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From: Stan Popich [mailto:Stan.Popich@rosebudmining.com]

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To: zzMSHA-Standards - Comments to Fed Reg Group

Subject: Emailing: COMMENT ON MSHA's Proposed Rule on Examinations

Please find attached my comments on MSHA's proposed rule on examinations of work areas in underground coal mines for violations of mandatory health or safety standards (RIN 1219-AB75).

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AB75-COMM-10

**COMMENT ON MSHA's PROPOSED RULE ON EXAMINATIONS OF WORK AREAS
IN UNDERGROUND COAL MINES FOR VIOLATIONS OF MANDATORY HEALTH OR
SAFETY STANDARDS. (RIN 1219-AB75)**

My name is Stan Popich. I have worked and lived in Western Pennsylvania all of my life. I have been employed in the coal industry for most of the last 35 years. I have been employed by Beth Energy Corporation, Pennsylvania Mines Corporation, Darmac Associates Corporation, TJS Mining, AMFIRE Mining, LLC, and currently I am employed by Rosebud Mining Company. I have been certified by the Commonwealth of Pennsylvania as a Mine Foreman, Mine Examiner, and Mine Electrician since 1990, and I have used all of these certifications in the mining industry since the time I was issued these certificates. I have also been employed as a Mine Foreman/ Superintendent for approximately 12 ½ years at various mines.

After reviewing the proposed rulemaking on examinations of work areas in underground coal mines for violations of mandatory health or safety standards, I have developed a few thoughts on some of the proposed changes, as well as the thought process and justification that MSHA has used while developing these new revisions to what I feel is an already well-written part of the CFR.

The current verbiage of the CFR requires that all examiners identify and record hazardous conditions. It further requires that a hazardous condition be corrected immediately or the area remain posted with a conspicuous "danger" sign where anyone entering the area would pass. The new proposal would require that the examiner identify all hazardous conditions and violations and correct these hazardous conditions and violations during their examinations, plus record exactly what was done to correct these problems. MSHA has gone as far as to estimate how much time it would take to correct hazardous conditions and violations. My thoughts on the proposed rule changes:

- Proposed 75.360(e) states that the District Manager may require the certified person to examine other areas of the mine during their pre-shift examination. Currently, the CFR requires that the examiner inspect all areas of the mine where men are required to work or travel. The thought of the District Manager requiring an examiner to inspect an inactive or abandoned area is counter-productive and unnecessary.
- Isn't a violation a hazardous condition? When an examiner find an accumulation of spilled coal along a belt line, isn't it a violation and a hazardous condition? What

about some bad roof, or a line canvas that has fallen down overnight?? The current verbiage of the CFR addresses these issues adequately. Why change it?

- Mine examiners not only examine their assigned areas before men enter these areas, they routinely correct any problems they encounter. If the hazardous condition requires more time than the examiner has, he dangers the place off, and the condition is taken care of in a timely manner. On pages 81170, 81171 and 81172 of the Federal Register document, MSHA estimates how long it would take an examiner to correct any hazardous condition he encounters. I can't fathom how MSHA can place a time value on alleviating any hazardous condition in a coal mine site unseen!!
- All examiners currently report any hazardous condition that they cannot physically repair. For example, a person who is not electrically qualified cannot affect repairs on a visually inspected trailing cable. If he finds a permanent stopping that leaks, he may not have the materials on hand to repair it. The proposed requirement that the examiner correct any hazardous conditions and violations he encounters during his inspection is unreasonable.
- Proposed 75.363(e) makes sense to me. I believe that MSHA is correct in the thought that most operators regularly review the citations they receive with their certified people they employ. It is important that examiners are constantly reminded of the importance and responsibility their job entails. I am in favor of inserting 75.363(e) as it is written.

In conclusion, the new added verbiage in 75.360, 75.361, 75.362 and most of 75.363 are unnecessary and unneeded. Section 75.363(e) is a good fit into an already well written 75.363.

Sincerely,

Stan Popich

Stan Popich

Rosebud Mining Company