

To MSHA: RIN 1219-AB64

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I am submitting comment on the proposed changes to current laws, concerning respirable dust in coal mines, as listed in the Federal Register dated Oct. 19, 2010.

I have read the proposed changes and base my comment on 21 years experience as an underground coal miner.

Overall I think these changes will give MSHA the tools needed to accurately sample respirable dust. I have personally witnessed the mechanics of the current laws and attest that they are incapable of measuring complete dust levels generated in the production of coal.

There may be problems with the use of the PDM I would like to comment about, and bring these to your attention.

If any further clarification is needed please contact me.

Thank you,

Mark McCowan

AB64-COMM-18

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The mine is a damp environment by nature, so is the process of mining and operating mining equipment to transport coal or install permanent roof support. I cannot think of any underground job that is moisture free that would not contaminate the dust inlet of the PDM.

After reading the description of the PDM in the Federal Register I see problems that may arise due to water contamination that would prohibit the accurate measurement of respirable dust. The examples are as follows:

1. If it were to be raining when miners were making their way to the mine entrance from their pre shift location, rainwater could be introduced via the headpiece of the cap lamp.
2. In low coal seams where canopies are not feasible because of low seam height on mantrips. The miners ride these mantrips in a prone position because of the low clearance. In the warmer periods of the year the mine roof sweats. When the mantrip interacts with mine ventilation (intake), large water droplets fall from the mine roof onto the miner who is practically lying flat or semi prone. When the top is sweating the miner gets very wet entering or leaving the mine, so would the dust inlet of the PDM.

The miner constantly looks up to evaluate roof conditions. Whether he is sitting up or lying down on a mantrip he scans the mine roof. The above horizontal angle of the cap lamp during this daily process in and out of the mine could easily introduce water to the PDM.

3. Scoop operators who tram in and out of the mine daily for supplies in low coal seams where canopies are not used. During the summer periods the sweating top would wet the PDM inlet.
4. Haulage equipment underneath the continuous miner boom when the chain is started. The water is substantial enough to wet the equipment operator and the dust inlet of the PDM.
5. Any mine area that is at or near the "outcrop" or mining underneath a stream or river. There would be a constant rain of the water table onto the miners.
6. Roof bolter operators that use "water head bolters" to drill holes in the mine roof to install permanent roof support would be very wet.
7. Outby personnel that erect permanent stoppings could contaminate their PDM dust inlet when they are applying sealant to the blocks of the brattice. During this process a lot of the sealing material splashes back on the miner.

8. Miners cleaning beltlines by shoveling underneath the beltline are splattered with a sludge type mud continuously.
9. Shearer operators and jacksetters and other occupations across the longwall face are wet every day because of the high volumes of water used in mining high volumes of coal. Sloughing of the coal face on the longwall splashes the miners with water and sludge continuously.

When the longwall face mines underneath a "frac hole", there is water pouring from the longwall roof, then as the jacks advance underneath the frac hole the walkway down the panline is like standing under a water fall.

Upon inspection of the PDM the section foreman would probably see the sludge type mud on the inlet of the PDM. The foreman may not see clear water that has entered the inlet that may be resting in the curvature of the hose that connects the inlet to the pump. Regardless of the type of moisture it would alter the dust measurement and be invalid.

There is mention in the Federal Register to tag and label a sample where the cap lamp encounters the mine floor or water, but there are many more possibilities of moisture.

I have not found anything in the proposed changes to limit the number of times a sample could be labeled with possible moisture contamination. Without a limit the mine operator could submit invalid samples indefinitely, rendering the PDM ineffective.

Another major problem that I see with the use of the PDM is the cap lamp and battery supply. In reading the description of the PDM I understand that the dust inlet is made into the cap lamp, and that it also has its own battery supply, and is capable of operating several hours.

The problem I see is when the miner's battery for his own light fails, or his bulb burns out on both sides. Also I see there would be problems arise if a radio frequency controlled equipment operator for a continuous miner or longwall shearer were to be operating equipment and have failure in his voltage supply to power his radio control remote.

When this problem happens underground at present time the miner usually trades lights and batteries with another miner who also has a remote hookup on the top of his battery.

Also if he is AN equipment operator he may trade lights if his bulb fails to burn to allow him to see at his work station.

With the implementation of the PDM to the above mentioned scenario the following questions would arise.

1. In the daily process of mining, + collecting samples with the PDM, what protocol would be used if your light goes out or your remote voltage supply fails to operate a radio controlled remote?
2. How would the samples concerning the DO, ODO, DA, AND WAE be accomplished?
The miner could not trade lights because he has to keep his light for the purpose of the designated sample. Also the miner that he would seek to trade with could not allow the trade because he would have to keep his own light for the same reason.
3. Would the miner have to keep his original light, even though its not working, but it is still serving its function concerning the PDM?
4. Would he stop operating the equipment until another light be given him for vision purposes and remote function purposes, but not for sample purposes?

5. Would the miner then need two complete lights on his mining belt, one for the PDM and one for mining? If so where does he attach the second cap lamp onto his hardhat?
6. Would the foreman note the time of the original light failure and the start time of the new light, then add the allotted time of dust measurements from both lights together to represent the full shift total?
7. Would the miner stop coal production until his new light could be retrieved from above ground?
8. Would spare lights have to be kept on the mining section for the purpose of completing the daily PDM samples?

Another comment I have is that I think MSHA should perform all dust samples. My reason comes from the data supplied in the news release dated Oct. 14, 2010 and from my own personal experience.

Through Aug. 31, 2010 there were 17,693 samples submitted to MSHA by coal operators with an average concentration of 0.73. This amount would leave one to assume that NIOSH is seeing more black lung in younger miners with more cases of PMF due to a level of

dust that is approximately $\frac{1}{3}$ (0.73), of the current exposure limit of (2.0).

If a 0.73 average is causing the disease and death why is the proposed new standard going to be a 1.0? It is not logical to lower the limit to a 1.0 if a 0.73 is killing miners.

I wish to point out the fact that MSHA had already established a 0.14 concentration of dust in the ambient intake air course for the same period of time (through Aug. 31, 2010).

When you subtract the intake amount already present (0.14) from the amount coal operators submitted to MSHA, that would leave a 0.59 level of dust generated in producing coal. That number is absurd and unattainable in producing coal. When I cough I generate more dust than a 0.59

Lastly I would like to comment on the proposed spirometry testing.

Since the poor breathing is a lagging indicator of black lung disease, and only realized after the disease is well established in the lungs, I believe the spirometry testing would give the miner a false positive that would compel him to continue mining. A mandatory chest X-ray every 3 years would get more accomplished.

I also think MSHA should publish deaths of miners caused by respiratory failure due to pneumoconiosis in their fatalgram alerts.

This information can be obtained from the CDC.

If MSHA would tell current miners how many have died nationwide in the last 40 years and how many die nationwide annually with the numbers of deaths from each state listed annually, along with the age and number of years of mining service, this would make aware to the miner how severe the problem is and hopefully prompt them to be more vigilant about dust control.

Thank you,

Mark McCowan

cc. Anita Wolfe - NIOSH