

REGION III OFFICE

# United Mine Workers of America

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November 19, 2002

Marvin W. Nichols, Jr., Director  
Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration  
1100 Wilson Blvd., Room 23 13  
Arlington, Virginia 22209-3939

Dear Mr. Nichols:

On behalf of the United Mine Workers of America we appreciate the opportunity to provide comments concerning 30 CFR Part 75, RIN 1219-AA98, Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements ( Methane Testing ) published in the Federal Register on September 26, 2002, ( Volume 67, Number 187 ) Proposed Rules Page 60611 - 60616.

The United Mine Workers of America clearly understands the tremendous safety protection that is afforded the miners when prudent and frequent methane testing is conducted on a continuous basis while miners are underground at the working face producing coal.

We therefore submit the following comments and request that the Agency *give* serious consideration to these comments in their drafting of the final rule for conducting methane testing in underground mines.

Should there be a need for any clarifications of these comments do not hesitate to contact our office in Fairfax, VA., at ( 703 ) 208-7200.

Sincerely,

Joe Urban, Deputy Regional Director  
Region III, United Mine Workers of America

cc: Joe Main  
Joyce Hanula

**AA98-COMM-3**

**COMMENTS FROM THE UNITED MINE WORKERS ON THE PROPOSED  
RULE IMPROVING AND ELIMINATING REGULATIONS PHASE 5  
MISCELLANEOUS TECHNOLOGY IMPROVEMENTS ( METHANE TESTING )**

The United Mine Workers of America appreciates this opportunity to comment on the proposed rule of Methane Testing. The United Mine Workers of America for decades has taken a position that whenever you have an opportunity to provide a safety protection that would be classed as a pro-active action, and one that has been accepted nationwide as being a sound and prudent safe mining practice, everyone in the mining community benefits from them

The United Mine Workers of America wishes to comment specifically on the proposed subparagraph 75.362(d)(3)(iv) which states: *(iv) The manual methane test must be made immediately before the roof bolting machine enters the working place **unless the last test was made within 20 minutes.** etc...* It is this part of the proposed rule of which we wish to address. No where in the existing language of 75.362(d)(1) do I find any exceptions and/or variances from manually taking a methane test prior to a piece of equipment being taken into a place. According to the discussion of the supplementary information for Proposed Subparagraph 75.362(d)(3)(iv) states; *“In many instances, a methane test is made immediately before the continuous mining machine is withdrawn from a completed cut... This is either a position or an assumption Made on someone's personal experience or information they have received from someone else. In addition it states; Under these circumstances, the methane test essentially remains valid for any equipment that would enter the workplace during the 20 minutes following the methane check. Thus, the methane test made before the continuous mining machine is withdrawn also meets the requirement for the methane check before the roof bolting machine enters the working place, provided that 20 minutes have not elapsed since the test was made. In fact 75.362(d)(1)(ii) states: Immediately before equipment is energized, **taken into**, or operated in a working place; and... If you will examine your own language in the Supplementary Information A. Background you will find the second paragraph states:*

*On-shift examinations of working sections have long been accepted as a standard safety practice in coal mining due to the variable nature of mining conditions and the potential for hazards to develop quickly. With the proposed language structured as it is presently the agency is allowing an exception to the requirement dependent upon whether or not a specific time frame has elapsed. The current regulatory language states: **before equipment is energized, (or) taken into**, Re-iterating what has been stated previously, condition can change very quickly. Just because a time span has or has not elapsed has absolutely no coalition with mining condition's potential for sudden change.*

What has to be considered here in this equation is although ventilation controls are the primary means utilized to render harmless and dilute dangerous levels of methane, **most** of the time due to the size of the continuous miner, tubing and/or line curtains are removed in order to eliminate damage to them prior to a continuous miner being move out of the current place. The United Mine Workers of America agrees with the comment made in the supplementary information that;

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*Over the years, the coal mining industry has expanded its use of a number of mining methods that increase production. Most of the mining operations today use continuous mining machines that make deep cuts. These longer distances to the face make monitoring and ventilating methane more difficult.*

One of the major problems with the proposed language of allowing the exception is that individuals will now be **ASSUMING** or at the least making the assumption that as **soon** as the continuous miner leaves the place just mined that the roof bolting machine **will** automatically be going right into the place. It will be easy to eliminate the necessity of accountability with this scenario. The continuous miner operators will assume that the roof bolting machine will be going right in to roof bolt. The roof bolters will assume that the **last** methane test was taken immediately before the continuous **mining** machine was removed. The current proposed language opens the door for mis-communications and far too many loop holes in what has been a well established required criteria that before **ANY** machine goes into that newly mined place a methane test **will** be conducted. Even the commentators in their supplementary information state that there is a possibility of ventilation distortion when they clearly state; *When the cut is finished, the continuous mining machine is backed out, and the ventilation may be adjusted to redirect more air to the next face area....* But in reality I personally have seen with my **own** eyes the practices of some companies to leave those areas just mined unventilated because, "Well, we thought the roof bolter was going right in there!" **Again, assumption.** Let us look at another situation that can and does easily occur at **our** coal mines. The continuous miner finishes cutting the place, removes the tubing and/or line curtain to remove **the** machine and for whatever the excuse does not put the ventilation controls back into place. Now the roof bolter is about to tram into the place and as they **start** into the place the **ATRS** or drill boom on the roof bolter hits one of the heads of a roof bolt that has already been installed. What happens? **You get sparks!** And we haven't even began the drilling process yet. Sparks that can cause **an** ignition if enough methane is present. We do not have the luxury in some of our very gaseous mines to play with assumptions. We have to factually handle the complete **mining** process with precision. Take for example the **Jim Walter** mines in Alabama, if you even **think** you can leave a newly mined place for even a minute unventilated then you will have created a very hazardous situation with a blink of an eye. Unfortunately, we currently have **13 families** that have experienced **first hand on**, September 23, 2001, what the end results of methane problems can do.

Another example, is that today **many of our** mines are operating what have been termed as "Super Sections", in other words they have two sets of mining equipment developing anywhere from 4 to 10 entries. What happens under the assumption theory, **if** one of the **roof** bolting machines have a mechanical break down? Who is going to **run** the stop watch to know when the

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so-called "20" minutes has expired? Or what if that particular super section has a roof bolter that is inoperable for the entire shift and the one that is operating gets so far behind that they can't get caught up? In reality they **just** keep moving as quickly as possible from one entry to the next. Do you think they are **going** to keep a log **of** when each place's "20" minutes are up? That would be impossible and definitely would not be practicable by any sense.

If the Agency allows this exception to be placed into the final rule they themselves will be changing a proven safe and reliable means of assuring to the miners working in those mines that every precautionary measure has been taken to provide factual information that the place they are being required to work **is** indeed safe.

**Why** the Agency would want to change something that has worked for decades and costs the operators absolutely nothing in terms of costs is beyond me. Even in the joint submittal from the United Mine Workers of America and the Bituminous Coal Operators their recommendations did not allow for any such exemptions to be placed into the final rule. Even the Agency during their discussion information stated that the current language did not allow any exception when they stated: *During this entire process, a qualified person, as defined in Sec. 75.151, makes a methane test at the face before electrically powered equipment is energized, taken into the workplace or operated, and at least 20 minute intervals during the operation of this equipment.*

It is with the examples and discussion above that the United Mine Workers of America must request that the Agency re-evaluate the exception that they have placed unwarranted into the proposed rule. We further urge the Agency in their re-evaluation to **remove** the language from the proposed rule at 75.362(d)(3)(iv) that states: **" unless the last test was made within 20 minutes."** This language adds absolutely nothing to the needed protection of our miners working in our nations coal mines.