TO: MSHA, Office of Standards, Regulations, and Variances 3/24/2015
1100 Wilson Blvd.
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FR: Dave Blankenship
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RE: Comments on RIN 1219-AB85

Section A.

Requirements for Developing and Implementing Roof Control Plan and Mine Ventilation Plans:

I have been working in the coal mining industry for almost forty years. My experience ranges from blaster on surface mines through underground mine management and now corporate safety and environmental duties. Almost twenty years of that time has been spent working with mine management on mine plans then submitting those plans for MSHA approval and following the implementation of those approved mine plans.

To be quite terse and to the point plans have become far too voluminous due to the current MSHA plan approval processes. These plans have become so bulky that miners no longer will read them. Plans should be simple. Plans should state clearly what the basic roof control system is for ***that particular mine***. It should generically and clearly state what will be done when other than normal conditions are encountered for that particular mine. Plans should not be so designed as to cover any characteristic, situation, or accident scenario that has occurred in any mine in the United States. The plans should be designed by the operator for that particular mine and its unique environment.

MSHA has went to a plan process where MSHA templates for plans are being provided to operators and the operators basically forced to adopt what MSHA has provided rather than what is germane to their specific mine. It is understood that some small mine operators appreciate the templates MSHA provides as a courtesy and a basis for plan development. These templates should never be a product required by MSHA. We do see these templates not only in roof control but ventilation, training, and Emergency Operations. MSHA has went to taking what the agency believes is good policy from other coal seams, other companies, other individuals, etc. and forcing those changes into our mine plans even though the operator disagrees with the recommended change.

This policy of imposition of plan requirements is not only in roof control plans but in ventilation plans, Emergency Response Plans, and any other plans. There are certain items which may work well in Pennsylvania but are totally not workable in eastern Kentucky or Alaskan coal mines. Likewise certain practices used in very thin seam mining are not

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appropriate for NAPP mines or mines in the Illinois Basin. Let the operator truly determine how to comply with standards and put that into the mine plan. Let MSHA then review the plan for compliance with those standards and hold the operator accountable for the plan if it is inadequate.

The District Manager's approval of a plan should be that the District Manager has reviewed the plan for compliance with the standards and criteria of the pertinent sections of 30 CFR 75.200. That approval should not be based upon whether or not the District Manager feels the plan meets his/her comfort level. Should the plan prove to be inadequate it will be proven in the mine and the operator held accountable for making needed changes.

Simplicity of plans is critical to clear communication of what is needed / expected of the miners and the operator. This simplicity can be adapted to what systems are needed should certain conditions be encountered e.g. cross-collars or straps when certain roof conditions are encountered, etc.

Today every time something happens somewhere or anytime any inspector or agency person thinks something needs to be addressed we are being asked to remake our mine plans. I have submitted requested changes on Monday and before I can get approval more changes are requested. A week after approval and re-training all miners more changes are requested and that is the cycle we have endured for the past many years. This leads to confusion, waste of our time and the use of a great deal of MSHA resources with no appreciable improvement in safety. In my opinion it leads to less safe personnel since there is so much confusion from the numerous changes to mine plans.

The title "*Credentialed professional*" should be further explained before a traditional opinion is accepted. The *Credentialed professional* must be capable of collecting information and have knowledge of ideas and suitable manufactured equipment and the use thereof. This person should be the hub for all the collected ingredients to be mixed together and develop a solid and effective plan. I am of the opinion that this individual should hold at least a certification of mine foreman for submission of mine plans. For example in order to develop a mine roof control plan and submit that plan that credential should be a certified underground mine foreman either by MSHA or the appropriate state where the plan will be utilized.

Secondly, MSHA must understand that in order to fully understand the plan and its implementation the MSHA official reviewing the plan should also hold that same certification with actual industry experience to provide an adequate review of the plan for approval. It is very difficult for a person to understand the full impact of plan requirements until that person has had actual experience of what mine roof looks like. Even knowledge of how the roof reacts to different types of roof control systems or methods of roof control (e.g. conventional support vs. cable bolts) is enhanced by actual field experience.

Experience as an engineer sitting in an office at a computer or as a regulator making intermittent visits cannot compare with the knowledge of being present every day.

VENTILATION:

"Consider respirable dust compliance as an additional factor for increasing the intake air quantity approved in the ventilation plan."

This is already a consideration for ventilation plan approvals and is also one of the largest drivers of changes to ventilation plans. Increases of air can undeniably lower respirable dust. However, there are limitations to what can be accomplished by simply increasing the amount of air when discussing respirable dust.

While increased volumes of air can certainly reduce the amount of dust in suspension at the point of the coal being cut it also has the undesirable aspect of picking up particles of dust and, when present, methane from the air course it travels. At the point that air velocity increases to the point of bringing material into suspension in the air it is more detrimental than helpful. MSHA should consider the use of auxiliary fan systems in working faces much the same as in the hard rock mining. Technology has advanced to the point that auxiliary fan systems can be safely utilized in the coal industry.

Excessive amounts of water resulting from dust control may render some mine floors unsafe by erosion of floor strata. Mines with fire clay floors may become slick and rutted. This can create hazards from rubber tired haulage. Hazards for operators from the point of equipment spinning and sliding into other equipment or ribs can be created. This equipment can become uncontrollable striking coal ribs and other equipment. A hazard from equipment sliding can also be created for miners on foot. Both water and air have their limitations.

Many companies are now utilizing different wetting agents to lower respirable dust levels. These wetting agents also have proven beneficial to decreasing the amount of respirable quartz in the mine atmosphere. MSHA should consider giving more weight to the technology of wetting agents.

NIOSH and MSHA would be well served to perform research into the development of machines that produce less dust or new dust allaying equipment. Sometimes simply changing the attack angle of cutting bits or the orientation of sprays can have amazing results. MSHA should permit operators opportunities to develop in the mine different methods to attain compliance with the respirable dust standards and quartz standards.

If these agencies would not perform this research then at least take a portion of the hundreds of millions of dollars generated in mine operator penalties each year and provide research grants to manufacturers and individuals to perform that research. The best place to control dust is at the point of generation.

"Consider rulemaking to require the use of equipment doors in lieu of permanent stoppings, or to control ventilation within an air course, subject to approval in the mine ventilation plan"

MSHA currently must approve the location such controls in the ventilation plan; the location of these controls are requirements specified in 30 CFR. No other regulations are needed, in my opinion.

In the last few years MSHA has begun to develop cookie cutter plans or generic plans for all mines. This needs to be avoided. ***ALL MINES ARE NOT EQUAL.*** In my almost 40 years I have worked in numerous seams, numerous and variable mine heights. Good roof and floor conditions and bad roof and floor conditions. I also have dealt with many and varied ventilation needs. Some systems work great at some mines, some work great at other mines, but one system does not work at all mines. The system and plan should address conditions at the particular mine the plan addresses. That plan should also consider the resources available to the operator for achieving compliance with the standards.

"To maintain the separation of air courses; consider rulemaking to require that all equipment doors installed in travel ways use an interlock system to ensure that only one door can be opened at a time"

These systems are already in operation at some mines. Interlocked doors are a good idea provided that the doors can be fitted with an override device in the event of an emergency. Certain emergencies may require both doors to be opened simultaneously in order to short-circuit air or accommodate oversized materials or equipment. Automatically opened and interlocked doors provide convenient access and safe access when moving from one airway to another with equipment or miners. Doors' automatically opening also reduces injuries miners could receive in getting on and off equipment and opening doors.

Section B.

Atmospheric monitoring Systems and New Technology for Remote Monitoring Systems.

AMS systems are great tools for operators to use in their emergency operations, mine management, and to ensure a safe working environment for the miners. It is my thoughts that all mines should have AMS systems with integrated remote monitoring systems.

In reality all mines may not have the ability to install and operate these systems. Property rights to the surface area for the installation of tube bundles may not be available to the operator. By the same token the operator should be able to incorporate these systems into their compliance plan.

Proven technology for monitoring of mine atmospheres should be able to be employed where mine examiner safety is an issue. Areas which have deteriorated or deteriorating roof conditions may be an area where remote monitoring technology may prove much safer to use than putting a mine examiner at risk to travel to a remote area to sample the atmosphere. This option should be left up to the operator to use within the individual mine plan. It should not be a tool for MSHA to force an operator to utilize.

Remote monitoring systems would be well suited for the monitoring of seals, return airways, and conveyors. Another area that remote monitoring systems would work well would be rooms driven greater than twenty feet in depth off intake airways. These currently require a physical pre-shift examination by a mine examiner. It would make sense to prevent the mine examiner's exposure by placing remote sensors in these places and reading the atmospheric conditions of this area remotely. This would only require a miner's presence if some condition had to be mitigated.

In my thoughts one of the greatest uses of remote monitoring systems would be in gob areas. The presence of a mine examiner in areas of bleeders such as wrap-around bleeders at the back of gobs could be completely abolished simply by placing atmospheric monitors in the areas mine examiners currently go to sample.

This technology certainly can be used to cover most of the areas that are requiring human presence at the current time for the purpose of pre-shift and on-shift mine examinations for atmospheric conditions. With current fiber optic and camera technology this technology could even be used to send visual examinations of roof conditions.

It is my opinion that anywhere we can limit the exposure of our miners to hazardous roof or atmospheric conditions we should do it as soon as possible. Where we can instantaneously know what our mine atmosphere is we are better able to operate our mines safer.

Section C.

Rock Dust

No Comment

Section D.

Surface Moisture and Total Incombustible Content

No Comment

Section E.

Operator Experiences with the Coal Dust Explicability Meter (CDEM), Cleanup Program, and Rock Dusting

"The IR report recommended that MSHA should consider rulemaking to require mine operators to regularly determine the adequacy of rock dusting using a method approved by the Secretary"

Quickly after approval of the use of CDEMs my company purchased these units for each of our operating mines. Factory representatives were brought in to train our people on the operation of these CDEMs. These units have been an invaluable tool as has been witnessed by the reduction in 30 CFR 75.403 citations are issued at those mines. MSHA dust sample analyses seldom fall below the 90+ % range. I encourage the use of the CDEM for any operation.

However, I disagree with the mandated use of, record keeping, mapping requirements for operators. There are current regulations in 30CFR for rock dust requirements. It is up to the operator to meet those requirements or be penalized. Any safety conscious operator, who is also aware of the consequences of repeat violations, will welcome the reduction of citations that is achievable through the in house testing for rock dust compliance.

It should be part of MSHA inspection procedures for the field inspector to carry a CDEM and test for compliance before writing a 75.403. Citations of 75.403 should not be written solely on the field inspector's judgment. Citations should be written on sampling results which clearly shows noncompliance with the standards. Operators should also be given the opportunity to take a "split-sample" when inspectors obtain a field sample.

Operators routinely must sample coal for the incombustible content (ash) at either on-site laboratories or contract laboratories. When samples are analyzed by operators using the appropriate analysis methods or ASTM standards those results should be honored as accurate.

Permitting operators even to collect and analyze samples independent of mine inspectors should also be permitted. Operators should have the option of analyzing their mine rock dust applications rather than wait on an MSHA inspector to issue a citation for insufficient rock dust to apply. This is where CDEMs have proven very beneficial to our operations. Operators should have the option to sample but not be forced to sample.

Section F.

Active and Passive Explosion Barriers Used to Suppress the Propagation of a Coal Dust Explosion

Passive barriers certainly may be beneficial to some mines and should be considered as an additional method to prevent/limit the effects of a mine explosion. The

installation of these barriers in thin seams of coal may prove to be difficult and may provide a hindrance to adequate ventilation.

Section G.

Certification, Recertification, Decertification of Persons Certified To Conduct Mine Examinations in Underground Coal Mines

My company operates in three states of which all have a certification process for underground mine examiners. All of these states have a program for certification of mine examiners. These states produce mine examiners that are competent to perform the work. These individuals meet all current requirements of 30 CFR 75.360, 75.2, and 75.100. All these states have processes by which a Foreman License may be revoked should that individual be deemed incompetent by proof.

One state has a Review Commission which can revoke a certification for cause; another can revoke a certification by regulation, etc. Each provides a path for removing mine examiners who have been remiss in their duties. All these meet or exceed, in my opinion currently the 30 CFR language for *certified* mine examiners

> ***"Certified or registered."*** *As applied to any person, a person certified or registered by the State in which the coal mine is located to perform duties prescribed by this part 75, except that in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary.*

Each state requires a minimum of (5) years actual mine experience in the underground mine for the underground certification. In addition these individuals must pass a written examination, a practical skills section (gas test), ventilation (ventilate a map), and pass a drug screen. The drug screen varies from state-to-state on which substances and how many substances that are analyzed for.

Likewise some of the states require the same (5) years of mine experience in a surface mine with all the other requirements as well for a surface foreman certification. In at least one of these states they offer an additional certification of Preparation Plant Foreman which requires all the aforementioned requirements with the (5) years of service to be in a preparation plant.

Each of these states has and utilizes a formal process for decertification of individuals found to be incompetent. One state maintains a "Sanctions List" which lists names and certifications of individuals that have been decertified. The Sanctions List is consulted prior to the hiring of new supervisors, miners, and mine examiners.

Thank you,

Dave Blankenship