



Thank you for the opportunity to participate in this public hearing. I do not believe there is any instance where mine rescue team efforts have been prevented or been delayed because of the lack of an adequate number of highly-trained and competent teams. Furthermore, I am not aware of any instance where the arrival time of teams caused a delay in initiating mine rescue efforts; however, I have read the criticism directed at teams for responding too quickly at the Darby mine. Virginia has more than adequate mine rescue coverage by experienced, highly-competent teams who participate in the Designated Mine Rescue Program. Yet, complying with these proposed rules and the MINER Act will totally eliminate this Program. The State of Kentucky has for a number of years been the signatory Mine Rescue Team for every coal mine in the State. Kentucky law mandates that Mine Rescue Teams be available within one hour driving distance. The Office of Mine Safety and Licensing offices where the stations are located are situated through out the Kentucky coalfields to meet this requirement. In Kentucky there are presently 155 small mines (36 employees or less) and 75 large mines (37 employees or more). In addition there are 3 company teams, 2 contract teams, and 8 composite teams from the industry. All of the industry teams serve mines with 37 or more employees, no small mines have mine rescue teams. It would be detrimental to the industry if the eleven State teams were lost due to their inability to comply with the proposed regulations we are commenting on today. How does eliminating these Programs enhance the safety of our miners or of mine rescue? It does not. In fact, it lessens it, and I am glad I was not a party to that decision. I am concerned that a lot of time and effort is being spent addressing a problem that does not, and did not, exist.

My comments about particular provisions of the regulations are noted below:

Section 49.11 Purpose and Scope

(a) Availability of mine rescue capability has never hindered a mine emergency rescue and recovery effort.

(b)
(ii) Mine rescue training at covered mines — this training should not require involvement of all members of a team. Two members of the team could familiarize themselves with the mine and brief the remaining team members; if a composite team, the members from that mine should be given credit for training for that mine.

(iii) Stations within one hour travel time of covered mines — the arrival time of teams have never hindered a mine emergency rescue and recovery effort. Therefore, MSHA should consider grandfathering existing teams as noted below. Actually, to be grammatically correct, it should be 'has', referring to the arrival, not teams.

(iv) Team knowledge of operations and ventilation of the covered mines — Redundancy, the training requirement will fulfill this requirement.

(iv) Composite team requirement for two members from each covered mine — There are many pre-existing mine rescue teams, extremely competent and experienced, who currently provide mine rescue coverage for several mines. These teams may have to disband because of this requirement, or at a minimum

will have to break up in order to add potentially inexperienced (in mine rescue) miners to the teams. In addition, if a composite team is to cover more than three mines, the number of team members could be creating a management challenge. Current mine rescue contest rules limit the number of team members who can participate in a contest, who can go into "lock-up"; what do the "extra" team members do? If an event occurs at a mine which has two inexperienced members on the team providing coverage, will those two miners be required to participate in the rescue effort over two more experienced members?

(v) Contract team members are required to have a minimum of three years' underground experience within the preceding ten-year period. However, if surface miners are active members of mine rescue teams prior to enactment of the MINER Act or these regulations, this requirement should be waived for these members.

(vi) If on-site experience at covered mines serves to reduce the training requirements for state-sponsored team members, the same logic should hold true for those composite team members who work at mines covered by their team.

Based on my work with mine rescue teams, I would suggest the regulations be modified so that mine rescue teams, stations and team members, which were in existence prior to the MINER Act, be "grandfathered" into these new requirements without the mines or the teams meeting the one hour time limitation or having two employees from each covered mine requirement. Clearly, this will be a decision that will enhance, rather than hinder, quality mine rescue coverage for many mines.

49.12 Availability of mine rescue teams

(b) Requires teams to consist of five members and one alternate; what if a composite team provides coverage for four mines? In one proposed rule, composite teams are required to have at least two members from each covered mine. In this proposed rule, teams must consist of five members and one alternate....

1. What about those instances where two miners from a given mine are members of a composite team and one of them is unavailable for a short time, such as for sickness, injury, family emergency, etc.?
2. What if one of them quits or transfers to another mine?
3. Will the mines have to shut down and all those miners employed there lose their income during the time it takes to find a replacement?
4. What if no one at a mine needing composite team coverage will volunteer to be on a team?
5. Will an operator be required to force someone to participate against their will?
6. Can that member be forced to participate in an emergency rescue effort against his will?
7. Currently we are requesting any employees who are interested in becoming a team member to sign up. The sign up sheet has been on the

mine bulletin board for 7 months and there has been one employee sign up. This is at a mine with forty nine employees.

Some composite teams may resemble musical chairs, given the cyclical nature of our industry. Clearly, MSHA should have consulted the mine rescue professionals that provide coverage prior to developing these rules!

(c) Current teams and team members should be grandfathered into these new rules.

(e) "available within 1 hour ground travel time" should replace the word "at" in this subsection.

(f) Since mines are actually located where the coal seam is accessible, this makes it impossible in some instances to locate the mine within one hour of the station, as this states. Therefore, locating the stations within one hour of all mines may not be possible. Existing stations could possibly have to be moved, and there may be situations where moving a station could move it to within one hour of a mine, but more than one hour from another. Therefore, the District Manager should have discretion to give exceptions to this one hour requirement if circumstances exist that justify such a change.

49.13 Alternative mine rescue capability for small and remote mines

In this section, the District Manager is considered capable of making decisions concerning adequate mine rescue coverage. Why is this limited to small and remote mines? He should be given the same latitude for all mines, especially those mines and mine rescue teams already in existence?

49.14 [Reserved]

No comment.

49.15 Mine Rescue Station

As discussed above, current mine rescue stations should be grandfathered into these rules.

49.16 Equipment and maintenance requirements

(a)(1) As an alternative to 12 apparatus that provide a minimum of two hours of capacity, six apparatus with a minimum of four hours capacity, resulting in the same 24 hours total capacity, should be considered as meeting this requirement.

49.17 Physical requirements for mine rescue team

(a) If an affected miner fails a physical, he should be able to obtain a second opinion before he is removed from the team.

49.18 Training for mine rescue teams

(b) Credit should be given for other relevant training completed by the team members, such as fire brigade training, participation in mine emergency response drills, etc.

(f) Our local District personnel are in frequent contact with our team members, often helping with the practices. However, practices are routinely rescheduled due to work schedules, sickness of members, etc. For the teams and the District Manager to keep up with these changes will do nothing but distract from our mine

rescue training. I believe this provision should be removed from the regulations, but, as always, we will continue to welcome, and solicit, MSHA's and the local Districts' participation.

49.20 Requirements for all coal mines

(b)(2)(iii), (b)(3)(ii) and (b)(4): The training requirements should be considered to be met by having at least two members of each team familiarize themselves with the operations, physical conditions and ventilation of the covered mines, who would then be required to brief the remaining team members. These two team members could rotate regularly so that all members gain first-hand familiarity with each mine. Team members who routinely work at a mine covered by their team should be allowed to substitute their job experience for 50% of the training requirements.

(b)(4) State-sponsored composite team members should be considered state employees, including being credited for training at the mine at which they work.

49.40 Requirements for large coal mines

As discussed above, existing mine rescue teams should be grandfathered and still should be able to provide primary mine rescue coverage to existing mines even though (i) they are more than one hour from the covered mine, or (ii) they are not an individual mine-site team or a composite team. Unless this grandfathering is granted, the competent, highly-trained and experienced mine rescue teams in Virginia are likely to be destroyed, which is not good for the mine rescue program and will weaken the mine rescue coverage in Virginia.

49.50 Certification of coal mine rescue teams

Since the mine rescue teams and stations are subject to regular inspection, I do not think this requirement is necessary and would serve a very limited purpose except to distract from the teams' training and preparation.

49.60 Requirements for a local mine rescue contest

(a)(4)(ii) Clear standards need to be set for "trained judges." In my opinion, Judges should have actual mine rescue experience, preferably experience in a real emergency event. At a recent contest our team participated in, the quality of one or more of the judges was called into question.

75.1501 Emergency evacuations

(a)(2) Many of the proposed training requirements go beyond what a responsible person at the mine should be required to do, including duties MSHA will not allow. The responsible person should NOT be expected to:

i) Organize a command center (MSHA, State and company officials will establish the command center).

iv) Direct mine rescue personnel—notify, yes; direct, **no**. MSHA and the State would be *very upset* if someone else directed mine rescue personnel. And, I don't think teams and their trainers/instructors would follow those directions anyway.

v) Establish a fresh air base—that is the responsibility of the mine rescue teams.

vi) Deploy mine rescue teams—same as 2) above!

vii) Provide for mine gas sampling and analysis—totally unreasonable expectation.

viii) Establish security—request, yes; establish, no. Establishment of security should be left to professional security personnel.

A paper copy of these comments will be provided.

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