

From: David Schwartz [dgschwartz@verizon.net]
Sent: Friday, March 03, 2006 2:13 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB44

Dear Sir / Madam:

The following comments were previously sent to 'zzMSHA-FatalSuggest@dol.gov' on February 8, 2006 with the subject heading: Coal Fatal Accident Number 1 through 12 for Year 2006. These comments are being resubmitted to the MSHA Docket, RIN 1219-AB44, Underground Mine Rescue Equipment and Technology; Proposed Rule, with some additional information.

Government Role J5:

1. Rock Dusting – Easy Availability of Additional Training Information

We don't yet know the causes of the Sago Mine accident. The investigators should continue with their work until we do know. However, in exploring the MSHA website, I was unable to easily find any discussion on **rock dusting**. As you are aware, the absence of effective rock dusting is sometimes linked to explosions in coal mines.

I'm sure that rock dusting is part of general coal miner training. However, a bulletin or Power Point presentation used as a reminder (and posted for example, under the MSHA **Safety and Health Topics** link) could be helpful (unless it's already present under a different title).

The bulletin could contain:

- pictures of proper and improper rock dusting techniques, machinery, and methods used,
- a recitation of the rock dust regulatory requirements,
- information on when a miner knows that he has applied enough rock dust,

- information on when it is apparent that there is too little rock dust applied to the job,
- information on how often rock dusting must be performed during a shift,
- information on the hazards of silica contained in rock dust,
- information on rock dust equipment maintenance,
- information on engineering controls and personal protective equipment that are useful in controlling or minimizing employee rock dust inhalation exposure.

A start on developing such an explanatory program or review for rock dust application is located on the following Pennsylvania Dept. of Environmental Protection mine safety website:

<http://www.depweb.state.pa.us/deepminesafety/cwp/view.asp?a=1249&q=447828#rockdusting>

This is the type of information that could be used for routine employee safety meetings.

Additionally, the HazCom section of the MSHA website contains an MSDS for Limestone

(<http://www.msha.gov/regs/complian/guides/hazcom/msds/LimestoneMSDS.pdf>),

but I was unable to find a mention that a synonym for Limestone is Rock Dust on this material safety data sheet. In order to eliminate any confusion and to reinforce the applicability of this material, it is suggested that the words, Rock Dust, be added to the Limestone MSDS, if indeed this is the material being used for coal dust explosion prevention.

Government Role J1, J6:

2. Mine Rescue

In some mine disasters, the media indicated that there was a delay associated with getting drilling equipment, air supply piping, and gas monitoring piping to the mine site.

- a. Why is there an absence of regulations requiring the pre - staging of emergency fresh air supply piping, gas monitoring piping, and pipe earth drilling equipment at mine excavation sites?
- b. Are there structural or other problems associated with intermittently pre – positioning and vertically installing (by drilling) emergency gas monitoring or fresh air supply piping above the mine surface as part of the normal and routine mine construction process?
- c. During the rescue of miners at the Quecreek Mine flood entrapment incident in Somerset County, Pennsylvania, there was only one mine rescue capsule available. This equipment first had to be located and then brought in from somewhere else. Why isn't this equipment fabricated and widely distributed so that every mine is required to have a rescue capsule (or similar equipment) on site?

Preplacement, pre – positioning, and / or pre – installation of the above equipment could reduce mine rescue atmospheric environment evaluation and rescue entry implementation times.

Government Role J2, J5:

3. Regulatory and Non – Regulatory Revisions, Collections Re: Notices of Violations

Effective federal and state enforcement of mining safety and health rules is important. Additionally, all of us are sensitive to the fact that safe mine environments can not be accomplished without the cooperation of mine management. It is not possible to “inspect quality into a product.” Likewise, is it not possible to inspect a mine into an ethic of safety, nor is it possible to safely operate a process without a substantive safety system infrastructure.

Other American business sectors have determined that putting money into operational and personnel safety programs is money well spent. It's in the interest of mine owners and operators to do this as well. Accidents and fatalities followed

by resultant work stoppages can be both tragic and very expensive.

However, mines and mining managers that:

- can not or will not put the safety of mining personnel first above production needs,
- do not correct unsafe conditions,
- do not pay collection notices for violations

should be penalized by prohibiting them from continuing day – to – day operations in the mining business. For example, it shouldn't be too hard to put a **cease and stop work order** into regulation directed at mine owners and operators with **uncontested collection notices** that remain overdue for a certain period of time. That will surely get the attention of those businesses that need to submit payments for fines in a timely way. Additionally, MSHA may need a better way of tracking required payments (collections) over a long period of time.

Additionally, you may find that simply posting overdue mine owner / operator collection notices or collection notice summaries on an easily accessible MSHA web site is a very low cost method for closing out many delinquent remittances. This may cause some initial embarrassments, but should shrink the list of overdue payments quickly. This change may or may not require regulatory notice.

Government Role J2:

4. Regulatory Revisions Re: Locations of Emergency Response Equipment and Rescuers

Finally, I realize that many mines (perhaps 75%) may have less than 20 people operating them. I am sympathetic to the needs of small businesses. However, if we are going to permit this hazardous work (coal and mineral mining), then we, as a nation, need to require more of our mining companies in the way of **effective emergency rescue plans and capability, rescue and safety equipment, and trained rescuers located within a certain regulated distance or travel time of**

the mine entrance 24 / 7 / 365.

The rescuers could be staffed by mine employees or commercial contractors (by following requirements similar to those contained in OSHA's Confined Space Rescue and Emergency Services Regulation, found in 29 CFR 1910.146 (Paragraph k). Rescue contingency should be part of the cost of doing business and not subsidized by the government in supplying rescue equipment or personnel rescue services.

Government personnel are a valued, useful, and needed back stop of last resort. However, to ensure worksite familiarity and to place the primary responsibility where it lies, the primary rescue provider should be legally required to be mine owner or operator staffed, equipped, and / or funded using private sector effort, investment, and accountability.

Perhaps with the level of expense that this will entail (e.g., effective rescue personnel, planning, and equipment within a certain mandated distance or travel time), more planning, safety redundancy, and accident prevention efforts will be built into mining operations by the mine owners and operators. We simply can not keep repeating the situation of trapped miners, rescue personnel or equipment delays, or insufficient equipment that prevents proceeding with an effective rescue.

We may not be able to do all of this overnight, but we need to get started in improving the safety of the nation's mine work environments. The information suggested above may help in this regard. The American people will understand that if that means raising the price of coal in order to save miner's lives, then that's a part of doing business (safely), and that's OK. In the long run, by operating mines safely, we will be a more competitive nation in a global work environment.

To the extent that any of these matters are already effectively addressed by regulation or practice, my apologies. Thank you for offering the opportunity to comment.

Sincerely,

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