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*Senior Vice President, Regulatory Affairs*

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Mine Safety and Health Administration  
1100 Wilson Boulevard  
Room 2350  
Arlington, VA 22209-3939

Re: RIN 1219-AB65 – Proximity Detection Systems for Underground Mines

To Whom It May Concern:

The National Mining Association (NMA) submits these comments in response to the Mine Safety and Health Administration (MSHA) "Request for Information" (RFI), 75 Fed. Reg. 5009 (Feb. 1, 2010). We appreciate having this opportunity to provide these comments to inform MSHA of the industries experience with proximity detection systems in underground mines

NMA is a national trade association representing the producers of most of America's coal, metals, industrial and agricultural minerals; the manufacturers of mining and mineral processing machinery, equipment and supplies; and the engineering and consulting firms, financial institutions and other firms serving the mining industry. NMA's membership includes facilities that will be directly impacted once the agency finalizes regulations on the use of proximity detections systems. Thus, NMA has a direct and substantial interest in this action and any related rulemakings the agency pursues. NMA strongly urges the agency to consider these comments before it pursues a proposed rule and would specifically draw to the agencies attention the comments of Joy Mining Machinery, an NMA member company, whose comments we incorporate by reference.

NMA shares the agencies concerns relative to the number of miners who have been injured or, more tragically, killed resulting from being pinned, crushed or struck by mobile equipment in underground mines. As reflected in the RFI, this occurrence has become particularly acute for miners operating or working near remote control continuous miners (RCCM). Indeed, in 2009 NMA's first safety awareness campaign, "Stay Away, Stay Alive" was aimed at reducing accidents and fatalities associated with unsafe activity when working in proximity to continuous miner machinery. NMA and its member company safety professionals developed safety

training and awareness materials based on analyses of actual accident reports. The materials highlighted specific actions that should be avoided. The awareness campaign was viewed as an interim step as efforts continued to design and test technology capable of detecting and notifying miners of unsafe proximity to mining equipment, principally RCCM's.

Unfortunately, the development of technology to address the potential hazards of working in proximity to mobile equipment in the underground environment has not advanced as quickly as anticipated. While the RFI correctly notes MSHA's approval of two systems in 2006 and a third in 2009, this merely recognizes that the systems will not introduce an ignition hazard when operated in a potentially explosive atmosphere. Important as this is, this alone is not sufficient to validate the functional readiness of these systems to reliably perform in the rigors of the underground environment.

In our view a thorough examination of the operational readiness of these systems must be undertaken to identify and address system safety issues before these are required and upon by miners and mine operators. Today we have a situation where only a handful of mines have had operational experience with the approved systems and ever fewer have examined the application of this technology in their individual mine settings. As such questions regarding, for example, differences in the application of these systems in low versus high seams cannot be answered.

While we are cognizant of the agencies desire to advance this initiative as expeditiously as possible, we encourage the agency to proceed cautiously to permit miners, mine operators, equipment manufacturers and technology providers the time required to ensure the development of reliable and effective systems. As the agency is aware, the West Virginia Safety and Technology Task Force has developed a plan to evaluate proximity detection systems. The comprehensive plan, developed with the assistance of safety professionals from the National Institute for Occupational Safety and Health, will address critical questions regarding reliability and functionality. We believe future agency actions should be informed by this work and would encourage the agency to withhold further action on this matter until the Task Force work has been completed.

Again, thank you for providing us the opportunity to comment on this most important initiative. Providing a safe and healthy environment for miners is a goal we all share but we must ensure that an unreliable system, for the sake of expediency, is not the means by which we strive to achieve that goal.

Sincerely,



Bruce Watzman