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Public comments for 30 CFR Parts 49 and 75, Mine Rescue Teams, RIN 1219-AB53

30 CFR Parts 49 and 75  
RIN 1219-AB53  
Mine Rescue Teams  
PROPOSED RULE COMMENTS

The Illinois Department of Natural Resources, Office of Mines and Minerals wishes to make comment on the proposed rules, 30 CFR Part 49, published on Thursday, September 6, 2007.

The Office of Mines and Minerals (OMM) is a regulatory agency mandated by state law to ensure the safety of the state's mining industry. Additionally, the agency is mandated to construct, equip and maintain four mine rescue stations to serve the coal mines of Illinois with rescue teams based at each mine rescue station to respond in the event of a mine emergency. In light of the agency's regulatory responsibility comments are being made pursuant to the proposed rulemaking.

The agency recognizes that Section 49.12(f) was added to meet the requirements of the Miner Act, which states mine rescue teams are available at the mine within one hour ground travel time from the mine rescue station. . Yet, the agency disagrees with the intent of this rule and the preamble statement This change from 2 hours to 1 hour ground travel time between the mine and its mine rescue station is intended to ensure that a team will arrive at the mine more quickly in case of a mine emergency . History has shown that sending rescue personnel in without ensuring the mine atmosphere is not explosive can have tragic consequences. It is inconceivable to believe that post explosion air analysis can be completed and a response plan formulated within a one hour time frame, thus allowing mine rescue teams to enter the mine. The phrase hurry up and wait fits.

As part of OMM's regulatory authority, the agency conducts laboratory analysis of coal mine atmosphere for all active underground coal mines and in the event of a mine emergency; such as, a mine fire or explosion, has available two portable gas chromatographs to conduct on site air analysis. The gas chromatographs would be immediately dispatched following a mine incident; however, once on site the units would require a minimum of 30 minutes for calibration. OMM would not allow any mine rescue teams or emergency response personnel to enter the underground mine workings until post incident air analysis was conducted and a non-explosive atmosphere was found. One can not estimate how long this analysis and determination would take but definitely not within the one hour response time referenced in the Miner Act and proposed rule Section 49.12(f).

It is even possible the arrival of mine rescue teams too soon at the incident site could add confusion to the situation. The first minutes or even hours following a mine incident are often chaotic as emergency response personnel are being called and mine management are trying to assess the extent of the emergency. All underground personnel must be accounted for and lapses in communication either as a result of the incident or due to post-incident confusion could hinder management's ability to locate or account for all personnel. The addition of mine rescue teams would add to the response scenario that on-site emergency management personnel are not ready to address.

At present, agency mine rescue stations comply with the one hour ground travel time to all Illinois underground operations except for one operation. This number, however, will increase as a proposed underground mine is located outside the one hour travel time. Will these mines have to bear the cost of establishing a mine rescue station and training two mine rescue teams? OMM cannot establish a mine rescue station every time a new mine opens and is located more than one hour travel time from existing mine rescue stations. There is no reference to variances within the proposed rules, yet this option should be considered especially in light of the agency's early comments on one hour ground travel time.

To summarize the agency's comments on Section 49.12(f), a one hour response by mine rescue teams will have little impact at a mine emergency as the first few hours

of the emergency will be consumed with acquiring information and formulating a plan before sending in the mine rescue personnel. The cliché, one hour response is too late for a fire and too early for an explosion appears appropriate.

In addition to the one hour travel time, the OMM also has concerns regarding Section 49.20(b). This section provides the requirements or criteria for rescue teams. The preamble to the proposed rules asks for comments regarding the types of State relationships that would qualify team members of a state sponsored team to be employees . OMM s mine rescue stations are state owned and managed by agency personnel, all equipment is purchased with state funds and all mine rescue training is conducted by agency mine rescue station personnel. Clearly, the agency s mine rescue teams meet the criteria for State-sponsored teams as outlined in the proposed rules and should be classified as such.

OMM has a long history in providing mine rescue services to the Illinois coal industry and wholly believes in the importance of having trained mine rescue teams available to respond to a mine emergency. We appreciate the opportunity in providing our comments on the proposed rules.