From: Casper, Joseph S. <jcasper@nssga.org>
Sent: Friday, December 04, 2015 11:21 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: NSSGA Comments on proximity detectors
Attachments: DOC120415.pdf

DEC 04 2015

Madame or Sir: Attached are NSSGA comments on the proximity detector rule proposal. Of course, please let me know of questions. Thank you. Joe Casper

AB78-COMM-11

NSSGA
NATIONAL STONE, SAND & GRAVEL ASSOCIATION

www.nssga.org

November 17, 2015

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209-3939
(To be submitted electronically to zzMSHA-Comments@dol.gov)

Re: NSSGA Comments in Response to MSHA Request on Proximity Detectors in Underground MNM Mines (RIN: 1219-AB78

To whom it may concern:

These comments are submitted in response to MSHA's request for comments on possible rule mandating use of proximity detection equipment in underground MNM mines.

These are submitted on behalf of the National Stone, Sand & Gravel Association (NSSGA), the world's largest mining association by product volume. NSSGA represents the crushed stone, sand and gravel industries and its member companies produce more than 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States. The industry employs over 100,000 men and women.

NSSGA is committed to workplace safety and health. About a quarter century ago the Association adopted Safety and Health Guidelines. In 2003, the Association entered into the first Alliance with MSHA for education and training. NSSGA producers are committed to safety and health, as exhibited by the fact that more than 70 percent have signed the NSSGA Safety and Health pledge, committing to helping reduce the industry's injury rate. Moreover, last year we marked the 14th consecutive year in which we reduced our injury rate. It now stands at 2.08, the lowest level ever recorded.

NSSGA applauds MSHA for addressing risks to miners in underground mines. While the proposed rule primarily addresses this risk in underground coal mines, MSHA has also requested comment on whether MSHA should also require proximity detection systems on machines in underground metal/non-metal mines. For reasons outlined below, NSSGA believes that such a rule is not necessary for aggregates.

The proposal for coal has not laid sufficient groundwork for a final rule requiring proximity detection in MNM mines

It appears that MSHA's only research on this topic is for the coal sector. Yet, because the safety profile for most MNM sectors is substantially different than that of the coal sector, it is incumbent upon MSHA to gather pertinent research for the MNM sector before any such mandate is formally considered by the agency.

The risk addressed is much lower in MNM mines than coal mines.

Underground stone mines are large, and cavernous. This means better visibility than in coal, and renders it easier to separate mobile machinery from dismounted miners. Further, a quick review of injuries in stone, sand and gravel for all of 2014 showed that not one resulted from a failure to have a proximity detector on-site to guard against underground hazards.

Additionally, in most MNM mines, individual miners are less likely than in coal mines to be dismounted from mobile equipment. There are many fewer remote control machines in aggregates. So, this significantly changes the risk profile. We would contend that, while this does not suggest that MSHA shouldn't address the possible risk, MSHA should pursue a wider range of options.

MSHA should study multiple technologies in MNM mines

NSSGA knows of no mines that use proximity detection technology addressed in the rule for coal. However, other technology is used to protect miners; this includes: equipment with radar, back-up cameras, alarms, and enhanced lighting.

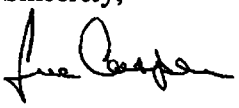
MSHA should evaluate proximity detection technology performance in coal mines before expanding the requirement

Because of the expense involved, MSHA should assess the degree to which mandated use of proximity detection systems reduces hazards in the coal sector before such a mandate is imposed on MNM. If MSHA errs, and imposes additional costs on operators with no requisite benefit to safety, one result will be the squandering of precious operator resources no longer available for future investment in safety or training.

Finally, reflective clothing can be useful in underground environments, and some of our members use it. However, we suggest that any mandate on this should be performance-based so as not to unnecessarily change current practices here.

Thank you for your consideration of these views.

Sincerely,



Joseph Casper
VP, Safety