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To: zzMSHA-Standards - Comments to Fed Reg Group
Cc: Marlowe, Rick
Subject: RIN 1219-AB53

Attachments: Part 49 Comments submitted 11-16-07 II.doc
Attached are comments relative to the proposed rule for mine rescue.

Should you have any questions please contact me.

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1219-AB53-COMM-30

Sec. 49.17 Physical requirements for mine rescue team.

(5) Distant visual acuity ~~(without glasses)~~ less than 20/50 Snellen scale in one eye, and 20/70 in the other;

***Rationale:** The revision to (5) recognizes that the use of contact lenses and face pieces with attachments for glasses have become commonplace and accepted in industry and among the medical/general industry community. Additionally, this same reference “without glasses” should be removed from the 5000-3 form.*

Sec. 49.18 Training for mine rescue teams.

(b) Upon completion of the initial training, all team members shall receive at least ~~64~~ **48** hours of training annually, which shall consist of refresher training given at 8 hours every 2 months. Refresher training shall include:

***Rationale:** We recommend 48 hours of annual refresher training which aligns with the 8 hours every 2 months requirement. We are concerned that a negative impact of the delivery of experienced mine rescue services may result by raising the requirement higher. Conflicting mine-site duties may preclude those currently on rescue teams from spending additional time away from their other responsibilities. This might result in an influx of inexperienced mine rescue team personnel on what are merely “compliance” rescue teams – a proposition that would run counter to the purpose of the statutory changes.*

Sec. 49.20 Requirements for all coal mines.

(b) Team members shall meet the following:

(1) Mine-site team. Members who work at the mine and participate in mine rescue training at the mine at least annually at large mines and semi-annually at small mines **and personnel that oversee multiple mines and are engaged in activities involving engineering, safety and training are considered to work at the mines they represent.**

(2) Composite teams. A Mine rescue teams that covers multiple mines and whose members— **(1) A single operator composite team that provides coverage for two or more of a single operators mines (37 employees or more); all of a single operator’s mines, (36 employees or less) and all of the single operator’s contract mines. The team may be comprised of one or more employees from each of the covered single operators mines or a single mine (37 or more) who have knowledge of the operations and**

ventilation of the single operators mines (37 employees or more) and train semi-annually at a mine covered by the team and would rotate to each covered mine until all covered mines were completed. A single operator composite team is a single company (single operator) employer team. This team provides coverage for multiple mines owned by a single operator. The team provides coverage for the single operator's contract mines or a State-Sponsored team.

(2) A multiple operator composite team provides coverage for multiple mines and has team members which include at least two active employees from each covered operator that have knowledge of the operations and ventilation of the covered operators mines and train semi-annually at each covered mine. A composite team can be a multiple employer (multiple operator) team, a team that provides coverage for multiple mines owned by the same operator, or a State-Sponsored team.

***Rationale:** Our proposed changes to the various team definitions are designed to clarify and better represent the many configurations that exist throughout the industry. Without these revisions those tasked with managing mine rescue services, as well those charged with ensuring that adequate coverage is available, will be confronted with repeated definitional questions concerning how team structures are evaluated. Basic to our suggestions is the recognition that we must, to the greatest extent possible, ensure that existing teams which have served the industry so well are not disrupted. For example, if left unchanged the proposed rule will disqualify several mine rescue members who are not assigned to a particular mine, but are operations personnel responsible for several mines. For example, operations engineering personnel that know the ventilation of not just one mine, but all the mines in their operations, operations safety and training personnel that are over multiple mines would not be permitted to serve on a mine rescue team if the proposed rule is not revised. These personnel are vital to the functioning of many rescue teams and bring a great deal of knowledge of the overall workings of all the mines. To maintain continuity and stability of existing teams, it is imperative that the rule be amended to permit controlling entities and their related companies to create teams from employees working in and around their underground mines*

The second change would allow a single operator with multiple mine sites within 1-hour ground travel to use one individual from each covered mine to form two composite teams that would cover these multiple sites and also participate in training at a covered mine at least semi-annually. Without these changes to the proposed rule: in order to form two composite teams for multiple mines sites each covered mine would be required to provide two individuals per team, which would equate to four individuals from each mine covered.

- (i) Include at least two members from each covered mine,
- (ii) Are knowledgeable about the operations and ventilation of the

covered underground coal mines, and

(iii) Participate in mine rescue training at ~~each~~ a covered mine at least semi-annually at large and small mines.

(3) ~~Contract team. A mine rescue team that is provided by an arrangement with another coal mine or with a third party and whose members—~~**A contract team is a mine rescue team that is provided by an arrangement with another coal company, mine, or third party. Members of a contract team must have at least 3 years underground coal mine experience within the 10 year period preceding their employment on the contract mine rescue team or having alternative experience and knowledge that the Secretary deems appropriate. Contract team members must have knowledge of the operations and ventilation of the covered mine and train semi-annually at a mine covered by the team and would rotate the mine covered until all covered mines were completed.**

(i) Are knowledgeable about the operations and ventilation of the covered underground coal mine, and

(ii) Participate in mine rescue training at a covered large mine at least quarterly and at a covered small mine at least semi-annually.

(4) ~~State-sponsored team. Members who are State employees and participate in mine rescue training~~ **and who conduct at least 4 regular inspections per year at the covered mine shall be exempt from mine rescue training at these covered mine sites.** ~~at a covered large mine at least annually and at a covered small mine at least semi-annually.~~

***Rationale:** This change will prevent the loss of over a dozen current, highly-experienced state inspector mine rescue teams. Mine inspectors that regularly inspect mine sites four times per year are intimately knowledgeable of all facets of covered mine site operations thus eliminating the need for them to conform to the requirements imposed on other teams.*

PART 75--[AMENDED]

6. The authority for part 75 continues to read as follows:

Authority: 30 U.S.C. 811.

7. Amend Sec. 75.1501 by revising paragraph (a) to read as follows:

~~Sec. 75.1501—Emergency evacuations.~~

~~—(a) For each shift that miners work underground, there shall be in attendance a responsible person designated by the mine operator to take charge during mine emergencies involving a fire, explosion or gas or~~

water inundations:

—(1) The responsible person shall have current knowledge of the assigned location and expected movements of miners underground, the operation of the mine ventilation system, the location of the mine escapeways, the mine communications system, any mine monitoring system if used, locations of firefighting equipment, the mine's Emergency Response Plan, the Mine Rescue Notification Plan, and the Mine Emergency Evacuation and Firefighting Program of Instruction.

—(2) The responsible person shall be trained annually in mine emergency response. Training shall include knowledge in the following:

- (i) Organizing a command center;
- (ii) Directing firefighting personnel;
- (iii) Deploying firefighting equipment;
- (iv) Directing mine rescue personnel;
- (v) Establishing fresh air base;
- (vi) Deploying mine rescue teams;
- (vii) Providing for mine gas sampling and analysis;
- (viii) Establishing security;
- (ix) Initiating an emergency mine evacuation;
- (x) Contacting emergency personnel; and
- (xi) Communicating appropriate information related to the emergency.

—(3) The operator shall certify by signature and date after each responsible person has completed the training and keep the certification at the mine for 1 year.

● * * * *

Rationale:

In the case of a mine emergency, there are persons on the team who have specific responsibilities to implement portions of the plan, but for MSHA to expect that each shift will have someone who can do it all is wholly unrealistic. It is important for the agency to keep in mind that the primary responsibility of any such person on a shift is to assure that the miners are safely evacuated from the mine. This will require that person's undivided attention, and to expand those requirements could lead that person to be distracted from the primary goal. This is unacceptable. Mine rescue work is a very exacting skill that is only acquired from years of hands on experience and training. To expect that annual training could be given to such a large sub set of the management at the mine is impossible.

There is a huge difference in being trained in mine rescue skills and being knowledgeable in them. What the responsible person needs to know is how to activate the Emergency Response Plan and his specific role in the bigger picture, but certainly not all of the tasks to be performed. The "Responsible Persons" should be trained in the Emergency Response Plan, the location of equipment within the mine intended to address emergencies and be aware of how to activate the plan.