

Fontaine, Roslyn B - MSHA

From: David Gooch [coadavidg@setel.com]
Sent: Monday, June 20, 2011 4:49 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219- AB64"
Attachments: Dust Rule Comments.doc

2011 JUN 20 P 4: 49

To Whom It May Concern:

Please see our attached comments on the referenced rule.

Thank You



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AB64-COMM-78



Coal Operators & Associates, Inc.
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June 20, 2011

Ms. Roslyn Fontaine
Acting Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, Virginia 22209-3939

Re: RIN 1219-AB64; Comments on MSHA Proposed Rule for Lowering Miners Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors

Dear Ms. Fontaine:

Coal Operators & Associates, Inc. (COA) is a trade association representing the majority of the coal production in Eastern Kentucky. Our members mine coal by both surface and underground methods; and/or supply goods and services to the coal mining industry. Thank you for the opportunity to comment on the above referenced regulation.

COA endorses and supports the comments submitted by the National Mining Association. Our difficulties in accepting the proposal as written are:

- the proposal's lack of scientific support and the agency's failure to consider the latest and best scientific evidence;
- the agency's failure to include proven measures to protect miners' health;
- the proposed rule's reliance on a sampling device that has not been proven to provide accurate or reliable results;
- the proposed rule's substantive and procedural flaws; and
- the agency's failure to restore confidence in the dust sampling program by proposing a rule that effectively addresses miners' health.

Due to the gravity of the proposal and the impact on not only the operations we represent, but the miners as well, we respectfully ask that the proposal not be promulgated as a final rule.

Sincerely,

S/David A. Gooch

David A. Gooch
President