the Committee go back and look at putting some type of a maximum amount of velocity. I don't have the right answer or the right numbers today, but there should be some maximum amount of velocity you can have.

Another thing I'll touch on while there, also the proposed rules should stipulate that the main intake air course would at all times be your main source of ventilation to your working section. When I say that, you should have more velocity or pressures through your intake entry instead of your belt line. I think that's vital, it's real important and I think it's feasible and easy to do.

The new proposed regulation requires the operator to have communication underground, but it falls way short in protecting the safety of the miners in that it does not require the operator to provide any type of transportation off of that working section or in by where equipment is being removed or set up. You know, it's good enough to get a phone call if you're down there and you've got a major belt fire and you've got high level of CO concentration coming up on that section you're working at. But then when you go and try to leave, you can't get out of there because

you don't have any transportation.

I know at the mines I presently work at, there's times anywhere from three to four hours on a working section or long wall that you have no transportation off of that area. I feel like if we're going to allow just an open-ended regulation to allow the operator to have belt air, then we ought to require them to keep transportation off that area in case you do have a major fire. I don't think it's that expensive, I think it's real easy and feasible to do and I would ask the Committee to go back and please look at this.

Section 75.352(b)(2) requires at a minimum all personnel be evacuated out by the next functioning sensor upwind of the alarming sensor, except those persons assigned other duties in an approved program of instructions.

You know, I can't see at any time allowing anyone, if you know you've got an alarming sensor, anyone to walk in the direction of where that alarming sensor is coming. Even if they are going to be there to maintain or to fight the fire, everyone, if you have a sensor that goes into an alarm, everyone working in by that sensor should immediately be withdrawed and then start working your way in. And the way the regulation reads here now, it would allow people to go from the in by in out by through the concentrations of CO and I'm hoping that's an oversight on the Committee and I

wish you would go back and look and make sure that it states plainly that everyone would be withdrawn out by the sensor that's in the alarm state and then proceed to go in by if you have a belt fire to put it out.

Also, the new proposed regulation does not require any type of a battery backup system if power failure is underground. You know, we have had several times at our mines where we lose power and fortunately we have a backup battery system on ours. Why the new regulation is not requiring that, I do not understand because you can lose power in one sense, have no monitoring system at all underground, and it's not that expensive and it's easy to maintain battery backup system for the AMS.

Section 75.352 also addresses that the belt entry must be traveled in its entirety and monitored each hour. Only requiring the area to be monitored at one hour intervals and to only communicate at one hour intervals is extremely too long. We feel like that this belt line should be -- a person should not travel at least over 20 minutes of hand monitoring this belt line. This is talking about if your whole CO system is down, before he has to communicate back to the AMS operator. In a one hour period of time, a lot of things can happen. You can have a whole belt line being monitored down there and something -- a fire or something start and this individual would be in trouble and

no one know it because the AMS operator is waiting for an hour for him to contact him.

If you think about the instruments that we use today, monitoring CO, methane and other concentrations of harmful gases, they are deemed to fail at times. So you're going to have a man down there hand monitoring that doesn't have to communicate but every hour. I think this needs to be looked at and I think it's not unreasonable to ask that he monitor in 20 minute intervals and also contact the AMS operator, at the least 20 minutes. We'd like to have 15, but 20 at the very least.

I think I heard Marvin, Mr. Nichols, read on page 39.4 of the proposed regulation comments that you solicited comments concerning lifelines and escapeways. I'd like to address this because I think lifelines are very needed in our mines, especially mines that has high velocity of air like the Jim Walter mines does here in Alabama. It would be very easy to install -- lifelines would be very easy to install, very easily maintained and at a very low cost to the operator. I mean you're looking at nearly nothing but a little bit of labor, you know, a lifeline can be made out of rope. I know we had one mines in this district that had them at one time, Jim Walter Number 3, which is no longer in operation, but I know from talking to people that worked there, it was real beneficial to them in case they had to

travel these. In a high pressure area, even if you're not having to escape in a hurry, it's easy to have something to hold onto to go out of that, to know your direction.

With the velocity of air, you get two or three, much less half a dozen to a dozen people walking through there, you're kicking up dust, you can't see where you're going, so the need for them is there and it would be at a very minimum cost to the operator to install and maintain.

I think another one that you solicited comments on about not monitoring slip switches on the belts. You know there's been several occasions where we've had smoldering fires or fires start up at this area and I think the need is there to monitor the slip switches on these belt lines. So I guess with saying that, I am commenting that the need is there, and once again we're not talking about a great expense to the operator, it would just be part of the installing and the maintenance of the rest of the sensors, it's going to be in the same entry, so it would be very little effect on the operator.

One of the last things I guess I want to -- or close out with saying this, that I want to talk about the frequency that we've been having these public hearings. I know I guess since January, this is the second public hearing I've been in and we're fixing to have another one on respirable dust, I think it's May 20, if I'm not wrong --

it's in May sometime. And I would just like -- the Committee always looks at the cost and the burden that it puts on the operator any time it puts new regulations in place. I would like to remind y'all the burden that it puts on the locals, United Mine Workers locals of having to take time off work to review these regulations, not only review them, to write comments and then to come to public hearings. It is extremely costly to our locals and it seems like all of a sudden we're getting overburdened, one right after another of proposed regulations. And I wish that you would take that back and please consider that when you start deciding to put new regulations in place. At least space them out a little bit lengthier.

I know we had to travel to Lexington, Kentucky on the last one, and you're looking at a lot of lost time and a lot of expense. You know, we have a lot less money than the operator does, I can assure you, to do all this. So I wish you would take that into consideration.

Once again in closing, I appreciate the opportunity yet to be here, it's good to see you again, Marvin, and I hope and pray that you will take our comments seriously today and I hope to see these new regulations rewritten, because I don't think that they provide the health and safety of the miners that they deserve under the Mine Act.

Thank you.

MODERATOR NICHOLS: Okay, Keith, do you want to leave any of that with us?

MR. PLYLAR: Yes, sir.

MODERATOR NICHOLS: Okay.

MR. NARCHO: Sorry to take away your notes, I just had a couple of questions.

MODERATOR NICHOLS: Wait a minute, Herman.

You had mentioned we've worked together over the years and from my recollection this remote monitoring system, in a lot of cases down here has been a God-send. You know, we've had these smoldering situations and you'd hear about it and it was picked up by one of the sensors.

MR. PLYLAR: Yes, sir.

MODERATOR NICHOLS: That was good.

Can you think of any major problems -- belt air has been used down here I think since the late seventies. Can you think of any major problems that have occurred with the use of belt air in these mines?

MR. PLYLAR: Not off the top of my head, I can't, Marvin.

MODERATOR NICHOLS: This training, we keep getting these tack-ons. When we do the annual refresher, is there any stuff covered that we could eliminate? Is some of this just training for the sake of training or is it all good stuff?

MR. PLYLAR: The majority of it is good stuff and, you know, the problem that we're having though is that even though it's good training, it starts getting watered down. The more you put in it, they're just covering the bases, so you're not actually getting the training that they need.

I'll give you another example. Not only this is going to be included, but you've got noise regulations that came out here awhile back. All that was included. We had evacuation procedures that was just introduced, regulations, part of that is in the training. At our mines, we've just had petitions for 2300 miners, all that has been added to it. So it's just continuously adding stuff.

We are kidding ourself if we think the miner is getting adequately trained any more, because of all the stuff that's mandated for the operator to cover.

So in answer to your question, I think the majority of this stuff that we're doing is good, but it's just not being enough time spent on it.

MODERATOR NICHOLS: Okay. You talked about the public hearing process. A couple of things there, one, that you make your comments and then the rule is written and they're not addressed. Now two issues on that. One is you make the comments, the agency considers them and they either accept or reject. So that's the way that part of the process works.

MR. PLYLAR: I understand the process.

MODERATOR NICHOLS: But if we do not accept a comment, it should be addressed in the rule as to why we did not accept it. Now are you saying we're not addressing --

MR. PLYLAR: I'll try to make it clear. It seems like that the last several that I've been into, the proposed rule -- even though you might have addressed why you didn't make a change, it seems like the proposed rule has come back and been put in force as written before the public hearings. It doesn't seem like nothing is gone back and changed. Yes, you might have good reasons on y'all's behalf that you think are good reasons and we might have a difference of opinion there.

MODERATOR NICHOLS: Right.

MR. PLYLAR: You might address why you didn't, but if you go back and look, it's been -- I can't recall off the top of my head one that has been changed after a public hearing. Now there's been some that's been stayed and -- like this dust regulation that was just dropped and it has come back up. But as far as changing anything after the public hearings, no.

But to answer your question I guess in short, yes, you probably do address the comments that we make, but I just don't see anything changing in the regulations.

MODERATOR NICHOLS: Okay, but that's how it works.

I mean you comment, the agency considers and we make a decision and then either accept it or explain why we didn't.

MR. PLYLAR: I guess my concern is really how much effort and time are you putting in considering them, you know, that's the concern that I have. Somebody can write me something and I can address why I'm not going to change something and already have that made up beforehand, but that's the appearance it gives us. I understand your remarks and your reasoning for it, but I have to tell you that that's the perception that we're seeing.

MODERATOR NICHOLS: Yeah. But if you look at what I outlined in the opening statement of where we started on this rule --

MR. PLYLAR: Yes, sir.

MODERATOR NICHOLS: We've about considered this thing to death. I mean we started back in the seventies with -- not in the seventies, in the early nineties, with the Advisory Committee and Belt Entry Review Committee. And we've issued over 90 petitions, so you know, it's not a new issue.

MR. PLYLAR: I agree.

MODERATOR NICHOLS: Okay, thank you. I think Herman had --

MR. NARCHO: Just a few questions real quick.

You had referenced in your opening statement that

there was some document indicating that NIOSH was against belt air.

MR. PLYLAR: Yes.

MR. NARCHO: Do you have that document available?

MR. PLYLAR: Not with me today, I do not.

MR. NARCHO: If I give you my business card today, can you mail that to me?

MR. PLYLAR: Yes.

MR. NARCHO: I'd appreciate it.

Couple more things. You had also mentioned that you had worked in mines previously where that belt entry air velocity was greater than the intake entry.

MR. PLYLAR: Yes.

MR. NARCHO: Do you recall if in any of those mines, belt air was used at the face or was that just an anomaly or --

MR. PLYLAR: No, belt air was used at the face, the mines I presently work at now.

MODERATOR NICHOLS: Yeah, these mines down here.

MR. NARCHO: Also, you had mentioned -- this has been gone over a little bit already about the fact that you were not comfortable with the hearing process and that it was taking time away from working, which is a valid statement. Is there anything, in terms of suggestions, to better the process, apart from staggering it?

MR. PLYLAR: Let me make myself clear on that. I want the public hearings, I want to have the opportunity to comment, so I don't want that part of it changed. The thing I'm concerned with is why everything -- I mean we've got three major regulations that came out within a five month period -- will be a five month period of one year. Why all of a sudden the agency -- seems like all of a sudden, we're going to throw new regulations out there, one right after another, after another one. And when you start having so many, it's hard to prepare for them. So I guess trying to answer your question, I would like to see the regulations staggered out more instead of throwing all three in within a five month period, you know.

I've seen the time when you didn't get three new regulations in a 10 year period, much less a five month period.

MR. NARCHO: That's all the questions I have.

MODERATOR NICHOLS: Evacuation is a new one, but belt air and dust is not, so you guys -- you don't start with a clean page on that, you've got a lot of history.

MR. PLYLAR: Yes, but you've changed it a lot too on the dust. And we'll argue that.

MODERATOR NICHOLS: Okay, Keith, you're dismissed.

(Laughter.)

MR. PLYLAR: We can start now. Thank you.

MODERATOR NICHOLS: Okay, thank you, Keith.

I meant to recognize Richard Gates. Richard is the District Manager here in District 11, he came over to be with us. We appreciate Richard showing up.

The next presenter will be James Blankenship with UMWA Local 2245.

MR. BLANKENSHIP: I want to thank you for the opportunity to come today. My name is James Blankenship, B-l-a-n-k-e-n-s-h-i-p. I'm a committee man at the United Mine Workers Local 2245, Brookwood, Alabama. I'm employed at Jim Walter Resources Number 4 Mines, underground electrician.

I want to start off by saying what Mr. Plylar just finished up on, the frequency of the hearings. Again, there's a lot of material that we have to gather, receive it, read it, study it, to give you proper comments so you can make a decision that will help save lives.

You're currently scheduling hearings at a frequency that makes it impossible for us to do that. I work Saturday through Thursday, eight to ten hours a day. I have an off day on Friday and that day belongs to my family.

I was up last night until 1:30 trying to put this thing together today. We've missed work to do it. I went to Kentucky a few months ago, that's a long trip on us. And now on May 20th, we've got dust. That's a lot for us to do

and I urge you to spread them out a little bit also. It would really help us a lot to be able to give you information so you can make a decision that will help save lives.

I want to start off with the proposed rule on training. Training as outlined in the proposed rule would fall under the already overburdened requirements of Part 48. There should be special training of AMS systems and actions in response to AMS malfunctions, alerts and alarm systems. Training should include drills on communication and evacuation techniques, including precautions to be taken for escaping through smoke. That goes to answer the question about the lifelines.

I wear glasses. On a regular day down here it's 100 degrees, you sweat. My glasses get so fogged up, I can't see to work or walk. I have to continuously take them off and clean them. You add smoke in an entry on top of that, it's impossible for me to get out of the mine without that lifeline. If I had something I could hold onto to help me get out of there I probably can get out, I might can make it. The maintenance and upkeep would be nothing to it. The cost, like Mr. Plylar said, is some good rope that will last, install it in good condition, install it in a way to keep it from getting torn and dragged around and it'll last for a long time. So I think that's an issue that you

definitely need to address to help people get out that mines.

To adequately train miners on AMS systems would require additional training time above and beyond eight hour refresher training which is already outlined in Part 48. Continuing to add training subjects without requiring additional time to adequately educate the miners does not obtain the desired results. We're adding fire evacuation plan, we did it in Kentucky, you add health and safety, your first aid, you know, the AMS system -- all they're getting is the topics. They try to do a good job but you're getting the topics, you don't get into the meat of what it's going to take. We're going to have to add more time to let management train the miners on what they've got to do and how to get out of that coal mines. So I urge you at this time in the final results to add additional time for training.

I'd like to talk about the central locations on page 3966. I feel a smoke test could be used to determine the most adequate central locations. The information from the test would allow sensors to be placed in positions to detect carbon monoxide and smoke faster, which will allow faster response to problems, which would hopefully -- instead of having a fire, we could be able to put it out before it got to that point, because we would locate it

earlier.

Dealing with the -- on page 3943, you asked a question about slippage switches. There are slip switched located on our belt drives. They're there for that purpose, if that belt starts slipping, to hopefully shut it down. Sometimes they malfunction, they're mechanical, electrical made, they're going to break down. We need a way to know if that happens if that belt is smoldering, if that belt is smoking. The cost would be minimal to management to install a sensor close to that slip switch. The maintenance of it is right there at the drives, accessible for people to work on, to look at it, to inspect it. It would be minimal problems to management to do that and a big safety factor for the people in by that that smoke is going to be taken down on top of.

The smoke tests, you could do them around belt headers and belt drives because the belt headers and the belt drives deflect the flow of air. You'll be able to tell exactly how that air is going and where to place that sensor to get the maximum effect from what we're putting out there. There's no use to put it up there if there's nothing going to get to it. If air is being routed around because of the drive or the takeup or whatever. It's not doing us a bit of good hanging in the middle of the entry off the top, if the air is not going to reach it or if it takes a longer time

for it to get there.

Installations goes again along with what I was talking about, the smoke test. They need to be installed where we can adequately cover the entire belt line. They should be installed to be protected from damage and explosions and fires. I think the reports at Number 5 mine dealt with that. We need to put the station box, the main box needs to be secured down where they can't be blown away or knocked over. Where cables enter and exit boxes, they need to have Kellam grips, so they can't be jerked out. In cross-cuts, you need to add, you know, roughly six feet to a breakaway pin where if there was an explosion, it wouldn't snatch the cable in two or tear it down, we could still hopefully maintain some credibility on the belt line. Again, this is a minimum cost to management, Kellam grips and bolting the boxes down is some screws and bolts and drill a few holes into a power center or whatever. We're not talking about a lot of cost, but even if we was, we're talking about lives. Can we put a cost on a man or woman's life? I can't and I hope that y'all don't.

There was -- I think NIOSH was going to do a test on sensors, explosion test in the Lakewind, Pennsylvania testing facility. I urge you to find out if they did that to see what those test results were and to put in the requirements that we maintain the best sensors down there

that will withstand an explosion the best.

I know they probably don't make one that would maintain all of it, but some better than others. I'm not sure if that test has been done yet, but if it has, I urge you to get it, look at it and come to a decision on what should be required.

At our mines, to add the sensors 1000 feet, I'm taking a guess at about $32,000 would adequately fix our mines, where we are today. That's not a big cost. They're roughly $1500 apiece, is what I've been told, for a sensor, 20 or 30 roughly to finish our mines up. And we're a fairly large operation.

Belt maintenance, we put sensors on the belt line but we don't take care the belt itself. We need to make sure that management keeps the belt lines clean, keeps oil and grease off the takeups, belt drives, rollers, grid couplings. All of that is a fire hazard, all of it will flame up. We need to address that part in these regulations.

As an electrician, I deal with it, I work out by it, I work in this area, I know what it's like It's something that everybody needs to address, it's something that the union and the company needs to look at and something y'all need to make sure they do. If it's required, they'll do it, we'll make sure they do it. If

it's not required, it's hard to get it done. When you find grease and oil piled up around headers and drives and you're asking for a fire, it's as simple as that.

Belt strings on rollers that sits there and rubs for a day or two, those strings are going to get hot, going to smolder, flame up. I ask you to address that part of keeping the belt line clean, clean of fire hazards, fire materials.

Communications, you should require two types of communications on sections, long walls, belts, out by. I work -- like I said, again, I work out by, I'm in areas where if it wasn't for a radio, you wouldn't know I was there all day long. A lot of people don't have that luxury, a lot of mines don't have that luxury. We need to be able to under fire and evacuation know where everybody is at in the coal mines, should know how to get to them. With two types of communication, we can do that. If one goes down, you've always got the other one as a backup.

Mr. Plylar talked about patrolling the belts every hour. Without the radios or a way to do it, you've got to walk to a phone. That could take longer than the 20 minutes he talked about. But if you put a leaky feeder system into the belt lines also, then you've got both types.

The man bus is on a section, we swap out between shifts, hot seat changeout is what it's called. There's a

roughly two hour period that there is eight to ten people on that section without transportation. They've got to walk out of that mines, that goes back to your lifeline again. Keeping a man bus on the end of the track is not a huge expense. Like I told you in Kentucky, the State of West Virginia requires it, their laws require two man buses. U.S. Steel, Pineville, my brother works there, they hot seat changeout, they've got a bus on the track at all times. One bus goes out, there's one left. If U.S. Steel can do it, every other coal mines in this country can do it. It's safety, they've got a way out of there, a way they can get out quickly if there's a problem. And I ask you to require management to have transportation on the end of the tracks, end of the sections and working areas where people have to stay between shifts or left alone there.

On page 3950, it says NIOSH found sensor conditions -- it said in zero flow conditions, NIOSH has found sensors facing 105 meters, 344 feet, to be effective for early warning for fire detection. And down below it, it says therefore, we are requiring that a maximum sensor spacing be reduced to 350 feet in areas less than 50 feet per minute to maintain and provide adequate fire protection.

Why go 350, why not go below the 344? If you've got 50 feet per minute, that's fine, but what if you're in an area where you don't have the 50, you have five or three

feet for some reason. Then the 350 is not adequate, go to 300 or 325, so at least, if it was zero, as NIOSH says, you're still covered, you're still within guidelines where you can detect it at a fast time.

I know you've got a big decision, lives are in y'all hands, excuse my English, and I urge you to take that decision and think hard about what you're going to hear today. With what Mr. Plylar says, my personal opinion, sometimes there's a deaf ear to our comments. When we put them out and I go to the internet and read them, then I see what the final thing came out -- I'm not saying you to, it just appears to me that that's what happens.

Look at them, our lives are in y'all's hands and I ask you to help us out and take care of us.

thank you.

MODERATOR NICHOLS: Thank you. Keith mentioned that Jim Walter Number 3 that had used lifelines before.

MR. BLANKENSHIP: Uh-huh.

MODERATOR NICHOLS: Have you seen any other mines use lifelines down here?

MR. BLANKENSHIP: We had them for a little while, one of our returns, not very long, they didn't last very long.

MODERATOR NICHOLS: What was the problem?

MR. BLANKENSHIP: They just didn't take care of

it, nobody looked after it. It wasn't required, so they didn't have to take care of it, so they didn't. It was basically put to get around some bad area away from the normal route, for a short period of time. We finally moved away from that area, so it wasn't taken care of.

MODERATOR NICHOLS: Well, you mentioned these maintenance issues, I don't -- we can talk it over with Richard back there, but it seems to me like some of things you mentioned, you don't need a new rule to do that, it seems to me like clean up and maintenance and all that stuff ought to be covered under regs we've had for a long time.

MR. BLANKENSHIP: Well, I agree with you, but undoubtedly it's not happening all the time.

MODERATOR NICHOLS: I would ask you the same question I asked Keith, can you give us any examples of major problems that you've had with the use of belt air down here for 20-plus years?

MR. BLANKENSHIP: No. I kind of thought you might ask that question, I really can't -- I was thinking about it back there.

MODERATOR NICHOLS: I'm going to ask the rest of you that too, so be thinking about it.

Okay, James, thanks a lot.

MR. BLANKENSHIP: Thank you.

MODERATOR NICHOLS: Any other questions here?

Sometimes I forget about the panel.

(No response.)

MODERATOR NICHOLS: Deb speaks soft so --

MS. JANES: Thank you, Marvin.

You were talking about the training requirements and that they should be expanded to include specific task training for the AMS operator and for the miners. Would you have any recommendation for how long such training should be and what you would put into such a training program?

MR. BLANKENSHIP: Just on AMS, you're talking about?

MS. JANES: Yes, sir.

MR. BLANKENSHIP: I think hands-on training. We're talking minimum of four hours -- I'd like to see eight personally, but to sit a guy in a classroom and say okay, when you see the alarm go off, you do this, you do that, that's good, that's great, but to take him down there and say okay, here's the deal. He's up there on that ram car or whatever and he sees the alarm go off, he hears it go off, he has to react to it, he has to go to a phone and call the operator or go get the foreman and notify the miners in by the area. He does it. When it does it like there, he'll remember it next time when it actually happens and when there's a need for it, when there's a problem, he'll remember it.

It's like any other training, you can tell somebody -- you can show them or tell them how to do it, but until they actually put their hands on it and do it one time, it's tough. And I'll give you a good example, is the foam machines. They sat us down and told us how to use them and all that stuff, which was great, they did a good training. But when they said here it is, it's a little bit different, it took you awhile to realize hey, okay, I've got to do this, I've got to do that. But once we did our hands-on training with our minds, now it's pretty natural to us. We can go there, we know what to expect. So we need that. That goes for every aspect -- the fire evacuation also. We need some hands-on stuff, time to do that.

I think it's well worth the company's time and money to do it.

MODERATOR NICHOLS: Thank you. Okay, James, thanks.

MR. BLANKENSHIP: Thank you.

MODERATOR NICHOLS: The next presenter will be Bobby Jones, UMWA Local 2245.

MR. JONES: How're y'all doing today?

MODERATOR NICHOLS: Good, how're you doing?

MR. JONES: I'm glad to get to speak to y'all, hope some of the things we say to y'all will come in and be useful to y'all.

Over here on the use of air to the working section, each mine is different and dangerous and one size doesn't fit all. Each mine has a little difference for everything.

These changes I believe will take away safety from the miners. I don't really believe it's worth the health and the lives of the miners that's down there. You've got a bunch of coal dust -- I work on the section sometimes and when you blow the feeder, the air pulling across the feeder, you can tell the difference between that entry and the track entry in the amount of dust you see going down through there with machines running and lights. I believe there don't need to be a whole bunch of air pulling across to pick up more dust, because when it's blowing on the belt line that goes under overcast, sometimes it just picks up the coal, paper and all that and just piles it up in debris.

It says no mandatory health or safety standard shall reduce protection afforded miners that are existing mandatory health and safety standards. I believe putting too much air on these belts will do that for us, I believe it will greatly reduce -- it would be unsafe and unhealthy for the miners, like I said. Coal spillage, float dust and accumulation of combustible materials that blow off. If you've got a room this big and it drops down to six foot with the air pulling through it, it multiplies the air so

much coming under the overcast, the coal sacks and all kind of paper debris will be pulled off the belt and accumulate there. Make the rock dust so much worse.

I believe we should be trained more on the communications, evacuation because of constantly changing conditions in the mining industry. I don't know, the communication system we've got, sometimes it'll go down and we don't have any communications on the system -- on the section. And there's nothing to say that we can come out. We have to still be mining coal, if something was to happen, explosion on another section, we would never know about it because the communications is not there. I believe we need to have two means of communications.

I believe the use of carbon monoxide and smoke detectors along with heat detectors and methane monitors should be utilized at a lower setting, if it goes into effect. I believe you need all four, not just a couple because heat sensors -- everything, monitors and detectors and heat sensors, and methane monitors will all be needed on the belt lines.

Both a minimum and a maximum velocity of air should be addressed. If you get too little air, you know, it just stays stagnant and that's when you have build up; and then too much air just pulls everything off the belts and puts so much more dust across the miners.

More specialized training should be used for the responsible person and it's for the safety of us. You know, they don't know much about the mines, they've all worked in the mines before but they've been sitting up doing an operator's job and CO job for years now. I just believe they need a little more specialized training.

Modifications should be a priority on the belt line communications systems. More than one system should be used because of the safety of the miners. If you just have the phone wire running in the top and you get a really hot fire, it's just going to melt them in two. I believe we need that and like they was talking about, the radio system for the belt line too, just for pure safety. Because if this monitor goes off and there's a bunch of air, you walk into that, if it's a lot of air on, it could be another 1000 foot up from you and the detector didn't pick it up. You get in there and go down, man, you're going to need help right then. You can't walk to a phone when you have to crawl somewhere.

I believe sensors for detection on the belt should be covering the whole width of the cross-cuts, not just over the belt themselves, like they was talking about the smoke test, because just any little thing, a board hanging down or something will divert the air away from the belt. You can't just have them hanging right over the belt theirselves

because it just wouldn't work adequately.

I believe a MSHA safety committee should also have to inspect the monitoring systems along the belt every so often, just to make sure. I know we have good competent people, but they don't -- they don't get to go down there a bunch and do it. I believe they have weekly and monthly inspections but if somebody else would help them out a little bit, because they have so many apiece, our CO people, they have so many to do apiece, they don't get to do a really adequate job on them. I believe somebody else needs to help inspect them a little bit.

During an alarm situation, the only personnel entering the mines should be those needed to respond to an emergency situation because of people trying to get out. If it ever was to come to that -- God hope it doesn't, but if it does, we don't need a bunch of people traveling in and out, we need a way to get the people out that's down there, you know. I know they have to give way to people going in to fight it, but we don't need a whole bunch of people going down trying to help when they ain't doing nothing but hurting to start with.

I believe everyone should receive more training on it. At our mine, a bunch of times we have just one person on each shift trained to do a certain job, like the monitoring system. I believe there needs to be more than

that in case this person is off. We run into it a good bit with the belt headers because just a couple of people know how to work on them and get them running again. It'd be the same with this, we need some backup people just in case something happens and the fellow's not there or something. Need somebody to be responsible enough to know what's going on.

And I believe both sides of a point feed should be monitored, the in by and out by, because when it comes in and mixes with the air coming off the track, it just dilutes it so much and if it's a fire, like I said before, 800-900 foot up and there's monitors 1000 foot apart of ever how far y'all gentlemen decide they should be, if it comes in there, it's not going to get picked up too good because the air mixing is going to dilute it, but it'll still be enough to cause somebody to get down up on the face or something.

In surface locations, the AMS system I believe should be at the mine site theirselves, not at no central location. Other people, it says, you know, they can come in a change it, but I believe it needs to be at each mine itself where the person can take care of it.

Two-way air on the belt lines, I was sweeping the belt the other day and the air came in on the belt, split and went both ways, but if something was to happen, the only people that would know about it, would be people this way.

The air goes up and goes back across the belt and it goes to more than one section, plus you've got everybody working on a belt line. If they don't have any way to alarm each way, the people even working a belt line, they're history, they're not going to receive it. I don't like two-way splitting on the air because it affects too many people across the whole mine.

More than one alarm box should be installed on each section, on both alarm and alert statuses, because if the miner is moving, there's nobody going to the feeder for 30-40 minutes with the miner moving, has to move all the way across, there's nobody over there at that feeder. There needs to be one on the other side, have two, so, you know, if nobody's coming, it ain't doing no good for it to alarm. Need one over toward the power center and that entry, so everybody could see that.

Tracking of all out by personnel should be with two-way communications. If you're expecting to go somewhere, you know, if you turn an ankle or pop a knee or get down on smoke, you're not going to be at the expected place and if nobody knows where you're at, you're just a stat then.

Man buses, like they were talking on the section, sometimes it'll be from two to four, five hours, nobody has a way out that's working on this section. You know, to me

that's pretty important because I ain't worth a bunch but I kind of like my life myself, you know. Nobody else cares about it much, but I do.

And I hope y'all really take into consideration what we're saying today and I appreciate very much getting to talk to y'all.

MODERATOR NICHOLS: Thank you, Bobby. Any questions for Bobby?

MR. FRANCART: Bobby, Bill Francart. Which mine do you work at?

MR. JONES: Jim Walter Resources Number 4 Mine. Thank y'all very much.

MODERATOR NICHOLS: Thank you.

Is anybody in such a hurry -- I know this next guy coming up here, Cagle, is going to speak for a long time -- is there anybody in such a hurry that we can't take a ten minute break?

(No response.)

MODERATOR NICHOLS: If you are, we'll get you up here now.

(No response.)

MODERATOR NICHOLS: Okay, let's come back at 20 'til 11.

(A short recess was taken.)

MODERATOR NICHOLS: Okay, our next presenter will

be Dwight Cagle with UMWA Local 2397. Dwight.

MR. CAGLE: Morning. My name's Dwight Cagle, I work for Jim Walter Resources Number 7 Mines. I'm the Safety Committee for the UMWA.

The first thing I want to touch on is about some smoldering fires that we've had at our mines. Just in the last few months, we've had several fires on our belt lines, that the CO detector did not pick up. Some of these smoldering fires, I've found myself, that probably has burned six to eight hours. You know, the only way you can find them is the smell, which they'll eventually be into a large fire.

Repairmen, belt sweepers, this proposed rule would allow the belt air to pass through these belt entries where the belt is not operating, on the idle section, where the miners are doing maintenance, bed work, without being monitored. These areas need to be monitored around the clock and examined and put in the book, whether they're running or not.

Sensor locations, these sensors should be located in areas of the airflow, staggered locations around headers. We have different types of headers that will almost block an intersection and divert the air just like a regulator.

Both sides of a point feed should be monitored with sensors, power centers should be monitored, should be

examined and recorded. All common entries should be monitored also.

Nothing was mentioned about a battery backup on these CO systems too. Right now we have a backup system that would last at least five hours. This also should be in the new rule.

Sensor cable. As we found out at number 5 mines, cables will snatch out of these sensors and boxes. As Bobby touched on earlier, these cables should be secured with clamps, restraining clamps, also on the sensors.

The proposed rule does not address the continuous operation of a belt in the event of an alarm. It is the decision of the mine operator to take whatever action to protect the mine. We believe our people should be pulled out of the mines until this is taken care of.

Communications. We have two types at our mine. We have the leaky feeder and the Galtronic, which is like the Bell system. The leaky feeder will only work in our track entry. The antenna, which is the wire that has got to be run to take care of -- if they're going to use this on the belt line, they need this antenna run.

The CO technician, when he calibrates these systems, when he leaves the responsible person outside, he's going to go calibrate the systems. Okay, once he enters this belt line, getting back to the communication, he should

be able to contact them immediately that he is going to calibrate this system. The responsible person shouldn't take it for granted that that's what he's doing unless he hears from this man doing it. The section will call out the CO system is in alarm, and the first word out of his mouth, he's going to holler, we're calibrating the system. But without communications, he won't know that.

Switches should be integrated into the early warning fire detection system, smoke sensors or CO detectors should be installed no more than 100 foot in by each drive. The cost -- one box or one sensor.

Getting back to your question about the smoke, I worked at another Jim Walter Mine, Bessie Mines -- you're talking about the slippage, these switches should be installed and monitored. The mines I worked at, the belt burned in two due to belt slippage, did not kick off. You had to feel your way off the section. In another mines that I worked at for Jim Walter was the Nebo mines, same thing happened there, this was in the early eighties, the belt takeup slippage burned the belt in two and you couldn't see or breathe.

Talking about a lifeline, they should be installed and maintained. We would settle for an alternate escapeway. I went through the smoke class at Beckley and without this lifeline, you wouldn't have got out. Also at the Nebo

Mines, which was another Jim Walter Mines, we had an explosion on the section and the only way we got out to fresh air, we crawled and felt the reels out. You can't see during this. A lifeline should be required. Cost -- real inexpensive, a roller and nylon rope would be sufficient. that's what we had at the Beckley academy.

Getting back to the training, everybody has touched on it. Like I said, we need more training, everything is crammed into the eight hour refresher training now -- fire protection, fire fighting, evacuation, dust, new miner regs coming in on the high voltage miner -- we've got all this to be covered in our eight hours. They're cutting everything short on this. For instance, just like they're talking about the foam machine, before we used -- they used to demonstrate hands-on in the eight hour refresher. All that's cut back, they just go over with you in about a ten minute session, and that's it. We need more training and more time to do it in on this.

Talking about the buses again, same scenario at number 7 mines, we do the hot seat, sometimes two to four hours with no buses on that section. This should require a bus to be on that section at all times. I know the law requires communication or transportation but that's not good enough. They should be required to have a bus there at all times.

Just in the past month, talking about the maintenance of the belts, with this belt air, we've had I think two D-1 citation and order issued to us on accumulation. In these belt lines, we've got belt boxes, power centers, accumulation on those too. At any time, one of those belt boxes or the power center could catch on fire and that's another reason that I'm not for belt air totally.

Any questions?

MODERATOR NICHOLS: Yeah, those heatings that you mentioned, what was the problem, the CO level was just not high enough for the sensor to pick it up?

MR. CAGLE: The location I guess of the sensors, they -- the belt had been running out of line and got up against the bearing takeups on it and they shaved the belt off and it just caused a pile of threads and all and then friction would set this off and it just sat there and smoldered, which will eventually get bigger and bigger and bigger.

You could smell it, but you couldn't --

MODERATOR NICHOLS: There was no -- you couldn't measure any CO?

MR. CAGLE: It didn't pick up nothing outside. See, they was unaware -- I called outside to the responsible person, which is our CO room, what we call it, to get the belt crew down there and line the belt and all. And you

just about have to dig this fire out and, you know, as far as not checking the belt after 24 hours, you know, if it idled that long. But this will set there and smolder, smolder, smolder.

At our mine, we've got people working around the clock on these belt lines -- I mean on the sections. They may be over to the right side doing work and they may not be over around the belt itself. They may not know this, they may be using torches or whatever on their side, they may not can pick this up.

The location of those sensors needs to be different places, placed around, especially at headers, at takeups. And the slippage should be monitored. Like I said, I've been in two of those fires on belt slippage. If it don't shut off, it'll burn the belt in two and the material our belt is made out of, will it pick it up? I've been told it wouldn't. Once the coal dust and all gets in it, it'll pick it up.

MODERATOR NICHOLS: Okay, anybody got any questions of Dwight?

(No response.)

MODERATOR NICHOLS: Thank you.

The next presenter will be Marshall Hutchins, UMWA Local 2245.

MR. HUTCHINS: My name is Marshal Hutchins and I'm

a member of the United Mine Workers of America, Local 2245. I also serve as a safety committee for Jim Walters Number 4 Mine. I'd like to thank the committee for this opportunity -- thank you for your time and the opportunity for us to share. I'm not long-winded so it won't take long.

Some of the things will be repeats, but I just want to bring our concerns out. In Section 75.352(d)(1)-(4) it mentions in the event the AMS system is inoperative, the trained person monitoring must have two-way voice communications not to exceed 2,000-foot intervals. I'm sure this would mean that there would be phones on the beltline. I'm asking that you would consider a shorter distance -- a closer distance or consider the Leaky Feeder system. We use that in other parts of our mine. As a gentleman just mentioned, we do not have it on our beltlines. We have it on our track entries. It's a great tool. It's immediate response. I'm also a member of a mine rescue team and I appreciate the need for communication. I appreciate that need.

The next would be 75.351(2). It mentions about training of all miners annually in the basic operation -- operating principles of the AMS system, also actions to be taken in the event of an alarm. I would like to ask that you would consider a drill in addition to refresher training. Refresher training is to refresh you of something

that you've already been trained on. So I'm asking that you would consider a drill in this area. We have that in other -- our fire drills, and the gentleman mentioned a while ago, our foam machines and things like that. We have drills on those. I would ask that you would consider this.

75.351(d), location and installation of AMS sensors. Again, I ask that you would consider a staggered pattern. We have places that's already been mentioned around belt headers that restrict the flow of air, and take that into consideration.

Evacuation upwind, 75.352(b)(2). It mentions evacuation upwind of an alarming sensor. This again has also been mentioned. We have beltlines that the air splits and you have air flowing out by the working face. There may need to be some consideration about wording there, or what should take place in that event.

75.351(a) says AMS operation for extended idle periods exceeding 24 hours when beltline is not operated. I asked -- I know that your concern is the health and safety of all miners. I understand that and I appreciate that. I ask that you consider that the AMS system should be operative anytime a person is underground. It's been mentioned before -- on cases -- I don't know why the monitors didn't pick it up, or maybe the CO level hadn't got high enough to pick it up at the time. But there have been

occasions where people would -- whether it would be an examiner or a preshift examiner, would walk up on a belt fire or something smoldering. The alarm hadn't went off. So anytime someone is underground, I feel that we would need that.

There again, I would like to stress the need for transportation in the working areas or on the working sections at all times, any time there's someone up there, our mine's hot seat. We change out at the face, and there are periods of time -- anywhere from two hours, three hours, depending on the travel time -- that we have miners on the section with no means of transportation.

Thank you so much.

MODERATOR NICHOLS: You're not long-winded, are you?

MR. HUTCHINS: No, I'm not. I get right to the point.

MODERATOR NICHOLS: Any questions for Marshal?

(No response.)

MODERATOR NICHOLS: Thanks.

MR. HUTCHINS: Thank you. I appreciate it.

MODERATOR NICHOLS: The next presenter will be Jim Backner. I hope I got that name right.

MR. BRACKNER: Brackner.

MODERATOR NICHOLS: Brackner. UMWA, Local 2245.

MR. BRACKNER: Good morning.

MODERATOR NICHOLS: Good morning, Jim.

MR BRACKNER: My name is Jim Brackner. That's B-r-a-c-k-n-e-r. I'm a safety committeeman for the United Mine Workers of America, Local 2245, employed at Jim Walter Resources Number 4 Mine.

I've got to hand it to you, as fast as these hearings are occurring, when you're a fire boss and work six or seven days a week, a miners' rep and a father of three teenagers, you don't have a whole lot of time to prepare, but I'll do my best.

75.351(a), I disagree with not monitoring the belt air when the belt will be idle for periods exceeding 24 hours. I feel that the monitoring should be 100 percent of the time when anyone is underground.

In 75.351(c)(4), I feel like the AMS should also provide visible and audible alert signals at all areas ventilated with belt air so that miners can prepare for withdrawal if the alarm signal sounds.

In 75.350(b)(2) of the proposed rule, I feel that the training should be a requirement, but I feel like it should be done separate from annual refresher training. I know we've all touched on that already, but there's so many topics already required in the annual refresher training that it makes the training inadequate now.

75.352(b)(2) of the proposed rule. The word out by may not be proper. In Number 4 mine, the evacuating out by could be evacuating into danger. We currently have our traveling out by on some of our belts and I think this part of the proposed rule should be reworded.

I also feel that two means of communications should be required at regular intervals on the beltlines not exceeding 1,000 feet, and in all areas ventilated with belt air.

I also feel like MSHA should make extensive and more frequent inspections of AMS systems instead of spending a few minutes every quarter on systems that could be several miles long.

My final comment -- I kind of go back to something my brother, Keith Pylar, said earlier. It seems like the comment system is no longer working. You know, we continue to express our feelings, but yet we hardly ever see our comments reflected in the final rules. That's all I've got to say.

MODERATOR NICHOLS: Okay, Jim.

Any questions for Jim?

(No response.)

MODERATOR NICHOLS: Thank you.

MR. BRACKNER: Thank you.

MODERATOR NICHOLS: The next presenter will be

Randy Clements, UMWA Local 2362.

MR. CLEMENTS: I thought I signed that thing last.

MODERATOR NICHOLS: Glen Loggins outwaited you.

MR. CLEMENTS: Did he?

MODERATOR NICHOLS: Yeah.

MR. CLEMENTS: My name is Randy Clements and I'm a safety committeeman for UMWA Local 2368. I'm employed at Jim Walters Resources Number 5 Mine.

First of all, I would like for the committee to take into consideration a lot of the testimony and concerns that you're hearing today are from experienced miners. We're bringing the wishes of the people that we represent and problems that they have seen with the system throughout the, you know, years it's been in effect.

One of the things that I would like to see in this new regs is that the law require a backup power system to the CO system. As you know, the AMS system is a good system and we're not opposed to the AMS system. It is a safety feature for the miners; therefore, it should have some type of backup power center to where if you lose -- I mean power. To where if you lose power, you still have your AMS system that's operable.

On the law that requires that if the mine is idle for a 24-hour period, that the AMS system does not have to be operable. Well let me -- the worst mine disaster that

this country has seen in quite a while was during an idle period on September 23rd at Jim Walters Number 5 mine. And there's no worse feeling than being up in a command center with your mine rescue team underground. You're monitoring the AMS system and the power starts going off of it and they're underground. That's a safety feature that was for the mine rescue during that procedure. Therefore, it should be required, I think, to have a power backup system to where if you lose mine power you have some means of still having your AMS system.

On the alarm system on the sections it calls for audible and visual alarms. As an experienced ram car operator, I can tell you that when you pull up to a feeder to dump a load of coal you cannot hear the alarm going off. It is not loud enough. There ought to be some type of requirement that it give off enough signal that a ram car operator -- you're sitting there on a ram car fully loaded, you having to rev your engine up to 1,800 RPMs in order to increase the hydraulics to push the coal out. You're also wearing earmuffs; you've also got your feeder running with a crusher going. You cannot hear the audible alarm going off. Very seldom can you even see the light until you fully dump your load and you start pulling off and you have to look back.

They also should be on the section an audible and

visual alarm at the power center. If the crew happens to be eating their lunch, there's nobody over there, there's nobody passing through that area that could see the alarm; therefore, it could be seen on either side of the section if you were running a dual split system or a single split, either one.

Another problem that I see with this new law is communications. I think we've all touched on communications -- on two-way communications. Some of the problems that I've seen at Jim Walters Number 5 Mine that we've had, the CO technician telling the responsible person on the surface that he's going to calibrate a certain sensor on the section. Before he gets up there the alarm goes off, the section calls. They say hey, he's calibrating. The CO man gets up there, he says hey, I'm fixing to calibrate. In reality, we had this motor on the beltline, the CO man thought it was calibrated. That's why it's important that the CO technician immediately prior to him putting the gas to that censor, or calibrating, notified the CO that I'm calibrating and when he gets done I'm through calibrating. We've had that happen on several occasions in our mines.

The new law should also require -- or we should look into a man bus should be left on the sections for transportation when the CO alarm is going off. If you have CO alarms going off 2,000 feet or 3,000 feet out by your

section, you're having to walk out. You have no idea what's going -- you know, what you're walking into in that period of time it's took for that thing to set there and burn. If you had a man bus, it's a quick retreat out. That's the main thing, the safety of the people.

Again, I would like to talk about -- it really concerns me on the -- when the mines is idle and not having an AMS system. That is a -- I cannot believe that we would even consider -- since that is a safety people -- safety system for miners underground, that we would even consider having it not be operable when the mines is idle. There's still people working underground. It's a good system if it's maintained properly.

One thing I would like to touch on a little bit too is during the explosion of the Number 5 Mine, I wish we could come up with some type of design of the AMS system that would withstand some type of explosion. As y'all probably -- y'all are aware, you know, that was a severe explosion we had at our mine. I don't know if you can design anything that will withstand that explosion. But the first explosion we had, the CO did go into communication failure. It was improper action by the responsible person on the surface, but it did indicate some problems. There was no action taken. It is a good system, but allowing it to be turned off under idle status I think is an injustice

to the miners that works underground.

Maybe we should look at moving our system, our cables off of the beltline and just having a sensor on there. To where if you have a fire on the beltline between two sensors, or you have a disruption, a rock falls and cuts your cable between the two sensors, all you're going to show is a communication failure from that disruption and back. If you're having a fire, you're have no idea what's going on. That's why I wish y'all would look into what type -- a new type system that could be installed at each mine.

I think I've pretty much covered everything that I was wishing to speak on. Again, I wish y'all would take into consideration these miner representatives here, because they are very trained. Most people here are safety committeemen who have anywhere from 15 to 17 years experience, and I wish y'all, you know, would consider it.

MODERATOR NICHOLS: Thanks, Randy. You mentioned Jim Walters Number 5 a couple of times there. I think we can all agree that belt air did not have anything to do with that accident. Other than the initial, probably, fatality, the problem with the severity of that accident was the failure to manage the evacuation.

MR. CLEMENTS: The belt air to me did.

MODERATOR NICHOLS: In what way?

MR. CLEMENTS: Well when you -- when the two

overcasts -- when the overcasts went out -- when that first dropoff failed in the first explosion, you lost your belt overcast. You also lost your -- you know, it short circuited your air there. Our beltlines carry -- we've got -- some places have got over 200,000 cubic feet of -- CFM going down our beltlines. That's quite a bit of air. And the AMS system on the beltline did alert the response person on the surface that he had some type of problem going on down there.

MODERATOR NICHOLS: Well that's when the mine should have been evacuated.

MR. CLEMENTS: I agree with you. That's when -- that's why I said that it was a failure --

MODERATOR NICHOLS: So really the normal use of belt air didn't have anything --

MR. CLEMENTS: The point I was trying to make on that was that it was during an idle period and the new regs require that it does not have to be operating during an idle period. You know, we would have had no -- even the CO man would not have been aware of anything going on if our AMS system was not operable because it was an idle period.

MODERATOR NICHOLS: Okay. That's okay. But I don't want the record to show that belt air caused the Jim Walters Number 5 explosion.

MR. CLEMENTS: Oh, no, I wasn't trying to indicate

that.

MODERATOR NICHOLS: All right, any other questions for Randy?

MR. KNEPP: Yeah, I have a question for Randy. Randy, Phil Knepp.

We had a hard time talking about this 24-hour idle period. Really that's aimed at -- you know, sometimes during miners vacations the mine may shut down for two weeks. If we get into keeping the regulations -- if we make this regulation, you're still going to have to have each shift -- you're going to have to have somebody visually look at the sensors and the weekly examination and this kind of thing. I think for most part the companies are going to leave this monitoring system up. It's hard to find -- now you said this happened during an idle -- this idle period, was it a two-day idle period you were talking about?

MR. CLEMENTS: When the mine blowed up?

MR. KNEPP: Yeah.

MR. CLEMENTS: Yes. We were idled that Saturday, too.

MR. KNEPP: You know, we could finish this up with -- we keep the monitor on for 24 hours after the belt shut down, one safety factor. And then we could have a complete examination possibly with the belt to make sure visually -- you had somebody walking to make sure there's no hot spots.

Then if you go into a miners' vacation for a two-week period after that, do you feel you -- do you still feel a need to have the monitor, and all the requirements, and the area manned and the daily examinations during that two week, say miners vacation? Sometimes we even have like a month's shutdown with the market conditions. That's kind of what that was aimed at.

MR. CLEMENTS: Well, yes, I do, because not only do you have belts -- you know, your belt might not be running, but also you have power centers on the beltlines. You also have pumps located on your beltlines with cables running down that can cause -- that can catch on fire. I mean it's an added protection and I can't understand taking an added protection away from the miners.

MR. KNEPP: No, I'm not going to argue -- I agree. It's just the other things that come with it on all of the examinations that are going to have to be required and a man located on the surface through this whole idle period, and you're talking about some other factors. There's a way maybe we can look at it and address --

MR. CLEMENTS: A comment I want to make on one of the statements you made, Mr. Marvin, on dealing with the AMS system with sponcom. As we all know, Number 5 mine has probably had more sponcom that any mine in the country.

MODERATOR NICHOLS: Right.

MR. CLEMENTS: I know of probably about 70. I personally have found a lot of them. The AMS system is good, don't get me wrong, but by the time the AMS system picks it up it's too late. Ninety percent of our sponcoms are found by patrolling -- by smell.

MODERATOR NICHOLS: Yeah. The point I didn't want to -- for somebody reading the record to think that if you're patrolling and pick up one, that does not mean the AMS system would not have picked it up when the CO level got high enough.

MR. CLEMENTS: Well, as a matter of fact, in '95 when the CO system finally picked it up it was already out of control -- when the AMS system picked it up.

MODERATOR NICHOLS: Yeah, but there was no danger of loss of life. I mean you guys were a long-time out of there.

MR. CLEMENTS: Well mine rescues has lost lives, too.

MODERATOR NICHOLS: I know, but --

MR. CLEMENTS: They were underground, too. They were underground.

MODERATOR NICHOLS: But do you know of any close calls or loss of life due to the use of belt air done here for 20-plus years? Now, I'm not talking about losing the mine. I'm talking about losing a life.

MR. CLEMENTS: Any close calls?

MODERATOR NICHOLS: Yeah.

MR. CLEMENTS: No, I do not recall any close calls. We've had -- I expect on some -- you know, we've had smolders that's been found that hadn't been detected, but that, you know, could be for the level that, you know, it's putting off. But no, I don't know of any close calls of lives.

MODERATOR NICHOLS: Okay. All right, thanks.

Okay, our next presenter will be Glen Loggins, UMWA Local 2245.

MR. LOGGINS: My name is Glen Loggins, L-o-g-g-i-n-s. I'm a UMWA health and safety committeeman, Local 2245, Jim Walters Resources Number 4 Mine.

One of the first things I'd like to talk about is communication. In the proposed rule it talks about communication being on the belt every 2000 feet. Two-thousand feet, when you go to walking, is a lot -- is a good distance to walk. I feel it should be less, 1,000 feet or whatever, because you could have a fire or whatever on the belt and you could waste valuable time of reporting what you've got. If you allow the time to elapse and walk 2,000 feet to call for help to put a fire out, you could have a sure enough serious fire.

Another thing I've got on communications. It

talks about having two-way communication, but it don't tell in event what you do if you don't have two-way communications. It tells you that during monitoring that you will have two-way communication. The law itself don't discuss that. You go to 1600 the law talks on communications. In the event you lose communications, all you have to do is start to work on it. I feel that you should -- anytime you've got miners, you should have to have communications. There's no way to evacuate miners. You can leave them down there, you could have a fire, anything could happen, and without communications you've got no way of notifying them.

Another thing that's been talked about. The manbuses, even if they smelled a fire, how long is it going to take them to walk out of that mine? You know, there's lots of things right there that involves communications and getting out that I feel is very important.

Another thing I've got is on point feed. On point feed you allow air to come in on the beltline. You put fresh air in on the belt, and if you don't monitor it on both sides you could dilute it to where what readings you was picking up in by, you would be getting false readings from fresh air that was entering the belts.

Another thing, it don't address all of your common entries. We have on our longwall -- lots of times we'll

make a common entry that'll run along side the belt. This allows an entry that you could have CO or whatever in this entry and it never be monitored. This entry goes to the return. You could put it in the return, how big an air you could affect by it, unknown. You could affect a large return.

Another thing is on your monitor location. I feel you need to smoke it, use smoke tubes or whatever. It's real critical where you put your monitors to pick up your reading. You can take and put them off in the corner and where a belt enters and turns, air never reaches a monitor if you put it in the corner. I feel that needs to be addressed, too.

At our Mine 2, we have another problem. Belt air is going out by directions off of sections. It goes from section out by -- if you have to evacuate, you evacuate out by the sensor that's alarming. You would be putting people where you have the alarm that you might have a fire. If you have -- leave them on a section they could be trapped by a fire. You need to bring them to the surface and see what kind of problems you have. You don't need to leave them underground and see if they survive or whatever. They need to be brought out of the mine.

If you're able to cut the monitors off after a 24-hour period, you could let fires smolder and get out of

control before you find out you've even got a problem. We've had several fires on the weekends that's smoldered. They might not have been reportable fires, because the way the law states, the only time you've got the report a fire is if it burns over 30 minutes. Who determines if it burns over 30 minutes? If you walk in and you're able to put it out in less than 30 minutes. It might have been burning for a day. It might be a flame this high (indicating). You don't know how high the flame is going to burn, and it might have burnt for a day before you find it. We've had it burn timbers in to. We had one on the West B belt, we don't know how long it burned. It burned the belt in to. Was it reported? No. It didn't have to be.

I was out on the longwall one time and smelled smoke. I got on the bus and come up the track, the track was smokey, couldn't see for smoke. You know, it was getting thick. Got up to the belt header drive, we opened the door trying to clear the smoke, go over and start digging a water line out to fight the fire. About that time, the air on the belt, the flame goes to hitting the roof. When you're digging a water line out, there ain't but one thing to do -- I didn't have time to dig it out. All you can do is put water on it and get it down and control it.

Another thing, you said you was going to ask

everybody the question, you know, do they know of problems. There have been several fires on the belts that hadn't never been reported. And when you talk about pressure differences, if you're able to put just as much air down the belt as you are your other entries, where is your smoke going to go? Your other entries is going to get smoke in them. I've seen it. If anybody has ever been in a fire it's going to go through the brattice. These brattices we build, they ain't going to hold smoke on one belt.

That's about all I've got.

MODERATOR NICHOLS: Okay, Glen. I was asking that question in the context of, you know, somebody getting hurt. Has there been a problem with the use of belt air where somebody got hurt or had a close call? As I recall, back in the days of those heatings, they evacuated those mines pretty quickly.

MR. LOGGINS: Well I'm not talking about just the heating, not sponcom. I'm talking about from a belt fire. It wasn't caused by sponcom, it was the belt where it had rubbed out of line. I've went it -- it would be two or three days -- you could tell. It would be big areas where it had smoldered and when air hits it -- sometimes when you open a door coming into the belt, it can blaze up and hit the roof.

MODERATOR NICHOLS: But you haven't had any

situations where people didn't safely evacuate and -- you know, any --

MR. LOGGINS: Well, they've never evacuated. We've had fires down there -- we had it burn a belt leg slap off with a fire blazing to the roof and they never evacuated the miners. You know, I feel if it's blazing and hitting the roof -- and I know it burned for five or ten minutes before we got it out. You should have got enough CO to evacuate your miners. They never was. They continued to stay in by the rest of the shift. But the fire wasn't reported because you couldn't prove it burned over 30 minutes. Was the potential there for danger and people being hurt, there was.

MODERATOR NICHOLS: Okay, anybody got any questions for Glen?

(No response.)

MODERATOR NICHOLS: Thanks, Glen.

MR. LOGGINS: I appreciate it.

MODERATOR NICHOLS: Okay, Glen was the last person we had signed up to speak. Is there anyone else that would like to come up and --

(Mr. Parker raises his hand.)

MODERATOR NICHOLS: Yeah, come on up.

MR. PARKER: I signed the list. I don't know where my name went to, but I know I signed up. Which one of

you got my name? I know one of you got it.

(Laughter.)

MODERATOR NICHOLS: Are you Herbert?

MR. PARKER: No, sir, I'm Ricky Parker.

MODERATOR NICHOLS: Okay, Ricky.

MR. PARKER: My name is Ricky Parker and I'm a member of the United Mine Workers, Local 2368, from Brookwood, Alabama. I spell my name R-i-c-k-y P-a-r-k-e-r. I currently work at Jim Walters Number 5 Mine and I've been there for 23 years come November 12th of this year. I have worked at that mine as far as throughout my career and that mine has had belt air throughout those many years of service at that mine. I would like to thank this committee for allowing me to come up here today to discuss our concerns and wishes from our local that we represent. I'm currently Chairman of the Mine, Health and Safety Committee for this local, 2368, and proudly come up here to discuss these with you.

The Agency has offered the findings of the belt entry ventilation report as a significant basis for their decision to the proposed rule. In the background statement for the rule the Agency cites the belt entry and ventilation report findings that directing the belt entry air to the face can be at least as safe as other ventilation methods, provided that carbon monoxide monitors or smoke detectors

are installed in the belt entry. The Agency appears to be summing up that the report, and using that as justification for moving on this rule forward. We will suggest that the Agency is focusing on a single aspect -- on a single aspect of the problem that is created by utilizing belt air to make its case. This proposal does not lend itself to the miners' safety. In fact, it's a concept that will in many instances result in the opposite effect. Monitoring the atmosphere for carbon monoxide or using smoke detectors may play a critical role in improving the safety or safer use of belt air. However, far from the agency implication here, it does not begin to adequately address the complexities of the issues.

We would argue that MSHA's brief summarization of the belt entry ventilation report parallels the content of the report itself. As you should be aware, the UMWA has offered extensive comments regarding the report, and in hearings on the proposed rule safety standards for underground coal mine ventilation, the UMWA was highly criticized -- or critical of the report for using the data and research that was incomplete in our aspect and narrowly focused mistakingly -- or misleadingly in that it did not support the committee's conclusions. The Union also objected strenuously to the use of this report as a basis for the Agency's guidelines for the belt air petition of

this rule.

The UMWA was not alone in its critique of this report and MSHA's use of it. The U.S. Department of Human -- Health and Human Services, the National Institute for Occupational Safety and Health, or NIOSH, was also deeply critical of the reviewer's findings. NIOSH noted the practice of ventilating with belt air in any velocity is unsafe and unhealthy. Further, the use of high velocities would increase fire and explosion hazards from coal dust. This is from NIOSH itself. NIOSH also concluded that the use of belt air to ventilate the working faces was not a safe practice. The allowance and use of belt air to ventilate the working areas of the mine and is a diminution of the protection of the miners' safety and health as provided by the Mine Safety and Health Act of 1977.

The Union has again reviewed the recommendations of the belt entry ventilation review committee report and determined that the report does not adequately address the conditions the use of belt air will create. I have worked in a mine for 23 years, as of November 12th of this year, that has enjoyed the use of it through the belt air petition and I have seen the positives and the negatives of the use of belt air. I have seen it blow pieces of coal off of a belt as big as a softball, 200,000-plus CFM on a beltline that far exceeded the amount of air that was in the track

entry and you could not maintain a safe primary escapeway because the pressure exceeded the amount of pressure on the track entry. This was found when the mine explosion happened at Jim Walters Number 5 Mine of 9-23-01.

The authors of the report even acknowledged that the need for additional research, as well as a different approach to the maintenance of the mine should be addressed, and stated that increased emphasis should be placed on belt maintenance and belt entry clean up and understandably so. The law -- the regulations under 30 CFR, Part 75 on underground regulations does address that and I understand that. And I understand the inspectors do a good job. I'm not saying that. But the inspectors are not at the mine 24 hours a day. They can't be. But the amount of float-dust that is created by the belt air with the huge longwall production that increases every year -- you know, the all mighty cost per ton -- it creates hazards as far as float-dust accumulations, coal accumulations where it blows the coal off of the belts at the belt overcast. It would appall -- I would invite each and every one of you to come to Jim Walters Number 5 Mine and let me show you what belt air can do in high pressure situations.

Historically belt entry conveyors have posed significant hazards to miners despite the fact that poorly maintained belt entry -- conveyor entries do not receive

adequate or routine maintenance this day and time because of the lack of personnel. You know, you have to cut back in many areas and a lot of times it's personnel. And a review of the MSHA statistics reveals that chronic problems is as much today -- a problem today as it was at the time that this report was first issued. Coal spillage, float-coal dust and accumulations of combustible materials such as paper, wood, etc. are continually cited by the agency's inspection personnel. I invite each and everyone of you to go back to our record for Jim Walters Number 5 Mine and see how much we've been cited in the past year to two years because of these accumulations. It is recurring thing. Actually it happens daily.

I would ask MSHA to consider more emphasis to be placed on the proper construction and maintenance of stoppings separating the intake escapeways from the intake entries. As we experienced at Jim Walters Number 5 Mine when the mine explosion happened, the Kennedy stoppings that was in place at that time received significant damage. They were pieces of balled up metal that looked like gum wrappers. This is an approved ventilation control -- by MSHA they are approved, but they are not adequate to withstand the 2 PSI explosion requirement that's required by MSHA. Block stoppings is the way to go. They did receive significant damage but they held their ground in a lot of

instances where none of the Kennedy stoppings did.

I would ask also that MSHA address -- the section should be designed by entry location -- the number of entries or pressure differential -- to enhance the protection of the intake entries from contamination by fire in adjacent entries. We understand that a motivating factor was tied to the number of entries, operators seeking to drive in the development sections. Unfortunately driving additional entries to address the problem of insufficient space ventilation, which has been the position of the Union, and it believes to be the proper solution, more entries, more ventilation, better dilution of methane is not the goal of the proposed rule nor the motive of the operators. Instead, they seek to maintain a three-entry system which we have used at Jim Walters Number 5 Mine and suffered tremendously due to methane. Also, it leaves the section starving for ventilation and it does not solve the problem that as far as pushing air through the most hazardous entry of the mine, the belt is not the answer. It's driving additional entries to get more ventilation to the section. Clearly the desire to increase face ventilation in this manner is not inspired by a need to increase safety, but by will to reduce cost, and I think we all know that. Cost is the all mighty factor here.

We also encourage MSHA to take into consideration

that intakes entries or escapeways should be maintained free of potential fire hazards unless such sources are protected by fire suppression or other acceptable devices. We are disturbed that such a recommendation has made its way into this document. It's the position of the United Mine Workers that maintaining the intake escapeway as free as possible from potential fire hazards should be the current practice at all mines and should not be contingent on the use of belt air for face ventilation.

Throughout the 23 years of experience at Jim Walters Number 5 Mine, of course, we -- on the beltlines we've had to point the point type heat sensors, and we feel that this is a dinosaur still being used. We have not had a fire on our beltline identified by the point heat sensors. It has been through either a visual effort by a miner or through the CO sensor. We would encourage MSHA, as far as encouraging technology, to advance with the point type heat sensor, to improve them or let's do away with them because of their inadequacies.

At Jim Walters Number 5 Mine, and concurrently some of our sister mines -- I know the Number 4 Mine has it -- we have air that goes out by the section on the belts. It does not go all the way to the section used in the face. We would ask that -- you know, and recommend that when belt air is directed out by from the section water lines should

be relocated from the belt to a separate intake entry for fire fighting purposes to facilitate the fire fighting activities. We feel that this recommendation offered here is not germane to this subject. Belt air traveling out by cannot be used to ventilate working faces in the mine; however, the need to protect the integrity of the fire fighting equipment, including water lines is very important. This is true regardless of the direction of the air flow. Many designs and plans should be reviewed to ensure that this equipment is placed in locations that will ensure their availability and immediate access in the event that they are needed.

I'm trying to get through. I'm not trying to be too long winded. I apologize, but this is something that's very important to the mine workers. It's very important to the mines -- to the mine operator who understands the need for belt air. We want to try to achieve as many safeguards as we can to protect our miners underground on both sides of the fence because we all die underground.

Historically belt conveyor entries have posed significant hazards to miners and we all know that. Despite this fact, belt fires do not have to be reported unless they are known to burn for over 30 minutes after the acknowledgement of fire. We would ask that MSHA consider changing the regulations to require all belt fires be

reported. I have, myself, walked upon many a belt roller that has cut a -- belt rollers, the bearings have went bad, the rollers fall down and hit the hot bearings and you've got a grease fire and that roller is flopping back and forth throwing fire all over that entry. I have personally witnessed this myself and it scared me to death, let me tell you.

Historically at Jim Walters Number 5 Mine -- I can't state for any other sister mines, but at Jim Walters Number 5 Mine, we have repeatedly had problems in the mine, and this is shift by shift by shift. Miners see the audible and visual alarms going off at the tailpiece and they call the CO room operator, oh, we're just calibrating. We understand and encourage all of the miners, you know, look, you need to stop what you're doing, go to the phone, call the CO operator and treat this -- even though they -- well, they're just calibrating. That's what they say every time. What it does, it declines the safety of the miners by -- they let their guard get down. We would encourage that any calibration of the CO sensors take place on an idle shift, and that would, I think, help prevent this. You know, the CO room operator just telling them well, we're just calibrating at this time.

At Jim Walters Number 5 Mine also, with the high velocities of air that we have on our beltline, in some

places well over 200,000 CFM, we would encourage that CO sensors be located and positioned in different places along the beltline. Some of them to the right, some of them to the left, some high, some low. That way you could catch the different airflows on this belt because each and every obstacle in that belt enhances and trains the air to go a different direction. That way, you could cover every aspect of that belt if you positioned them in different places instead of hanging them along the chains of the beltline in a straight line.

Also, we would encourage MSHA to place in the rule regulations that would require the operator to dispatch personnel to a beltline where communication errors have come upon a computer system and investigate this problem. As of 9-23-01 when our mine explosion happened, communications errors came to the CO room, it was a common practice to clear it on a computer, open up a bag of potato chips and go on about normal business. If people are dispatched to this it might prevent future events from happening.

I would like to take time to encourage MSHA to really consider the rule as far as a plan of -- if a beltline is idle for 24 hours the CO system can be shut down. I heard Mr. Knepp talk about people on vacation earlier. We have hundreds of people underground during vacation. Many, many, many personnel are still working in

this mine and we need our CO system up and working fully 100 percent.

At our mine, especially at Number 4 Mine, there has been fires found where the water spray system was intact. It was there and supposed to do what it was supposed to do, but due to the airflows on the beltline it was blowing the heat off of the water sprays and never set the spray system off. We would ask MSHA to include in the regulations a minimum amount of distance -- I would ask for two foot because that seemed to be where the distance needed to be as far as the water spray over the hydraulic unit. If that spray had been two foot above it, it would have set the water spray off and would have prevented maybe this fire. It would have been -- at least it wouldn't have been to the extent that it was at that time. Or put in some type of deflector to deflect that air off so the heat could get to the sensor -- not the sensor, but the spray to set it off.

I would have to agree with my fellow brothers as far as public hearings and the frequency of it. I, myself -- I work six days a week, eight to ten hours a day. I have a business of my own. I have a 10-year old girl that I chase routinely and I'm a -- we're a more or less full-time safety committee at the mine, phone calls 24 hours a day. It's hard to prepare for these public meetings. We appreciate the effort of being allowed -- afforded the

opportunity to come here and speak with you. I'm not trying to do away with that. Believe me, I'm encouraging it. But if we could get a little bit further apart, these public hearings, so we could better prepare for it, because we really enjoy talking with you and expressing our views and concerns of our miners and we appreciate your efforts really.

I'm about through.

One thing we experienced at the Jim Walters Number 5 Mine explosion was the CO lines need a better form of support to prevent them from -- as far as damage, I don't think it's 100 percent as far as to prevent all damage. But hanging them up on the side of a beltline with an insulated plastic hook, I think there's a better means of support for these valuable lines. If you could include in the regulations somehow to better support them we would appreciate it.

We would also ask MSHA to include in the new rule audible and visual alarms that are positioned at the tailpiece. Sometimes they are virtually impossible to see and impossible to hear. I, myself, am a bided ram car operator. I run a ram car hauling 12 to 13 tons of coal, which is piled up as high as I can get it. When I get to that feeder, I'm pushing the accelerator up to 18,000 -- 1,800 RPMs so I can get the hydraulics to push this load of

coal out. The feeder is crushing coal and rock, the beltline is running, I cannot hear that audible alarm going off at that tailpiece unless I shut that machine off to go to the dinner hole. I can't see it because of the -- a lot of times you have hills and dips in the beltlines. The visual will be down behind the feeder and the only time you can see it is if -- you might have your load pushed out and you're walking away from it and you might happen to look back and you see a flashing, and sometimes you don't. We've had people walk up the beltline, hey, buddy, did you know that your CO visual and audible alarm is going off? I didn't know it. I didn't hear it and I didn't see it. So if we could afford a means of better -- as far as visual or audible to see it, I think it would afford more protection to the miners.

Also, I would like to encourage MSHA to propose in the new rule as far as proposed new current regulations. Because current regulations and this proposal fail to adequately train the AMS operator for the role in which he plays in the safety of the miners. We feel that the AMS operators need more specific training on a number of things. One thing, the layout of the mine. These operators -- CO room operators should be afforded more time to go underground to see the layout of the mine. How could he make a good judgement call unless he knows how the layout of

that mine exists?

Also, how the CO system works, because we've had people who didn't know how the CO system even worked in there.

Also, they need to know the exact location of all underground employees, not the proposed location -- their exact location.

And also, they need to have a good and understandable knowledge of the mine's fire and evacuation plan.

I've got a couple of more things that I would like to talk with you about. One thing is, we would like to encourage MSHA to require -- and to follow also with the Advisory Committee recommendation in that in mines using belt air to ventilate working places, slippage switches should be integrated into the early warning fire detection system, and where it's not feasible to do so, that the switches should be visually examined each production shift and smoke sensors or their equivalent should be -- or when commercially available should be installed no more than 100 feet in by each drive.

Also, I would like to talk about lifelines. I understand in District 20 or District 11 -- MSHA District 11, at one time Jim Walters Number 3 Mine did have life lines. Of course, Jim Walters Number 3 Mine has been shut

down. I understand concurrently Shoal Creek Mine -- Drummond Shoal Creek Mine uses lifelines in their mine. Some mines across the nation have it in their PDO, so they're required for it. Also, U.S. Steel's Oak Grove Mine uses lifelines as we speak. I would encourage MSHA to include those in the new rule. I, myself, have been in simulated smoke situations that the bevel -- I mean the Beckley Academy, I've been in smoke so thick I couldn't see my hand in front of my face and that lifeline was one valuable tool to have to get me out of it. I didn't know which was I was going unless I had my hand on the lifeline. A light was rendered useless. Let me encourage you to include this in the rule. Cost is insignificant. It's a minimum amount of cost as far as compared to a longwall drive unit or a continuous miner believe me. And maintenance on this would be very little.

One last thing. We would like to encourage MSHA to require a battery backup system for the CO system. As my brother has talked about -- Mr. Randy Clements when he was setting up that CO room -- and you have a -- the battery backup system lasted for a while. You have mine rescue team members underground and you know that that CO system is one of your things that you can use for knowledge of what's actually happening down there for those guys safety and then you see the batteries go out, let me encourage you to

include in the new rule to have a battery backup system and maintain it, please.

I hope I haven't bored you too much. This is concerns of the miners that we represent. We understand the use of belt air. We've had it, like I say, for 23 years. It's of very significant importance to the mines as far as Jim Walters. But we would like to include as many safeguards to protect our miners underground as possible. Hopefully, if you would, listen to what we've talked to you about today, because we're here for one thing and that's the health and safety of the miners. That's all a miner wants, a safe and healthy workplace.

We thank you very much.

MODERATOR NICHOLS: Okay, thank you, Ricky.

Any questions for Ricky from the panel?

MS. JANES: I just have one or two clarifications. You were talking in the beginning part of your statement, were you referring to the Advisory Committee on the use of belt air or were your referring to the belt entry ventilation review recommendations?

MR. PARKER: Which part were you referring to? I talked quite a bit. I'm sorry.

MS. JANES: No, you spoke about the recommendations that NIOSH came in with.

MR. PARKER: It's a belt-entry review report.

MS. JANES: Belt-entry review report. Okay, thank you.

MR. PARKER: Marvin, earlier you asked a question from previous UMWA brothers as far as the -- I don't know if you were going to get to it, but I want to just go ahead and let you know. As far as the 23 years of working at Jim Walters Number 5 Mine, no, sir, I do not know of anybody that's been hurt because of belt air. I know that there has been instances where people have found smolderings. They've gotten burned because of trying to, you know, put them out. There might have been some smoke inhalation, but as far as them actually getting hurt because of belt air, no, sir.

MODERATOR NICHOLS: While we're concerned about people losing their mines, our primary concern is health and safety. I mean, if I was a mine operator, I would have a whole lot of precautions. I wouldn't lose my mine. My experience is down here that either patrolling or the AMSs will -- they're pretty good about picking up those smoldering fires.

MR. PARKER: In conjunction with that, a lot of it -- as far as the AMS system, a lot of it's got to do with the CO room operator, his experience, his expertise of how he -- if he starts seeing a rise in the trend -- where you've had a trend that stays at, you know, a certain level and he sees that rise, it's an indicator to him through his

CO system sensors. It will give him a warning that something is going on, especially if it starts getting a little higher and a little higher. That's what -- as far as training and understanding the system, when I was talking about the AMS system operator, that's why it's so vitally important that he understand this system that he has here in front of him and that, you know, the miners' lives depend on it. It might be insignificant, but it will be enough to where it gives an alarm off and he'll send somebody -- dispatch somebody to see hey, what's going on. And we have found belt fires through that means.

MODERATOR NICHOLS: Yeah. Early detection is the key. I mean that's what you're looking for.

MR. NARCHO: Just a couple of questions. You had mentioned a NIOSH report that indicated that belt air was a bad idea. Do you have a copy of that report?

MR. PARKER: No, sir, I don't at this time, but I'll try to get you one.

MR. NARCHO: Thank you. I'll give you my business card so you can mail it.

MR. PARKER: I'll be more than glad to do that.

MR. NARCHO: Okay. Also, you had suggested that MSHA require operators to check out -- you had suggested that the operators check out communication errors. Would you elaborate on that a little bit more?

MR. PARKER: I, myself, have been in the CO room for one reason or whatever and, of course, on the computer -- on the printout the system will go off and it'll have a communication error. And routinely I've seen operators, they'll go over and they'll clear it out and that's pretty much all they do. You know, it's a communication error. On 9-23, if that error had of been -- had somebody dispatched to it it might have prevented what happened shortly thereafter. In the future it could happen again, whereas if we had people dispatched to that location where the communication error happens -- or happened, it might prevent an event.

MR. NARCHO: Thank you.

MR. PARKER: Thank you again for your attendance.

MODERATOR NICHOLS: Ricky was the last person we had signed up to speak. How long are you going to take?

MR. MCNIDER: Five minutes.

MODERATOR NICHOLS: Does anybody besides me need to take a five-minute break?

MR. MCNIDER: Go ahead.

MODERATOR NICHOLS: All right, let's be back at noon.

(A short recess was taken.)

MODERATOR NICHOLS: All right, let's go.

MR. MCNIDER: My name is Tom McNider. That's M-c-

N-i-d-e-r, and I'm the General Manager of Engineering for Jim Walter Resources. I appreciate the opportunity to get to speak to the panel. I'm going to make this real brief.

We were one of the first mines using belt air petitions. I think we've had our petition since the late '70s or early '80s. We're real proud of the monitoring systems we have. We think there are a lot of positives, many, many, many more positives with belt air than not using belt air. The Belt Air Advisory Committee came and looked at Jim Walters Mines and our monitoring system. As a matter of fact, Bill, you might have been there. I'm not sure. But a lot of the law mirrors what we at Jim Walter -- was one -- at the forefront of using belt air. So we think it's time for petitions to be done away with and the law -- you know, it be part of the regulations. So we endorse what we see here.

One of the things we would like to see because we are one of the older petitions. We feel like the older parts -- and I don't know how many petitions are like this, but being one of the older ones, we have 2,000 foot spacing. We've had a good history with 2,000 foot spacings. We've detected a lot of smolders, a lot of potential fires. One thing we would like to see for some of the older petitions is that the older part of the mines be grandfathered in, or at least have some kind of phase-in period so that, you

know, as this becomes a regulation it would give us a time. But we would prefer -- you know, we believe that the 2,000 spacing has done a good job and we would like to see the existing mine, once it becomes an act, to get grandfathered in.

There's a couple of points in here that we would like to see clarified in this law once it becomes a regulation. It could be covered in other sections of the Act, but it should at least be addressed in here we think. It's been talked about by some of the other guys who have testified. We use point type heat sensors together with the belt air. That was basically the way our original petitions were written. We would like to see in here that it just says that, you know, if you use an AMS system that you don't need a point type heat sensor. That might be adequate under the preamble, but somewhere we would like to see it stated.

We also would like to see the -- and this has been testified several times about battery backup. We think it is important that you have battery backup. Also, there should be a little clarification as to the use of battery backup as far maybe fan maintenance. If you had an emergency, some of the guidelines as far as the use of batteries. We know from our experience that if we have a fire or even something that is major in the mine, that one of the main last lines of protection and to have a good feel

for what's going on in the mine is the AMS system. So we endorse the use of battery backup, but we think there should be some clarification in there as far as the use. You know, if you have an emergency situation, do you kill your battery or do you leave it on? We prefer -- we think it would be beneficial to leave it.

One other thing on the blue barriers and their use. It's not in there on that. We think that once the mine has been preshifted -- I think in the past we've had to go back and manually reset blue barriers. We think once you've done your inspections, you should be in the position that you could reset your blue barriers by remote setting on those. We do have that capability.

The only other thing I want to address is, there were some comments about the sponcom. I mean we've done -- the guys that commented, I endorse what they said. A lot of the inspections -- the reason for that and the reason that you have inspections as well as AMS -- AMS did a wonderful job. But we have fine grain pyrite and when you get pyrite starting to oxidize you get SO2. You don't get carbon monoxide. So you can smell the burning or the starting of the heating of the fine grained pyrites and then after -- if you common in contact -- a lot of times these pyrites were in rock. They weren't even touching any kind of carbon, so therefore you may not even get CO.

But we think they've done a wonderful job and I just wanted to kind of clear that up in the record. There is a need for inspection and for the systems. We endorse this rule and we would like to see it become part of the Act. I do think you should consider some of the older petitions and the 2,000 foot spacing and at least grandfathering the older part of the mine, and if not, then you should look at some kind of phase in period because it would be a burden to try to get this in.

MODERATOR NICHOLS: Okay. I can answer that. I mean it's not legally possible to grandfather in. This rule will supersede all petitions.

MR. MCNIDER: Right. I understand that.

MODERATOR NICHOLS: So all the issues will have to be resolved during this rulemaking.

MR. MCNIDER: So it's either 2,000 or 1,000 --

MODERATOR NICHOLS: It's whatever -- there won't be two requirements on a grandfathered petition. The rule will cover whatever it is.

MR. MCNIDER: Right. But I know there have been acts -- like for instance doors -- where you start from the new part of the mine and, you know, the older part, you don't have to go back and add -- like on the 600-foot space, it'll --

MODERATOR NICHOLS: Well these guys will have to

work with all of these issues. What I'm saying is, legally you can't have -- you can't grandfather -- the rule will supersede all previous petitions.

MR. MCNIDER: I understand that. I'm just saying where you've had in the older part of the mine a spacing on 2,000 foot, would a grandfather clause not start from that point and go forward where you would be under the new petition?

MODERATOR NICHOLS: Do you guys understand what he's getting at?

MR. MCNIDER: Like doors, for instance. Doors was grandfathered in in the older part of the mine. I think we should look at something like that for this.

MODERATOR NICHOLS: Okay, we understand your comment.

MR. MCNIDER: Okay.

MODERATOR NICHOLS: The point you're making about the inspections, that's the point I was trying to make earlier. These miners have done a wonderful job in patrolling and finding those hot spots.

MR. MCNIDER: Absolutely. You've got a couple of guys that were up here that testified that's done a fantastic job at our mines. You know, I would like to commend them. I think they've done a good job or that mine wouldn't be here.

MODERATOR NICHOLS: Have you got any thoughts on lifelines?

MR. MCNIDER: Well, I read the preamble and I guess I would have to mirror what the preamble says. I don't -- we're looking for new ways for -- anything that we think would be a -- increase safety, we're for it. The key there is maintenance, I think. We have tried lifelines. I don't know that we would be absolutely, you know, opposed to it. There could be some merit to it. But I think they've got to be maintained is the key.

MODERATOR NICHOLS: Okay. With this maintenance, you've heard a lot of guys come up here and say that these belts aren't maintained. How are you guys doing with that?

MR. MCNIDER: Well, I mean, you know, you have issues. I'm not going to say we live in a perfect world, but I think overall we do maintain our belts. One of the things that you heard that was on record, after the incident that we had at Number 5, and one of the things in the MSHA review considering rock dust, there has been a whole new way of looking -- float-dust is subjective. As far as the way i might see it, or you, Marvin, might see it, or Bill, we could all have a different interpretation as what's float-dust and what's not. That's part of it. Now, I'm not saying that's all of it. I think we have tried to give an increased emphasis to, you know, look at it. And that's

just one issue. I mean that's a person's opinion. I think we do, you know, a good job of maintaining our belts. I'm not saying we can't do more.

MODERATOR NICHOLS: Okay. Any questions for Tom?

(No response.)

MODERATOR NICHOLS: Thanks, Tom.

MR. MCNIDER: I appreciate it.

MODERATOR NICHOLS: Does anyone else want to speak?

(Mr. Clements raises his hand.)

MODERATOR NICHOLS: Come on up.

MR. CLEMENTS: My name is Randy Clements from Local 2368.

I want to try to address a question that you keep bringing up and asking everybody about -- do we know of any health hazard or problems we have with belt air.

I've had a little time to think about it and I would say yes. As I understand, in the preamble to this report dealing with the miners' health program, the x-rays and stuff, I understand that there's been close to 800 new cases of black lung and what I'm referring to is you asked the question about belt air.

What I'd like for y'all to do if you get the opportunity, you're talking about exposing hazards -- immediate dangers? No. Over-exposure of float coal dust --

yes. If you're a ram car operator -- as I mentioned earlier, I am a ram car operator. Go stand behind the end of the line curtain, behind a miner that's cutting a load of coal, that's being loaded into a ram car, have him cut his sprays off and you stand there and breathe what's coming from behind that line curtain. That is no different than a ram car operator, and we're required 21,500 going behind our line curtain. Go dump that same load of coal on a feeder that's got over 80,000 coming over it and you're sitting there breathing that dust. It has been so bad at times, you would have a quarter inch of dust sitting on top of your ram cars. Yes, it does pose a hazard to the miner of over-exposure.

I'd like to touch a little bit on the lifeline situation. You can read it in the MSHA report of the explosion, you can read it in the UMWA's report of the explosion. Two of the men that was in the first explosion found their way out to fresh air. We did not have lifelines, but they found the next best means, they followed a cable to fresh air. So that would tell me that, yes, lifelines would be very vital in finding your way out. Because all the markings that we had, we have them red reflective markings that we hang from the roof. All of them was gone, they couldn't see them. They had to feel their way out, so yes, lifelines would be very critical.

MODERATOR NICHOLS: Okay. The Committee can correct me if I'm wrong here, but as far as respirable coal dust, this rule cuts the standard to one milligram, which is half the normal you would be able to experience, you know, anywhere else in the mine absent any silica. But we think we've got a handle on this dust --

MR. CLEMENTS: Well, you know, you get it in your eyes -- not only respirable dust, you get it in your eyes. Like I say, I'm a ram car operator, there's been times as a ram car operator, when I got eat lunch, I have to get a bottle of eye wash and wash your eyes out because you've got over 80,000 coming over your feeder. There's more than just the respirable dust problem.

MODERATOR NICHOLS: Okay, Randy, thanks.

MR. BLANKENSHIP: James Blankenship, Local 2245, Brookwood.

I want to make a few comments on what Mr. McNider said about the grandfathering the phase-in period. United Mine Workers is totally against grandfathering them in. We're not against the phase-in period though of six months or so, less, give them plenty of time to get what they have to have to get it up to speed.

About the lifelines too, I didn't know this until I talked to my safety committeeman. Our long wall petition calls for lifelines, we have had them and they have had to

maintain them. So it's something that can be done at Jim Walter Number 4 mines.

There's been several things brought up today, a lot of good points from everybody that spoke today, a lot of information for y'all to take back and look at. I have here and I'm going to submit for the record, I'm going to give you a copy of it. I'm sorry I didn't have it earlier, but it had to be delivered to me.

I was going to read it all, but I'm not going to do that, seeing the time, but I've highlighted several pages and I've highlighted them on this sheet of paper. I am going to touch on this for a second and then I'll move on.

The first part is on page 49, it deals with the --

MODERATOR NICHOLS: What is it you're reading from?

MR. BLANKENSHIP: I'm reading from the UMWA Report of the Disaster at Number 5 Mines.

MODERATOR NICHOLS: Okay.

MR. BLANKENSHIP: The investigation after the disaster.

MODERATOR NICHOLS: Okay.

MR. BLANKENSHIP: On page 49, it talks about communication errors and what some of my brothers talked about being cleared off and forgotten, didn't show a rising CO or anything, just showed an error. That needs to be

addressed. If there's a problem, we send somebody to take care of it.

Also on this part -- it's the part on failed emergency response evacuation. Also on the part that talks about communication in the mines, how they didn't know where everybody was at. It goes back to two types of communications, the man buses, the need for all that.

The next part I want to talk about is float coal dust, it's on page 70, and again I've highlighted all this stuff for you. 300 foot of float coal dust was cited in number 4 section belt entry. That goes back to maintaining the belt lines that I talked about earlier. We need to stay on top of all this, with these regs or other parts of the law.

The next part is on page 84, it's required examinations. It deals with examining the belt lines and the things. And on your question about shutting the AMS off after 24 hours during shutdown times, at Jim Walter 4, we've got 200 people in that mines during vacation. They need to be running, they need to be examined, there needs to be records kept and I would like for you to read this material and it'll go about it.

The last part, and I'll be through, is on page -- starts on page 112. It deals with what I talked about earlier, the types of materials out there to be used, types

of sensors, the way to mount them, what can be done. There's several pages that talks about what they found, how they were pulled burned, different things like that, and it also talks about the suggestions of what can be done in the future as far as mounting the boxes down with Kellam grips and all that stuff that goes along with it.

I'm going to give this to you, I ask you to look at it. I hope I've got everything highlighted that will help you out, and I really appreciate it. I'll answer any questions you've got.

MODERATOR NICHOLS: Okay, thanks. Anybody else?

(No response.)

MODERATOR NICHOLS: Okay. Remember that we have one more hearing in Lexington on Thursday and then the comment period is open until June 30. So if you think of something else, send it to us or we'll see you in Lexington.

Thanks everybody for showing up.

(Whereupon the hearing was concluded at 12:19 p.m.)

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REPORTER'S CERTIFICATE

DOCKET NO.: --
CASE TITLE: Office of Standards, Regulations & Variances
HEARING DATE: April 29, 2003
LOCATION: Birmingham, AL

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the U.S Department of Labor.

Date: April 29, 2003

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