

DEPARTMENT OF LABOR
MINE SAFETY and HEALTH ADMINISTRATION

PUBLIC HEARING

IN RE: PROXIMITY DETECTION SYSTEMS FOR CONTINUOUS
MINING MACHINES IN UNDERGROUND COAL MINES

October 19, 2015

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NATIONAL MINE HEALTH and SAFETY ACADEMY

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A P P E A R A N C E S

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1 Office of Standards.

2 MSHA is holding four public hearings on a
3 proposed rule for proximity detection systems for mobile
4 machines in underground mines. This is the third one.
5 The first hearing was held in Denver, Colorado, on
6 October 6th. The second hearing was held in Birmingham,
7 Alabama, on October 8th. The remaining hearing will be
8 held in Indianapolis, Indiana, on October 29th.

9 The purpose of this hearing is to receive
10 information from the public that will help MSHA evaluate
11 the proposed requirements and produce a final rule that
12 will improve safety conditions at underground coal
13 mines. As most of you know, the hearings are conducted
14 in an informal manner. Formal rules of evidence do not
15 apply.

16 The hearing panel may ask questions of
17 speakers and speakers may ask questions of the panel.
18 Speakers and other attendees may present information to
19 the court reporter for inclusion to the rulemaking
20 record. MSHA will accept comments and other appropriate
21 information for the record from any interested party,
22 including those not presenting oral statements. We ask
23 everyone in attendance to sign the attendance sheet.

24 Before we discuss specific issues and hear

1 from you, I want to reiterate why we are proposing this
2 rule. From 2010 to 2014 forty-one either pinning,
3 crushing or striking accidents involving coal hauling
4 machines and scoops occurred in underground coal mines,
5 injuries that could have been prevented by the use of
6 proximity detection systems on coal hauling machines and
7 scoops. Nine of these accidents were fatal.

8 MSHA published a final on proximity detection
9 systems for continuous mining machines in underground
10 mines, underground coal mines, on January 15, 2015. The
11 final rule addressed equipping place changing continuous
12 mining machines with proximity detection systems. MSHA
13 estimated that this rule will prevent over the next ten
14 years nine deaths and forty-nine non-fatal injuries from
15 pinning, crushing and striking accidents involving place
16 changing continuous mine machines. This rule, this
17 final rule took effect on March 16, 2015, and will be
18 phased in over thirty-six months.

19 MSHA developed the proposed rule for
20 underground mobile machines to be compatible with the
21 final rule. The proposed rule would require a proximity
22 detection system to stop the machine before contacting a
23 miner and provide audible and visual warnings on the
24 miner-wearable component and a visual warning on the

1 machine before it stops.

2 MSHA estimates that this proposed rule will
3 prevent over the next ten years fifteen deaths and
4 seventy non-fatal injuries for accidents involving coal
5 hauling machines and scoops. We published this proposed
6 rule in the Federal Register on September 2nd and the
7 comment period closes on December 1st.

8 MSHA intends that this proposed rule would:
9 one, take advantage of existing proven technology to
10 minimize the burden on mine operators; and two, to allow
11 for advancements in proximity detection technology. We
12 are also proposing a phase-in of the use of proximity
13 detection systems on mobile machines over eight to
14 thirty-six months as we did for continuous mining
15 machines. The longer phase-in schedule provides mine
16 operators time to complete the installation of proximity
17 detection systems, including planned rebuilds of
18 equipment.

19 MSHA is soliciting comments on proposed phase-
20 in scheduling and what, if any, modifications may be
21 needed on mobile machines that are already equipped with
22 PDS. We also want to know if the phase-in schedule for
23 mobile machines should differ from the continuous mining
24 machines. If so, explain why and how long of a time

1 period would be sufficient.

2 This rule would help protect miners from a
3 striking accident that could result from working too
4 close to mobile machines in underground mines. The
5 proposal would also establish performance and
6 maintenance requirements for proximity detection systems
7 and require training for miners conducting the
8 installation and maintenance of these systems.

9 We are requesting comments from the mining
10 community on all aspects of the proposed rule. We are
11 particularly interested in comments that address
12 alternatives to keep provisions in the proposals.
13 Commenters are requested to be specific in their
14 comments and submit detailed rationale for suggested
15 alternatives, safety benefits to miner, technological
16 and economic feasibility considerations and supporting
17 documentation.

18 I'd like to reiterate some of the specific
19 requests for comments and information that were included
20 in the preamble to the proposed rule. The first issue
21 relates to determining where and on which machines the
22 use of proximity detection would be most effective in
23 reducing accidents. This proposal would require
24 underground coalmining operators to equip coal hauling

1 machines and scoops on working sections with a proximity
2 detection system.

3 Coal hauling machines would include shuttle
4 car, ram car and continuous haulage systems. The
5 working section includes all areas of the coal mine from
6 the loading point of the section up to and including the
7 working faces.

8 We are requesting comments on whether other
9 types of mobile machines, such as loading machines, roof
10 bolting machines and feeder breakers should be required
11 to be equipped with proximity detection. We are
12 requesting information and data that will support
13 whether or not the proposed requirements should apply to
14 coal hauling machines and scoops used off of the working
15 section. We are particularly interested in receiving
16 comments on what, if any, challenges would need to be
17 addressed when adapting proximity detection to
18 continuous haulage systems, considering that machine's
19 linked in unique interaction with the continuous mining
20 machine.

21 The proposed rule would exclude longwall
22 working sections, but we are requesting information on
23 data on whether scoops or coal haulage machines cause a
24 hazard to miners on longwall working sections that the

1 use of proximity detection could reduce or eliminate.
2 We are requesting that commenters include specific
3 information on any rationale for not excluding longwall
4 working sections, such as safety benefits to miners,
5 cost for implementation, technological and economic
6 feasibility considers and supporting data.

7 Since 1984 there have been five deaths that
8 have occurred at underground metal non-metal mines where
9 the use of proximity detection could have prevented the
10 accident. For this reason MSHA is also requesting
11 comments on whether the agency should require proximity
12 detection systems on mobile machines used in underground
13 metal and non-metal mines, and if so, what types of
14 machines should be covered and what timeframes.

15 The second issue, it concerns the application
16 of proximity detection in confined spaces of an
17 underground mine. MSHA's approved proximity detection
18 system consists of a machine-mounted component and a
19 miner-wearable component. This proposed rule would also
20 accommodate possible future technologies that may not
21 require a miner-wearable component.

22 MSHA is aware that the interaction of multiple
23 machine types equipped with proximity detection may
24 necessitate changes to work practices. We are also

1 aware that if a coal hauling machine equipped with
2 proximity detection gets near a continuous mining
3 machine with proximity detection, the overlap of the two
4 protection zones may limit where miners may position
5 themselves to remain safe, to avoid activation of the
6 warning signals and to avoid unintentionally stopping
7 the machines.

8 MSHA especially requests comments on how the
9 use of proximity detection and the overlap of protection
10 zone on multiple types of machines operating on the same
11 working section might affect miners' working positions
12 and equipment operation. MSHA has proposed that the
13 proximity protection system provide audible and visual
14 warning signals on the miner-wearable component and a
15 visual warning on mobile machines.

16 Mine operators often need to redirect their
17 attention from the front to the rear of the machine, and
18 in some cases must switch seats when changing
19 directions. As a result, a visual warning signal on the
20 machine may not always be in the operator's direct line
21 of sight. We are requesting comments on whether
22 requiring audible warning signals on the machine in
23 addition to visual warning signals would help assure
24 that the miners, including the machine operator, know

1 that a miner is in the warning zone and the machine is
2 about to stop.

3 We are asking for specific request for
4 comments on whether requiring the use of specific visual
5 warnings on the machine, such as strobe lights or LED
6 lights or other types of visuals signals would help
7 assure that the visual warning is effective and alerting
8 the miners near the machine, including the operator.

9 We also especially request comments on what,
10 if any, experiences or issues have been identified that
11 relate to the use of proximity detection systems from
12 different manufacturers on the same working section or
13 the use of a single miner-wearable component with
14 proximity detection system from different manufacturers
15 or with different models from the same manufacturers.

16 Today as you address the proposed provisions,
17 either in your testimony or in your written comments,
18 please be as specific as possible. We cannot
19 sufficiently evaluate general comments. Include
20 comments on the estimated benefits and costs that's
21 summarized in the preamble and given in detail in the
22 preliminary regulatory economic analysis.

23 Specific information allows MSHA to produce a
24 final rule that is responsive to the needs and the

1 concerns of the mining public. MSHA will make available
2 a verbatim transcript of this public hearing
3 approximately two weeks from the completion of the
4 hearing. You may view the transcripts of all public
5 hearings and comments on our website at MSHA.gov and on
6 regulations.gov.

7 If you have testimony, please give submissions
8 to the court reporter so that they can be appended to
9 the hearing transcript for today. Following this public
10 hearing, you may submit additional comments using one of
11 the methods identified in the addressed section of the
12 hearing notice. Comments must be received by December
13 1st. Again, if you haven't signed in on the attendance
14 sheet, please do.

15 Before we start, I'd like to encourage you
16 also to attend our public meeting on refuge alternatives
17 today at 1:00. Registration starts at 1:00 PM. At this
18 meeting we're gathering information on two critical
19 issues relative to miners' escape and refuge. These
20 issues are impediments to the use of built-in-place
21 refuges and to the enhanced two-way voice communication
22 when using escape breathing devices.

23 So with that, I would like to introduce our
24 first speaker, Dennis O'Dell. Good morning, Dennis.

1 MR. O'DELL: Good morning. My name is
2 Dennis O'Dell, D-E-N-N-I-S O-'-D-E-L-L. I am currently
3 the administrator of Occupational Health and Safety for
4 the United Mine Workers of America. I have forty years'
5 experience in the mining industry, twenty as an active
6 underground working coalminer, ten years as an
7 international safety representative for the United Mine
8 Workers of America, and ten years and currently the
9 administrator at our international office.

10 I want to thank you for this opportunity to
11 address something that I feel is a very important issue
12 for all miners. I truly believe moving forward to
13 expand the use of proximity detection devices can and
14 will save many more lives. If you would indulge me a
15 little, I'd like to read some of the
16 transcripts/testimony given when MSHA first came out
17 with the proposal for proximity on continuous mining
18 machines in 2011. After I read these, I'll explain why
19 I think it is important for us to hear it again today.

20 Denver, Colorado, October 18, 2011. Eric
21 Pryor with Matrix Design Group came to hear what was
22 said to help prepare their written comments. They
23 didn't have a prepared presentation but voiced a concern
24 for situations where if the mining machine was sitting

1 on a bad bottom or uneven grade, they couldn't control
2 what happened due to the physics from gravity, because
3 as everyone expected, the machine may keep moving beyond
4 the required distance.

5 Mike Berube from Strata Proximity Systems
6 stated that in general they were okay with the proximity
7 with the majority of the proposed rule and would submit
8 detailed comments in writing later but had asked for
9 some clarifying questions to explain the difference
10 between specific and performance-based with regards to
11 the stopping distance.

12 There were other issues of concern raised at
13 that hearing. One was they were not in support of
14 shutting off the cutter. They had some concerns on
15 reducing outside interference. They had concerns time
16 allocated for transition and training, but there was
17 overall support and a need for proximity by all.

18 Charleston, West Virginia, October 20th, 2011.
19 Chris Hamilton, Senior Vice-President, West Virginia
20 Coal Association, stated in essence they had hoped to
21 avoid a situation where the State and MSHA are on two
22 separate paths and ultimately end up with two separates
23 and requirements for the operation and installation of
24 proximity detection devices. He simply urged the two

1 agencies to work together closely to share information
2 and resources towards that end.

3 He also had concerns that the timeline
4 proposed in the agency rule is not sufficient to
5 accommodate manufacturing production, delivering
6 capabilities, operational demands and existing equipment
7 retrofit or replacement schedules. Questions also
8 flowed concerning the availability of technical
9 resources within the industry to complete installation
10 demands, questions on training, and then went on to try
11 to turn and redirect the discussion as to why MSHA
12 should approve more extended cuts.

13 But Mr. Hamilton actually said something that
14 was surprising and encouraging. He went on to say
15 tramming the machine to a new location was the most
16 dangerous work function, recognizing at the time that
17 this act was responsible for twenty-six of thirty-three
18 fatalities and thus the majority of the fatalities
19 occurred while tramming or performing maintenance, and
20 only two during the actual mining process.

21 He pointed out when a continuous miner is
22 forced to relocate or move, so is every other piece of
23 equipment used in the mining site, and that was key. In
24 this single statement alone, without knowingly doing so,

1 Mr. Hamilton laid out to you why it is important that
2 other equipment should also have proximity detection
3 installed on it.

4 Brian Thompson, the local rep for continuous
5 miners and Joy Mining machinery also testified at this
6 hearing, and he offered this. As a little bit of
7 background we do have over thirty systems running in the
8 U.S. mine industry today. Those are spread out across a
9 variety of operators. The largest install base is with
10 Alliance and then there are other subsequent machines
11 that have been shipped over the last year to eighteen
12 months. Those systems are up and running and running
13 well. They've been adopted well. They've been brought
14 into these environments with little trouble or
15 disruptions to the overall process.

16 So while the end goal is being achieved as far
17 as keeping operators in a safe area and an appropriate
18 distance away from the machine, it is also blending into
19 an operator workforce and being adopted in such a manner
20 that has been very successful. His concerns, like
21 others, were time to implement, proper training, and the
22 three-foot rule only because of the ground conditions.

23 I also spoke at this hearing in support of the
24 rule, pointing out that systems had already been

1 approved, tested, and had successful results. They were
2 already adopted and used by other countries with much
3 success and were saving lives way before us. At the
4 time of this hearing experience with proximity detection
5 systems on remote control continuous miners had already
6 existed in five coal mines in the United States and were
7 on machines in mines in South Africa, Canada, and
8 Australia, where they had been reported to be very
9 reliable.

10 I went on to point out to MSHA that of the
11 seventy fatalities resulting from pinning, crushing and
12 striking accidents from 1984 through 2010 in underground
13 mines, thirty were associated with a continuous mining
14 machine. That left forty accidents from other types of
15 equipment. The use of proximity detection systems on
16 other section equipment involved could have prevented
17 these accidents and fatalities.

18 I stated that the union was and still is
19 disappointed that MSHA failed to require proximity
20 devices on other mining equipment and at the time
21 insisted that the rule should have been expanded to
22 mandate the use of proximity detection systems to
23 shuttle cars, loading machines, scoops, consideration of
24 bolters and other equipment that have been associated

1 with serious accidents or fatalities that have occurred.

2 We then moved to Washington, Pennsylvania,
3 October 25, 2011. I ask you to indulge me, so please be
4 patient. I'm getting to a point. Hank Moore, actually
5 R. Henry Moore, spoke on behalf of the Pennsylvania Coal
6 Association. He stated, "We support the rule. We
7 believe that the proximity detection systems can serve
8 an important function in accomplishing the goal or
9 eliminating red zone injuries and deaths."

10 He also noted that the introduction of such
11 systems will perhaps eliminated disputes about whether a
12 miner was in the red zone. In saying that, Mr. Moore
13 went on to clarify that they also had concerns with the
14 eighteen-month implementation period, but then he
15 claimed that the PCA believed that most of the
16 significant problems implementing the rule could be
17 addressed with additional time.

18 He voiced concerns that they were not sure
19 that interference would not occur and concerns about
20 availability of specialized parts and equipment to
21 install on the proximity systems. His statement was
22 based on at that time that there were only three
23 approved or almost approved proximity detection systems.
24 So he basically raised the same concerns at this point

1 as other operators had brought up but voiced a support
2 for the need of proximity.

3 Mr. John Gallick, then Vice-President of
4 Safety and Health for Alpha Resources, and Terry Theys,
5 Director of Safety and Engineering, Alpha Natural
6 Resources, also spoke at this hearing.

7 Mr. Gallick stated that Alpha did not oppose
8 the rule; rather, it believed the proximity detection
9 systems could serve an important function in raising
10 miners' awareness of the red zone. Their goal was to
11 eliminate red zone injuries and deaths.

12 In conclusion, Alpha supported working to end
13 red zone injuries. They believed that the proximity
14 detection system can serve to help towards that end
15 goal. He also said he believed that if MSHA gave them
16 more time to install the systems and would work with the
17 mine operators to address their concerns regarding the
18 deep cuts, enforcement and malfunctioning of the
19 systems, and a new red zone training initiative, the
20 rule could actually be improved and mining can protect
21 safety for the miners.

22 Then Mr. Todd Moore, the director of safety
23 for Consol Energy Coal Operations, who's here today.
24 Mr. Moore stated that at Consol they had been working

1 with proximity manufacturers for several years and were
2 currently utilizing the Strata proximity detection on a
3 place change miner in their Buchanan Mine and had been
4 doing so continuously since March of that year.

5 Mr. Moore noted that this system as being
6 operated in Buchanan covers every person that may be
7 exposed to hazards of the miner while working on this
8 miner section rather than a typical approach of covering
9 only the miner operator in regard to providing crushing
10 and pinning hazards.

11 They were also operating Strata proximity
12 detection systems on a Joy 14-BU loading machine, two
13 Joy 15 10 SC-32 shuttle cars, a 582 Sandvik battery
14 scoop at their Bailey Mine. These systems had been in
15 operation since July of that year and Mr. Moore stated
16 these systems provide proximity detection for all
17 individuals on the section, not just the equipment
18 operator.

19 At the time they were currently in the process
20 of equipping a Joy 14-BU loading machine, a Joy 21
21 shuttle car and battery scoop in their new miner
22 underground training at their BMX Mine in Pennsylvania.
23 Mr. Moore said that they had been and continued to
24 install proximity detection hardware on all new and

1 rebuilt place change miners moving forward.

2 So as you can see, Consol Energy clearly
3 supported the adoption of proximity systems on various
4 pieces of section equipment to provide training, alerts
5 and alarms to all miners in order to prevent equipment-
6 related injuries and fatalities to the underground
7 mining environment.

8 But as with this and the rest of the
9 operators, they also had some concerns at the time about
10 the timeline to install the timeline to train, and he
11 brought up MSHA's slow approval process to allow new
12 technologies as this to be developed and the rolling of
13 equipment issue beyond the three-foot rule as other
14 operators had also provided.

15 I'm going to take advantage of me being the
16 only speaker. Evansville, Indiana, October 27, 2011.
17 I'm taking people to school today. Bert Hall. He was
18 there representing Peabody Energy. Mr. Hall stated that
19 the current proposed rule, though a step in the right
20 direction, would hamper, that's what he said, would
21 hamper the further development of this promising
22 technology and make it more difficult for operators to
23 provide proximity detection for all miners on a working
24 section.

1 Peabody felt very strongly that the agency was
2 proposing a partial solution to the stated problem; they
3 believed had to take into account the important factors
4 that needed to be considered if proximity detection is
5 to be successful in the general mining community.

6 Mr. Hall stated that if MSHA's long-term goal
7 was to require proximity detection on all section
8 equipment, including coal haulers, shuttle cars and
9 scoops, then the agency started a process under the
10 premise that a section is a collection of individual
11 independent pieces of equipment, where it is their
12 belief that the equipment on the section is a system of
13 interdependent parts. Mr. Hall recommended that the
14 agency stop the piecemeal approach and join them in the
15 development of a holistic solution.

16 Mike Baize with Knight Hawk Coal respectfully
17 withdrew their request to public comment; however, he
18 did go on record saying he supported the comments of Mr.
19 Hall.

20 Mark Eslinger, the General Safety Manager for
21 Black Panther Mining, LLC and Five Star Mining, Inc. was
22 disappointed because no one from the MSHA enforcement
23 side was present at the meeting. He was concerned with
24 the implementation time period and suggested that the

1 exemption for full-face continuous mining machines the
2 rule was wrong.

3 He stated that proximity must cause the
4 machine to stop before contacting the machine operator,
5 that this section of the regulation should say when
6 cutting or loading coal or rock, and before the rule
7 came into effect, the miners who will wear these devices
8 need to know that they will not suffer any health
9 problems.

10 So when you go back and you read the written
11 comments, they pretty much echo what they had talked
12 about during these public hearings and addressed those
13 issues that I brought up before as far as the training,
14 the implementation, the interference problems.

15 MSHA came out with an effective date of the
16 final rule on March 16, 2015. And I ask this question
17 as somebody asked me in the hallway today, how many
18 miners have been killed to date on machines that have
19 proximity detection on them. The answer is zero. Those
20 systems that we have in place today, those that have the
21 use of proximity detection have zero fatalities, so it
22 works.

23 You're now proposing to require underground
24 coal miners and operators to equip coal hauling machines

1 and scoops on working sections with proximity detection
2 systems according to a phase-in schedule for newly
3 manufactured and existing equipment.

4 The proposed requirement would strengthen
5 protections for miners by reducing the potentials for
6 pinning, crushing or striking injuries to the miners who
7 work near those machines. You were interested in the
8 application of these proposed requirements in
9 underground metal and non-metal mines.

10 Newly acquired information added from the
11 previous rule shows that from 2010 through 2014 on those
12 machines that have not been equipped, forty-one pinning,
13 crushing or striking accidents involving coal hauling
14 machines and scoops have been reported, twenty-three
15 that involved coal hauling machines and eighteen
16 involving scoops. Nine of these accidents involved
17 fatalities that may have been prevented, and I believe
18 would have been prevented, by the use of proximity
19 detection systems.

20 The latest death being recorded was on
21 December 16, 2014, and that's very near to me, because
22 that was at our UMWA mine to a person that we personally
23 knew. It is my belief and many others that this death
24 could have clearly been avoided if the initial rule

1 would have included other section equipment as the UMWA
2 had suggested back in 2011.

3 It appears that there is without question an
4 undeniable support for proximity detection by all in the
5 industry. I'm led to believe that by the previous
6 statements made in 2011 that I referenced earlier. I
7 also believe there is a consensus to expand the use
8 beyond continuous machines only. Consol proved that by
9 being way ahead of the game at the time by expanding the
10 use of proximity to other pieces of equipment.

11 Peabody accused the agency of hampering
12 further developing of this promising technology by not
13 expanding your scope. The Pennsylvania Coal Association
14 supported the use of this and said that it can be a
15 valuable tool and it should be used in the underground
16 coalmine.

17 Mr. Hamilton from the West Virginia Coal
18 Association laid it out for us. Trammig a machine to a
19 new location was the most dangerous work function, and
20 that included more than moving the miner, but movement
21 of other pieces of equipment as well. That's not me
22 talking. That's the voice of the West Virginia Coal
23 Association that made that statement.

24 All those folks that I mentioned before

1 believe that the proximity detection system can serve to
2 help towards the goal, and if MSHA gave them more time
3 to install the systems and would work with mine
4 operators to address their concerns regarding those
5 issues that were brought up, improvement and less
6 fatalities would occur in the mining industry.

7 How many times did we hear in those statements
8 and in the written comments about red zone injuries and
9 deaths. Red zones are not isolated to continuous mining
10 machines only. Red zones occur around all moving mining
11 machinery where miners are exposed. The potential
12 exists.

13 So with all these documented statements of
14 support on record by operators and manufacturers in the
15 industry, I'm wondering why I even need to make comments
16 of support on this. The industry has already laid out
17 the case for the need and the importance of proximity on
18 other mining machines, but, and a huge but, as the clock
19 changes time and the days, the months, the years and the
20 seasons change, I would suspect that you may, if you
21 haven't already, hear some of the same concerns and
22 arguments from operators about why this proposed rule
23 cannot be done and why it cannot be expanded to other
24 pieces of equipment.

1 We even had some miners in Alabama speak
2 against the use of proximity, and I was concerned with
3 this and spoke to the folks afterwards. One of the
4 things they told me was they were afraid that this would
5 be an additional cost to the industry and because of the
6 way we are now with the mining industry under attack,
7 layoffs and bankruptcies and everything else, they were
8 afraid that this was something that would push them over
9 the edge and they would lose their jobs.

10 I said but do you believe that the proximity
11 on these other different pieces of equipment would save
12 your lives. They said yes, but we're afraid that if we
13 push it, we'll lose our jobs. That's a pretty sad
14 statement.

15 So whether it be about the timeline to
16 implement or the frequency interference or availability
17 or whether the technology is actually ready, I think it
18 would be shame on every one of us in this room, on all
19 in the industry if this argument is even lobbied and
20 entertained for discussion. We've been working and
21 talking about this issue for far too long. The agency
22 started a serious look into this in 2002, and this was
23 after a series of fatal injuries.

24 At that time the operators insisted they just

1 need to conduct better training, pretty much what they
2 tried to argue in 2011, but let's go back to 2010. MSHA
3 introduced an initiative titled "Safety Practices Around
4 Shuttle Cars and Scoops in Underground Coal Mines."
5 We're all familiar with that and remember that.

6 MSHA initiated this safety campaign to raise
7 the mining industry's awareness of pinning, crushing or
8 striking hazards associated with mobile mining machines.
9 The initiative included training programs and best
10 practices to encourage mine operators to train
11 underground coalminers to exercise caution on working
12 around mobile machines.

13 So what were the results of this training
14 initiative. Forty-one pinning, crushing or striking
15 accidents involving coalmining machines and scoops have
16 been involved since that initiative in 2010. Twenty-
17 three that involved coal hauling machines, eighteen that
18 involved scoops. How'd that work out for us? Three
19 fatalities occurred in 2013, one involving a scoop, two
20 involving coal hauling machines, and the fatality I
21 spoke to you about earlier in 2014 of one of our fellow
22 brothers.

23 So for the sake of being embarrassed and
24 looking like an industry that cares more for profits

1 than human life, everyone needs to cut the bull with
2 insisting or entertaining the idea that training only
3 will suffice, that we need more time and get on about
4 the business of being responsible and respectable of our
5 true most valuable resource, the miner.

6 I would imagine that every miner whose lives
7 could have been saved with proximity detection, every
8 family member, and every child that's been left behind
9 wishes they could have had more time with those miners
10 who have senselessly lost their lives due to our
11 inactions.

12 There's another few points I would like to
13 make along the lines of the comments you have solicited.
14 The proposal would exclude longwall working sections.
15 It was written somehow in MSHA's experience that coal
16 hauling machines and scoops are not routinely used on
17 longwall working sections. This would be true because
18 working sections are defined as all areas of underground
19 coalmine from the loading point of the section to and
20 including the working face. But as everyone knows, this
21 pretty much limits this area of the longwall from the
22 stageloader to the tailgate in the gap where it would be
23 almost impossible to use a scoop.

24 I believe MSHA needs to include the longwall

1 scoops as part of of the required machines but redefine
2 the location of the use of longwalls as active workings,
3 which is defined as any place in a coal mine where
4 miners are normally required to work or travel.

5 On producing longwall sections, scoops are
6 widely and routinely used on a day-to-day basis. They
7 use them to haul supplies, timbers, replacement parts,
8 water the roadways, haul belt structure, relocating and
9 moving the shelter and chambers and some mines even pass
10 off scoops for the use of transporting sick and injured
11 miners as well as normal transportation. So on the
12 longwall scoops are widely used, and they need to be
13 considered as a use for proximity.

14 These are areas where a lot of potential
15 hazards exist. I believe you should go back and revisit
16 the area to confirm or disprove what I'm saying. I
17 believe you will find that a scoop is widely used and
18 you'll find them everywhere on all longwalls.

19 You also solicited comments on types of mobile
20 machines that should be required to be equipped with
21 proximity detection systems, specifically loading
22 machines, roof bolting machines, feeder breakers. From
23 a personal experience as a twenty-year underground miner
24 and a twenty-year safety inspector advocate, I can

1 remember back to the days where I ran a loading machine
2 specifically as one of the pieces of equipment during my
3 mining career.

4 When I ran a loading machine on a section,
5 there was a lot of foot traffic back and forth, and
6 while loading coal, it wasn't always easy to see someone
7 coming. A loading machine is probably the fastest
8 moving piece of equipment on a section. I, as well as
9 other loading machine operators, have had near misses of
10 injuring a fellow miner when passing by by not knowing
11 where they are located.

12 When you aren't loading coal, you're cleaning
13 out the ribs, pushing a pile of coal to get ready for
14 the next shuttle car or scoop. You back up for
15 distances to level the roadway or you may be backing up
16 to pull miner cables flat. My point is that this is
17 probably the most active, fastest moving machine on the
18 section.

19 Before the meeting I had a conversation again
20 with Todd Moore, who has had some experience with
21 testing loading machines. He told me that they removed
22 them from the loading machine because it forced everyone
23 on the section towards the miner. I hope I'm not
24 speaking out of turn. If I am, Todd, come up here and

1 slap me on the back of the head.

2 MR. MOORE: Yeah.

3 MR. O'DELL: But I would be interested to
4 hear what others say on this as well. I think that MSHA
5 should explore the use of proximity on loading machines,
6 and I would be anxious to see what other people have to
7 say about this, but my first thought is, yes, it needs
8 it. We will take more time to look at this and hear
9 what others need to say and take a definite position
10 when we submit our written comments.

11 We support other aspects of the rule as far as
12 the training and timeline and those things, and we will
13 go into more detail on those issues as well when we
14 submit our written comments.

15 Look, I understand we are probably in the
16 worst of times, especially the coal industry, and some
17 think that this may add an additional financial burden
18 on some already struggling companies, but as safety
19 advocates we need to weigh in on the long-term effects
20 of saving lives and reducing accidents, which in the end
21 will offset the costs of the loss of life, wrongful
22 deaths, loss of production, loss of time for accident
23 investigations or fatal investigations, even decrease
24 fines of negligence, but more importantly I think that

1 this will offer an important peace of mind knowing we
2 consciously did the right thing for the right reason.

3 Again, the Union intends on submitting written
4 comments to cover the other topics that you have
5 solicited, and again I would like to thank you for
6 allowing me this extended time and the opportunity to
7 speak on what I believe is a very important issue on
8 behalf of the miners and the miners' families. Again, I
9 thank you.

10 MS. MCCONNELL: Thank you, Dennis. Before you
11 go, I just have one general question, and I don't know
12 if anyone else on the panel has a question. But in your
13 visits to underground mines across the country, have you
14 observed a working section with multiple machines
15 working with proximity equipment, proximity machines
16 working together? A continuous mining machine and a
17 shuttle car, for example, working together.

18 MR. O'DELL: I've seen them on single
19 machines but not multiples.

20 MS. MCCONNELL: Do you know --

21 MR. O'DELL: At one time I had access to a
22 miner that I could have seen that but I no longer have
23 access to that.

24 MS. MCCONNELL: Okay. Do you know that we do

1 have mines that have working sections with multiple
2 machines equipped with proximity?

3 MR. O'DELL: I think as stated from
4 statements that were made in 2011, there are people here
5 in the audience that will tell you that they have
6 experimented with multiple machines and I believe, and
7 again, if I'm speaking out of turn, I believe that
8 Miranda Gee could speak to that and Consol as well, for
9 sure.

10 MS. MCCONNELL: Okay. Do you have any
11 questions for us?

12 MR. O'DELL: Not at this time.

13 MS. MCCONNELL: Well, thank you. I appreciate
14 your testimony.

15 MR. O'DELL: Thank you.

16 MS. MCCONNELL: And yes, give it to the court
17 reporter. Dennis was the only individual that signed up
18 that there are some issues that many of you I'm sure
19 could speak to, and one of those, if you do have or have
20 heard of or experienced or observations of equipment on
21 a working section, multiple pieces of equipment equipped
22 with proximity on a working section, how those machines
23 work together, would be very helpful. In addition, it
24 would be very helpful to hear from you about what -- we

1 right now are proposing a thirty-six month phase-in
2 period. We based that on the continuous mining machine
3 final rule phase-in period, and that was built on what
4 we thought was the typical rebuild cycle. Is that the
5 same for mobile machines? Is it sufficient? Should it
6 be longer, should it be shorter? Could anyone come to
7 the microphone and speak about those issues? We won't
8 bite you.

9 MR. YATES: I will.

10 MS. MCCONNELL: Come on down.

11 MR. YATES: Is it the timeframe that we're
12 talking about?

13 MS. MCCONNELL: Come on down. This is the best
14 way we can create a rule that works for the whole mining
15 community, if you guys come down and share your
16 information, your experiences as a miner, as an
17 operator. Sir, could you state your name and spell it
18 for the court reporter?

19 MR. YATES: Jeff Yates with Alpha Fairmont
20 Deep Mine 41. We're speaking about the timeframe about
21 --

22 MS. MCCONNELL: Right.

23 MR. YATES: -- rebuilding machines. As far
24 as miners and stuff, we're in the three year, forty-two

1 month time, but in our haulage, we're in the sixty month
2 cycle. We're in a five year cycle.

3 MS. MCCONNELL: Five years. Okay.

4 MR. YATES: Before we would ever consider
5 --

6 MS. MCCONNELL: Checking it out?

7 MR. YATES: -- rebuilding one. We have
8 been one of the mines that has tried some of this with
9 multiple pieces of equipment also, doing some of the
10 stuff. Had some success, yes. Some issues, yes.

11 MS. MCCONNELL: So you have on working section
12 multiple pieces of equipment with proximity detection?

13 MR. YATES: Yes.

14 MS. MCCONNELL: Working together?

15 MR. YATES: We have a miner and a shuttle
16 car we've been working coal with Matrix and Joy really
17 and developing the shuttle car.

18 MS. MCCONNELL: How has that worked out for
19 you?

20 MR. YATES: Some good and some bad. Some
21 parts work okay.

22 MS. MCCONNELL: Okay. Tell us the good and the
23 bad.

24 MR. YATES: We've had some issues with a

1 lot of nuisance with interference.

2 MS. MCCONNELL: What kind of interference?

3 MR. YATES: From just the magnetic fields
4 from electrical cables, that kind of stuff, multiple
5 wearable devices, operators being close to cables
6 shutting down the machine at different locations. There
7 is some issues still to work out.

8 MS. MCCONNELL: So when you have those
9 interferences, the machines are shutting down?

10 MR. YATES: Yes. Really, the operator
11 wouldn't know who was even shutting him down because it
12 would be transferred through cables and some different
13 stuff.

14 MS. MCCONNELL: Could you speak about how easy
15 it is for the miner who has these multiple overlapping
16 zones identify the appropriate work positions that they
17 need to be in without shutting down machines by getting
18 too close?

19 MR. YATES: Joy worked with us really well.
20 We started developing the process so as the shuttle car
21 would enter the zone or the miners on the alleyway up to
22 park two pieces of equipment in the same zone, the two
23 prox devices would start to communicate with each other.
24 So then the zones would shrink, speed would slow down,

1 wouldn't work. Same thing then when you were leaving,
2 it would change the zones, turn it off right behind you,
3 moving in front in the direction of travel.

4 While we're right at the miner, we actually do
5 reasonably well. Most of our problems come from
6 nuisance, from adjacent entries, people with the
7 wearable device. It's just something we haven't
8 perfected yet.

9 We do have, I did a study also when NIOSH was
10 there at the mines for about a year and a half. Most of
11 it worked well. There was a few instances that we did
12 actually pass up that have negative findings on some of
13 the prox according to the height that was wore on the
14 individual.

15 MS. MCCONNELL: You said you had a typical
16 five-year rebuild cycle for all of your mobile equipment
17 or is that just shuttle cars or --

18 MR. YATES: Shuttle cars, drills. Some of
19 it may be seven years, but nothing in mobile equipment
20 before five years.

21 MS. MCCONNELL: So did you install the
22 proximity system underground or out?

23 MR. YATES: Brought the machines to the
24 surface and Joy and Matrix and that's all, we put it on

1 the machine and take it back underground.

2 MS. MCCONNELL: So thinking about that five-
3 year cycle and knowing you put it on not underground but
4 above ground, how long have you been working with -- I
5 mean has it been several years now that you've been
6 working with multiple machines?

7 MR. YATES: About a year and a half.

8 MS. MCCONNELL: About a year and a half. Have
9 you seen any -- I mean when you have the interference
10 and the machines are stopped, how long does it take you
11 to restart the machines and get production going again?

12 MR. YATES: Not long. If you step out of
13 the zone, I mean the guy can go again.

14 MS. MCCONNELL: So you're talking about --

15 MR. YATES: One of the issues we're having
16 with that with like VFD type cars, the prox lets you cut
17 off and cut back on, so you're wide open. You're either
18 no tram or full tram.

19 MS. MCCONNELL: So you're talking about a
20 matter of minutes?

21 MR. YATES: It doesn't slow down and speed
22 back up just slowly gradually. Within seconds you could
23 go from locked up to back up.

24 MS. MCCONNELL: Back up to moving?

1 MR. YATES: Yeah. That in itself as an
2 operator is kind of a shock to him. He doesn't really
3 know it's going to happen, doesn't have a clue he's in a
4 zone.

5 MS. MCCONNELL: Yeah. So could you talk about
6 -- I have two things I want to talk to you about. First
7 I want to get this one question off my mind. How many
8 times in a shift do you think these interferences stop
9 the machines and then have to be restarted? Like how
10 many instances, do you think?

11 MR. YATES: Probably fifty, seventy-five.

12 MS. MCCONNELL: Fifty to seventy-five?

13 MR. YATES: Per one machine. It's just
14 according to where people are.

15 MS. MCCONNELL: According to where people are.

16 MR. YATES: Right. Maybe none until if I
17 get close to another machine or the power center. That
18 kind of stuff's where it hits you and stuff.

19 UNIDENTIFIED: Explain the problem with the
20 guy wearing it near the power center.

21 MR. YATES: Yeah. That's some of the
22 things. If you have a wearable, you're at the power
23 center or you're hanging a cable, you will transmit
24 through that cable.

1 MS. MCCONNELL: Oh the radio frequency will
2 stop the machine?

3 MR. YATES: That's the nuisance that we're
4 trying to eliminate.

5 MS. MCCONNELL: Okay.

6 MR. YATES: Other than that, we do
7 reasonably well. But if you have a wearable, you're the
8 guy hanging the drill cable or something. We didn't
9 have as much problem with the miners because of the
10 shielded cable, but with shuttle cars, other stuff, it
11 is tremendous the issues that would come about.

12 MS. MCCONNELL: I'm going to switch gears a
13 little bit and go back to that. You were saying right
14 now that when the proximity starts a warning, the
15 machine is slowing down. Could you talk a little bit
16 about that in terms of that slow down before it comes to
17 a full stop?

18 MR. YATES: We do have a system in place so
19 if he does enter the zone, it will slow down. We
20 installed a light in the machine so he would also have a
21 light he could see. We go to yellow, slow down and then
22 stop. Our only issue that we're still trying to work
23 out is, though, with the type of trams and stuff on the
24 shuttle cars. If you step out of the zone instantly, if

1 the operator doesn't realize that, exactly what happened
2 that quick with the prox, he still has his foot down on
3 the pedal like he's ready to tram, you step out of the
4 zone and back in, it doesn't slowly start back again,
5 though. They're not yet developed to the point, so he
6 may be in the middle of a turn and now instantly he's
7 back wide open again.

8 MS. MCCONNELL: So what does that mean --

9 MR. YATES: He may stop, full speed again.

10 MS. MCCONNELL: So a lot of jerking and --

11 MR. YATES: Oh, yeah.

12 MS. MCCONNELL: Okay.

13 MR. YATES: There is no, if he hasn't let
14 up on his foot pedal, there is no easing back out. The
15 VFDs, the way they're set up is wherever your foot is
16 that's the speed you're going to tram. It is an issue
17 we've still got to work on with that type of training
18 and so forth.

19 MS. MCCONNELL: Right. Could you talk a little
20 bit about the lights, the operator on the machine and
21 whether or not they're sufficient or if you believe that
22 there should be some type of other visual warning for
23 the operator, like a strobe or an LED?

24 MR. YATES: Well, that's what the light

1 that Joy put on, is a little LED, and like a little
2 strobe. It did help a lot, did give the guy the
3 understanding that prox is why he stopped. First we
4 tried it without it. He didn't really have a clue what
5 was happening; all of a sudden he just stopped. By the
6 time he would realize, you may either step out of the
7 zone or in or put the cable down, so he didn't really
8 see what was shutting him off. So the light did
9 instantly help him, the prox has got me out. He didn't
10 really have a clue. The light was a big advantage.

11 MS. MCCONNELL: Would an audible like warning
12 help an operator on a machine?

13 MR. YATES: Well, I know the wearables are.
14 I guess for me, I've been in the mining business a long
15 time and I have very poor hearing. I don't hear the
16 things very well, but they do have an audible thing.
17 The light for me is a better alternative, because in the
18 noise of the underground still as miners and the cars,
19 that kind of stuff running, it would have to be really
20 loud to differentiate between the two.

21 MS. MCCONNELL: So that strobe light that's on
22 the machine, you know, that I was talking about for the
23 machine operator, is that a sufficient light warning for
24 miners that are around the machine to see? Is it

1 distinguishable from the light, if they don't look at
2 their miner wearable component? They don't --

3 MR. YATES: Yeah. Now, the one he has is
4 inside of his deck. We actually installed a light
5 inside of his deck.

6 MS. MCCONNELL: Right.

7 MR. YATES: Because he can't see the prox
8 devices on the outside of his car. The other miners,
9 you and I if we're outside of it, we could actually see
10 on the side of his car the devices that would tell us
11 yellow or red.

12 MS. MCCONNELL: Oh, okay. So those --

13 MR. YATES: So we could see them as miners
14 off to the side. He inside the deck can't see those
15 things that are mounted on the machine.

16 MS. MCCONNELL: And that light that's on those,
17 I guess these are the generators that are outside the
18 machine, if I'm outside the machine, the light will
19 change and will warn me whether or not it's slowing
20 down, going to stop or --

21 MR. YATES: Yeah, if you are the one that's
22 causing him to slow down or stop, then you'll see it go
23 yellow, red, back to green, and it's very visible.
24 That's not an issue with the Matrix stuff. That's not

1 an issue now.

2 MS. MCCONNELL: Okay. I think I've exhausted
3 all my questions.

4 MR. YATES: Okay.

5 MS. MCCONNELL: I really appreciate you coming
6 on down.

7 MR. YATES: Thank you.

8 MS. MCCONNELL: Go ahead.

9 MR. ADAMSON: You had mentioned a lot of, the
10 majority of the infractions with the warnings and stops
11 are away from the continuous mining machine while the
12 shuttle car or mobile equipment is basically being
13 traversed back towards the -- what have you determined
14 is the majority of those reasons for those warnings or
15 stopping?

16 MR. YATES: Most of the things we've found
17 is from operators with the wearables around cables.
18 With the continuous miner, it has a shielded cable.
19 It's a lot less likely. With the shuttle car where it
20 isn't shielded type cables, if you as another miner,
21 you're picking up a drill cable or with another piece of
22 equipment or close to a cable, you will shut off a car.
23 He may be in number nine and you in number one. He may
24 be six or seven hundred feet away from you. It will

1 transmit through your wearable through the cable and the
2 power center and back to the car.

3 MR. ADAMSON: So when that occurs, if you've
4 got multiple mobile equipment with prox, does it
5 basically put all of those devices or all that equipment
6 that has prox in a warning or stopped zone?

7 MR. YATES: No. Just the car, the miner.
8 They haven't perfected it, but it's a lot better, not
9 perfect, with some filters, some of that kind of stuff.
10 The miner isn't near as much trouble as the mobile, as
11 the shuttle car. The shuttle car we have nowhere near
12 accomplished the same as we have with the miner. Still
13 even with the miner, if I took my unit and left it on
14 the power center or was in a -- like if somebody gets
15 that close, it will pick up some and give him some
16 nuisance, change his fields. Generally larger, not
17 smaller. It would just increase.

18 MS. MCCONNELL: How many miners do you now have
19 equipped with the wearable component on --

20 MR. YATES: One -- well, we have two, but
21 we only do a walkthrough, only run one at a time. Every
22 miner on the property does have one.

23 MS. MCCONNELL: Right. So if the final rule
24 estimated seven, could you have more than that, less

1 than that?

2 MR. YATES: We run seven miners with --
3 every machine we're running right now does have prox on
4 it.

5 MS. MCCONNELL: All right. Thank you very
6 much. I really appreciate it. Could anyone else come
7 on down and talk about some of the issues we just
8 discussed in terms of rebuild schedules? How about
9 working with diesel equipment equipped with mobile
10 proximity detection systems? Is the five-year phase in
11 schedule, I mean five-year rebuild schedule typical of
12 your mine or your mobile equipment?

13 MR. MCCOY: Not in ours. We --

14 MS. MCCONNELL: Oh, come on down. That wasn't
15 bad. He survived. Come on down. Could you state your
16 name for the record, please?

17 MR. MCCOY: I'm Stormy McCoy. I work for
18 Pinnacle Mining.

19 MS. MCCONNELL: So I was asking you about the
20 rebuild schedule for your mobile equipment.

21 MR. MCCOY: Well, we don't have a schedule,
22 rebuild schedule no more. One thing we're not making no
23 money, so we don't rebuild very often. We haven't
24 rebuilt in the last three years. We do have some

1 machines that have been running for almost two years
2 now. We're for sale. Don't put no money in something
3 that's for sale, so we're not going to rebuild, so we'll
4 probably have to do it underground.

5 MS. MCCONNELL: Okay. You mean install the
6 proximity detection underground?

7 MR. MCCOY: We'll have to do it underground
8 when we do it.

9 MS. MCCONNELL: So I know we have Strata and
10 Matrix in the audience. Is installing proximity
11 underground for mobile equipment feasible?

12 MR. MCCOY: I'm told they can do it
13 underground, they have done it underground.

14 MS. MCCONNELL: Okay.

15 MR. MCCOY: Eight-five thousand dollars a
16 pop. You do every machine, that's going to be about
17 three million dollars for us.

18 MS. MCCONNELL: How many machines do you think
19 you've got?

20 MR. MCCOY: Scoops, we have six, eight,
21 eight on a section, longwall we have at least six if we
22 do the longwall. Shuttle cars, we have ten. Miners, we
23 have two on each section and we can run up to four
24 sections.

1 MS. MCCONNELL: Okay.

2 MR. MCCOY: We have Gen 2 and Gen 1 right
3 now on one miner each. Quite a bit of problem with
4 both.

5 MS. MCCONNELL: Could you talk about it a
6 little bit, about the problems?

7 MR. MCCOY: We have had some damage on the
8 readers. People don't want to run them. They'll to
9 fake it out. They'll hang their prox up on a roof bolt
10 or a piece of tubing so they don't have to wear it.
11 Operators hate it.

12 MS. MCCONNELL: Even though they know that it
13 will save their lives?

14 MR. MCCOY: Miners don't think that far.
15 They're in the -- they ain't going to have the --

16 MS. MCCONNELL: I'm okay. How about you guys,
17 anything? Nothing? Okay. Thank you so much.

18 MR. MCCOY: You're welcome.

19 MS. MCCONNELL: Anybody else?

20 MR. MOORE: I'm Todd Moore. I'm safety
21 manager for Consol Energy, and I'd like to talk about a
22 few things, a few things that Dennis brought up and a
23 few things that we found. We've been testing proximity
24 now for four or five years and we're running it on lots

1 of mobile equipment in our Bailey Mine. We do have
2 issues. We do have concerns.

3 Just a few notes. I didn't have any prepared,
4 but the first thing I'd like to ask MSHA is to make sure
5 in this rule-making that you're coming up with that you
6 don't penalize a state like West Virginia who has kind
7 of moved ahead of the pack, okay, and already required
8 some proximity and have requirements for operators. If
9 your law is different than what West Virginia has put
10 out, then it penalizes the operators in those states and
11 that's not fair. It hampers further development of
12 future safety issues.

13 MS. MCCONNELL: Just for the record, though,
14 West Virginia's law, does it require proximity detection
15 on the mobile equipment?

16 MR. MOORE: Uh-huh.

17 MS. MCCONNELL: I thought they had cameras.

18 MR. MOORE: Cameras or proximity.

19 MS. MCCONNELL: Okay.

20 MR. MOORE: So, you know, that's something
21 that MSHA always needs to take into consideration, is
22 what the states have already done so that, you know, you
23 don't basically cause states not to move forward to help
24 MSHA sometimes. That's a real concern for these guys,

1 okay?

2 You were talking about the implementation
3 time. The implementation time of thirty-six months is
4 pretty -- that's pretty aggressive. Like some of these
5 guys are saying, they don't have rebuild times built in
6 now; it's just when the equipment fails and has to be
7 rebuilt. So thirty-six months is pretty aggressive.

8 I, we use Strata, okay, that's the system that
9 we use. You can install underground. It's not easy,
10 it's not simple, it's costly, it's not quick. It really
11 needs to be done outside to be properly installed so
12 that it's hardened against the mining atmosphere. If
13 you just kind of willy-nilly lay cables around on top of
14 machines to do it underground, they're not going to be
15 very mine-worthy, so that's a problem.

16 MS. MCCONNELL: Before you go, could you
17 elaborate a little bit on the time underground versus
18 above ground and does it delay production at all while
19 you're installing it underground? Just a few of those
20 incidentals.

21 MR. MOORE: Yeah. I really don't know the
22 timeframe for the different pieces of equipment. The
23 ones that you have to run it through underneath the
24 channel like on the shuttle car and the ram car are very

1 difficult because the machine is still intact. Where if
2 you have it outside and you've got everything tore down,
3 it's a lot easier, a lot quicker, and it's a better
4 install. You've got a lot less nuisance trips, you have
5 a lot less things breaking down, all those kind of
6 things, if you do it on the surface and do it properly.

7 We've not done any underground. We do them
8 all on the surface, but our rebuild schedule has also
9 been pushed way out. You know, what we were rebuilding
10 maybe every twenty-four, thirty-six, forty-eight months,
11 we may not rebuild now for sixty, seventy months, you
12 know, just depending on the equipment itself. So that's
13 something I think you need to take into account.

14 Another thing is that, you know, basically
15 right now there's only two current manufacturers in the
16 country. That's not good. That's a problem. You've
17 know, we've tested three throughout the years. There
18 used to be another system, Nautilus, who's kind of fell
19 clear out of the mix for whatever reason, so now you're
20 looking at Matrix and you're looking at Strata are the
21 only two.

22 We chose to go with Strata several years ago.
23 We don't seem to be having some of these nuisance trips
24 that Alpha was talking about earlier. I'm not saying

1 they don't happen. I'm sure they do. We just with
2 Strata haven't been having those. We do have some
3 issues with the wire mesh on the ribs and on the roof.
4 We basically get parasitic coupling, is what happens,
5 okay, so what we experience is if you have cables laid
6 down like in a figure eight or something on the ground,
7 it will cause your fields to get larger and then you
8 have nuisance trips from that. So, you know, we're not
9 having the issues that they're talking about but we have
10 some issues of our own.

11 MS. MCCONNELL: Are your nuisance trips as --
12 the nuisance trips we talked about initially were only a
13 few minutes long. Can you restart -- I mean when you
14 talk about nuisance trips, these interruptions, the
15 machine is stopped. Is it a quick restart after that?

16 MR. MOORE: We're not having nuisance
17 trips. We're having the propagation of the zone being
18 larger.

19 MS. MCCONNELL: Oh, I see.

20 MR. MOORE: So then you get a nuisance trip
21 from a guy that's standing somewhere he should be able
22 to stand, he can't stand.

23 MS. MCCONNELL: I gotcha.

24 MR. MOORE: Like that. So it's just a

1 normal shutdown and start back up.

2 MS. MCCONNELL: Gotcha.

3 MR. MOORE: Loading machines. We were
4 running it on our loading machines, okay. We had
5 decided to put it on all out-by equipment. Now, at
6 Consol we only have one coal mine that runs place change
7 miners, okay. The other mines that we own and operate
8 are all continuous miners with integral bolters, okay,
9 which is excluded from the rule.

10 When we put it on our loading machines, what
11 was happening with our loading machines is when the
12 loading machine came up underneath the bumper on the
13 miner, the zone on the loading machine was forcing all
14 my guys to the face, okay, so I've got two roof bolters,
15 two rib pinners, two man miner operator that whenever
16 we're up underneath the miner cleaning, I'm pushing them
17 guys all the way to the face, clear up to the bolter
18 station because of the zone on the front of the loading
19 machine. That's the last place you want your people to
20 be standing all day long. You know, you want them to go
21 up, put their bolts in and move back.

22 So because of that, we chose to take it back
23 off of our loading machines, and I don't advocate
24 putting it on loading machines again because of that.

1 Maybe there are some things that can be done to fix
2 that, but currently we don't know what they are.

3 On the longwalls, that's a very critical thing
4 that we need to talk about, is longwalls. I don't
5 disagree with what Dennis said about out-by on
6 longwalls, and you can't run a scoop on a longwall face,
7 as you guys are aware of, except during setup and tear
8 down.

9 You put proximity on scoops or on T2-Mules or
10 whatever equipment's running up and down the face, on a
11 longwall setup and tear down there's nowhere for people
12 to get. As anybody that's been on a longwall move
13 knows, when there's equipment coming by, you get over
14 and you get in the legs on the shields and the equipment
15 goes right by you, no problem. It's like getting in a
16 manhole along the track. We still allow that, right?
17 You get in a manhole along the track and the equipment
18 goes right by you. Same thing on a longwall face.

19 When we put proximity on shields, or on the
20 scoops and on the T2-Mules now then I can't be in the
21 leg any longer and be allowed to be there. Now the
22 machine is going to pull up, stop and I'm going to have
23 to get out and walk behind him, it will start back up
24 again and tram on down to the face.

1 Now, when he gets down to what we call a pit,
2 which is where there are six or seven guys actively
3 removing the shields, once again they, where are they
4 going to be, what are they going to do? You're going to
5 pull down there and shut down. While they're in an area
6 of safety now, they're in a manhole because they're
7 behind the legs. They get out of there, they come
8 around, they get behind the machine and they walk back
9 by it again. It's not very feasible and MSHA needs to
10 look at that, and I invite you to come to our mines and
11 see what we do.

12 MS. MCCONNELL: Thank you. I appreciate that.

13 MR. MOORE: It's something that you have to
14 see and visualize, you know, happening before you can
15 really understand what I'm talking about, but it's a
16 valid -- you know, we still support it on mobile
17 equipment. I'm not against it on mobile equipment, but
18 we want to be careful we don't stray away from laws that
19 already exist. We don't want to try to one up what's
20 already been done, and we just want to move forward.

21 MS. MCCONNELL: Thank you, sir. I appreciate
22 your testimony. Do you have any questions on mining
23 machines? Go ahead.

24 MR. ADAMSON: You mentioned that basically

1 having prox on the loading machines pushed your miners
2 to the face.

3 MR. MOORE: Yes.

4 MR. ADAMSON: What, can you explain the
5 timeframes and how much testing you guys did with, in
6 working with the manufacturer on tweaking those zones or
7 anything?

8 MR. MOORE: We did that for several months.
9 We tried to make it work. We installed it and went to
10 the cost of having it installed. We put it on, we tried
11 to make it work, but that was a complaint that we had
12 and you'd see it whenever you went up and saw your guys,
13 you know, where they normally came back and stood in a
14 more area of safety, in my opinion, they were being
15 forced back to the face. And if you dialed the zone
16 down on the loading machine so it didn't do that, then
17 you really had no protection. You know, these zones are
18 -- you can configure them to the size you want. If you
19 made it so it was only a couple of feet out ahead of the
20 machine, then what protection were you really providing.

21 MR. ADAMSON: So what timeframe did you
22 actually make the decision to remove the prox?

23 MR. MOORE: Timeframe, after we did it or
24 --

1 MR. ADAMSON: As far as date, year, when did
2 you actually take those off?

3 MR. MOORE: Eighteen months ago.

4 MR. ADAMSON: Have you had any experience
5 with haulage equipment with continuous mining machines
6 working outside of --

7 MR. MOORE: Continuous -- see, we don't run
8 it on our mine. Okay, we don't run it, you know,
9 because our miners are place change. The only place we
10 do that is in Buchanan and I'm not down there anymore.

11 MS. MCCONNELL: Okay. Rodney used a phrase
12 that kind of provoked a question, and that's tweaking
13 the zones. How easy or how easy is it for a miner to
14 learn how to modify zones after, you know, initial
15 installation of a proximity on a piece of equipment,
16 especially if the equipment is moved to a different
17 working section and you need to reconfigure the zones
18 based on, you know, new working section configurations,
19 so could you just talk a little bit about that, the ease
20 of changing the overlapping zones for a miner, I mean a
21 miner to be trained in making those adjustments?

22 MR. MOORE: For a miner to do it, it's not
23 impossible. That's not something a normal miner would
24 do. That's our maintenance crew would do that.

1 MS. MCCONNELL: So you never -- do you have to
2 ever call in Strata into the mine to help you readjust
3 the overlap zone or is this something you can do on your
4 own?

5 MR. MOORE: We can do it.

6 MS. MCCONNELL: All right.

7 MR. MOORE: Pretty much plug and play, but
8 we can change it.

9 MS. MCCONNELL: Okay.

10 MR. MOORE: Now, one thing I want to
11 mention that a speaker there earlier talked about
12 eighty-five thousand dollars a pop.

13 MS. MCCONNELL: Yeah.

14 MR. MOORE: I've been doing this for a lot
15 of years. You've never heard me talk about cost, but it
16 is a significant cost, particularly nowadays, you know.
17 His number of eighty-five thousand, I'm going to use his
18 number, okay, and use that for a three hundred thousand
19 dollar piece of equipment. Twenty, thirty percent of
20 the machine's cost for this device. I mean that would
21 be like you go buy a car tomorrow and they tell you you
22 need a new safety device on it that's going to increase
23 it from thirty thousand to forty thousand. How quick do
24 you want to buy one of those? Cost is never a reason

1 not to do something but it's something you have to
2 consider in this particular case because right now it is
3 so substantial. This safety device is a substantial
4 cost.

5 MS. MCCONNELL: Since you brought up the cost,
6 is eighty-five thousand within the range of cost for
7 your proximity detections?

8 MR. MOORE: I don't want to say what we're
9 paying.

10 MS. MCCONNELL: Okay.

11 MR. MOORE: I'm using his figure.

12 MS. MCCONNELL: Okay. Gotcha. Okay. Anybody
13 else? Thank you for coming down. Would anybody else
14 like to come down and talk about their experiences with
15 proximity? Nobody? How about if we take a thirty-
16 minute break, come back here quarter of ten, and if
17 anybody changes their mind, we'll be here to listen.
18 Okay. So we'll take a thirty-minute break.

19 (WHEREUPON, a recess
20 was taken.)

21 MS. MCCONNELL: Okay, I think we have gone
22 beyond thirty minutes, so if we could all take our seats
23 and see if anyone would like to come on down and talk
24 about their experiences using proximity in their

1 underground mine. As some of us are just coming back to
2 the room, I just once again ask if anyone would like to
3 come down and talk about their experiences working with
4 proximity detection systems on their mobile equipment,
5 issues that we should consider during this rulemaking.
6 This is a good time to do it. Come on down. Thank you,
7 sir.

8 MR. LANE: Hi. My name's Jackie Lane.

9 MS. MCCONNELL: Could you spell that for the
10 court reporter?

11 MR. LANE: J-A-C-K-I-E L-A-N-E. I'm the
12 safety committee chairman at Pinnacle Mine. Speaking of
13 the longwall, we have a low seam longwall, and we can't
14 get behind our jack legs on our shields or whatever, and
15 we don't have as many people that's pulling shields. We
16 have like three people in-by down pulling the shields.

17 I think, personally I think that the proximity
18 should be on what we use as a mule, which is on track
19 same as a miner, and --

20 MS. MCCONNELL: Okay. I've never heard of the
21 term mule before. Could you just explain that to me?

22 MR. LANE: It's on track and it's
23 hydraulic and you've just got the big -- imagine as a
24 farm tractor with a pigtail sticks out the end, you

1 know, and swings.

2 MS. MCCONNELL: Uh-huh.

3 MR. LANE: That's how they pull the
4 shields out and pull them out the face. It's on track.

5 MS. MCCONNELL: Okay.

6 MR. LANE: And the clearance from the face
7 to the shields is the very minimum. We don't have room
8 -- if somebody goes down to the face, then they have to
9 shut the equipment down and go by. I mean that's just
10 plain and simple.

11 MS. MCCONNELL: Okay.

12 MR. LANE: We don't have the height as
13 some of the northern longwalls has. We're a low seam,
14 so we're sixty inch plus -- I mean minus. As of the
15 prox's on the out-by mobile equipment, I've seen some
16 information and have seen on film that infrared cameras,
17 which is camera part is the State law, is more reliable
18 than just a regular camera. If you're on off-side, if
19 somebody got in the off side of the shuttle car with the
20 camera, you can't see them. The infrared, infrared will
21 even go through fly pad. You can even see, it will show
22 up.

23 And on the proximities, we don't have a whole
24 lot like on the miner. We have more nuisance on the

1 cables, I believe, than anything, and they come pretty
2 often and readjust the zones for us, but other than
3 that, we don't -- we ain't got but two like Stormy spoke
4 there. We don't have put two on the mining equipment
5 proximity. But my concern was just longwall, because I
6 work on that.

7 MS. MCCONNELL: And just to follow up on that,
8 were you recommending that the mobile equipment in a
9 longwall section like yourself be equipped with
10 proximity?

11 MR. LANE: I request, like for it to be
12 included, yes. That's all I have.

13 MS. MCCONNELL: I appreciate that. Thank you
14 very much, sir. Anyone else? Okay. So if no one else
15 wishes to make a presentation, I will conclude this
16 hearing. I thank everyone who has made a presentation
17 as well as those who did not present for your attendance
18 here today and your interest in this rulemaking.

19 I want to emphasize that all comments must be
20 received or postmarked by December 1st, 2015. MSHA will
21 take your comments and your concerns into consideration
22 in developing the agency's final rule. I encourage all
23 of you to continue to participate throughout the
24 rulemaking process, and I'd also like to remind you that

1 we will be having a second public meeting on refuge
2 alternatives here today at 1:00 PM, and at this meeting
3 again I would like to reiterate we hope to gather
4 information on two critical issues. First, impediments
5 to the use of built in place refuges; and the second is
6 enhanced two-way voice communication when using escape
7 breathing devices. Again, I would like to thank
8 everyone very much for coming here and this public
9 hearing is concluded. Thank you.

10
11
12
13

(WHEREUPON, the hearing was
adjourned at 9:57 AM.)

My Name is Dennis O'Dell, I am currently the Administrator of Occupational Health and Safety for the United Mine Workers of America. I have 40 years' experience in the mining industry. 20 years as an active working underground miner, 10 years as an International field Safety representative for the UMWA, and now 10 years and currently the Administrator at our International office. I want to thank you for this opportunity to address something that I feel is an important issue. I truly believe moving forward to expand the use of proximity detection devices can and will save many more miners lives. If you would indulge me a little, I'd like to read some of the transcripts/testimony given when MSHA first came out with the proposal for proximity on Continuous Mining Machines only in 2011. After I read these I'll explain why I think it is important to hear again today.

Denver, Colorado Date: October 18, 2011

Aric Pryor with Matrix Design Group came to hear what was said to help prepare their written comments. They didn't have a prepared presentation but voiced a concern for situations where if the machine was sitting on a bad bottom or uneven grade, they couldn't control what happened due to physics from gravity, because as expected, the machine may keep moving beyond the required distance.

Mike Berube from Strata Proximity Systems stated that in general, they were okay with the majority of the proposed rule and would submit detailed comments in writing later but had asked one clarifying question to explain the difference between specific and performance-based with regard to the stopping distance?

After some discussion, Pat Silvey from MSHA explained that you go out and you do it in the manner in which you think it should be done, as opposed to me telling you -- and making this in a real simplistic way, No closer than 3 feet for a miner with the exceptions. That's pretty much design-oriented, specific. A performance base would say without contacting a person. The end result is you don't want the continuous mining machine to contact a person and cause injury or death to a person. So, however, you want to word a performance-oriented standard to result in that performance, and that is to prevent the continuous mining machine from contacting a person that's in close proximity to use proximity detection.

Other issues of concern raised at that hearing were, not in support for shutting off the cutter, reducing outside interference, time allocated for transition and training, but there was overall support for the need of proximity detection.

Charleston, West Virginia Date: October 20, 2011

Chris Hamilton, Senior Vice-President, West Virginia Coal Association stated that in essence, they had hoped to avoid a situation where the State and MSHA are on

two separate paths and ultimately end up with two separate rules and requirements for the operation and installation of proximity detection devices. He simply urged the two agencies to work closely together to share information and resources towards that end. He had concerns that the timeline proposed in the Agency rule was not sufficient to accommodate manufacturing production and delivering capabilities, operational demands, and existent equipment refit or replacement schedules. Questions also flowed concerning the availability of technical resources within the industry to complete installation demands, questions on training, and then went on to turn or try to redirect the discussion as to why MSHA should approve more extended cuts. But, Mr. Hamilton actually then went on to say "Tramming the machine to a new location was the most dangerous work function; recognizing at the time that this act was responsible for 26 out of 33 fatalities and, thus the majority of the fatalities occurred while tramming or performing maintenance, and only 2 during the actual mining process." He pointed out that when the continuous miner is forced to move or relocate, so is every other piece of equipment used in the mining cycle. In this single statement alone, without knowingly doing so, Mr. Hamilton laid out to you why is important that other equipment should also have proximity detection installed on it.

Brian Thompson The local rep for continuous miners and Joy Mining machinery also testified at this hearing. He offered this- As a little bit of background. "We do have over 30 systems running in the U.S. mine industry today. Those are spread out across a variety of operators. The largest install base is with Alliance, and then there are subsequent machines that have been shipped over the last year to 18 months at a variety of operators. Those systems are up and running and running well. They've been adopted well. They've been brought into those environments with little trouble or disruptions to the overall process. So while the end goal is being achieved as far as keeping operators in a safe area, in an appropriate distance away from the machine, it's also blending into an operator work force and being adopted in such a manner that it's been very successful." His concerns, like others were time to implement, proper training, and the 3 foot rule only because of ground conditions that may cause rolling.

I also spoke at this hearing in support of the rule pointing out that Systems had already been approved, tested, had successful results, and were already adopted and used by other countries with much success in saving lives. At the time of this hearing, experience with proximity detection systems on remote control continuous mining machines had already existed in five coalmines in the United States, and were on machines and mines in South Africa, Canada, and Australia, where they had been reported to be very reliable. I went on to point out to MSHA that of the 70 fatalities resulting from pinning, crushing and striking accidents from 1984

through 2010 in underground coalmines, 30 were associated with the continuous mining machine. That left 40 accidents from other types of equipment. The use of proximity detection systems on other section equipment involved could have prevented these accidents and fatalities. I stated that the union was and still is disappointed that MSHA failed to require proximity devices on other mining equipment, and insisted that the rule should have been expanded to mandate the use of proximity detection systems to shuttle cars, loading machines, scoops, bolters, and other equipment that have been associated with serious accidents or fatalities that had occurred.

Washington, Pennsylvania October 25, 2011

Hank Moore. Actually, R. Henry Moore spoke on behalf of the Pennsylvania Coal Association. He stated "We support the rule. We believe that the proximity detection systems can serve an important function in accomplishing the goal of eliminating red zone injuries and death. He also noted that the introductions of such systems will perhaps eliminate disputes about whether a miner was in the red zone. In saying that Mr. Moore went on to clarify they had concerns with the 18 month implementation period, but then claimed that the PCA believed that most of the significant problems implementing the rule could be addressed with additional time. He voiced concerns that they were not sure that interference will not occur, and concerns about the availability of the specialized parts and equipment needed to install the proximity systems. His statement was based on, at the time, there were only three approved, or almost approved, proprietary proximity systems. So he basically raised the same concerns at this point as other operators had brought up, but voiced a support the need for proximity detection.

John M. Gallick. Vice President of Safety and Health for Alpha Natural Resources and Terry J. Theys. Director of Safety and Engineering, Alpha Natural Resources followed.

Mr. Gallick stated that Alpha did not oppose the proposed rule, rather, it believed that proximity detection systems could serve an important function in raising miners' awareness of red zone issues, with a goal of eliminating red zone injuries and deaths. In conclusion, Alpha supported working to end red zone injuries. They believed that the proximity detection system can serve to help work towards that goal. He also said he believed that if MSHA gave them more time to install the systems and would work with the mine operators to address their concerns regarding the deep cuts, enforcement and malfunctioning systems, and a new red

zone training initiative, the rule could actually be improved and mining can be done safely during that period.

Then came Mr. Todd Moore the Director of Safety for Consol Energy Coal Operations. Mr. Moore boasted that at Consol, they had been working with proximity manufacturers for several years and were currently utilizing the Strata Proximity Detection System on a place change miner in their Buchanan Mine, and had been doing so continuously since March of that year. He noted that this system, as being operated in Buchanan, covers every person that may be exposed to hazards of the miner while working on this miner section, rather than a typical approach of covering only the miner operator in regard to providing crushing and pinning hazards. They were also operating Strata Proximity Detection Systems on a Joy 14-BU loading machine, two Joy 15 10 SC-32 shuttle cars, and a 582 Sandvik battery scoop at their Bailey Mine. These systems had been in operation since July of that year. Mr. Moore stated "Again, these systems provide proximity detection for all individuals on this section, not only the equipment operator. They were currently in the process of equipping a Joy 14-BU loading machine, a Joy 21 shuttle car, and a battery scoop in their new miner underground training section at their BMX Mine in Pennsylvania. Mr. Moore said that they had been and continue to install proximity detection hardware on all new and rebuilt place change miners moving forward. As you can see, Consol Energy clearly supported the adoption of proximity systems on various pieces of section equipment to provide training, alerts, and alarms to all miners, in order to prevent equipment-related injuries and fatalities to the underground mining environment. But as with the rest of the operators, Consol's concern at that time was the timeline to install, time to train, MSHA's slow approval process to allow new technologies as this to be developed, and the rolling of equipment issue beyond the 3 foot rule due to ground conditions.

Evansville, Indiana October 27, 2011

Bert Hall. Was there representing Peabody Energy. Mr. Hall stated that the current proposed rule, though a step in the right direction, would hamper the further development of this promising technology and make it more difficult for operators to provide proximity detection protection for all miners on the working section. Peabody felt very strongly that the Agency was proposing a partial solution to the stated problem, which they believed failed to take into account the important factors that needed to be considered if proximity detection is to be successful in the general mining community. Mr. Hall stated that if it was MSHA's long-term goal to require proximity detection on all section mobile equipment, including coal haulers, shuttle cars, and scoops, then the Agency started the process under the

premise that a section is a collection of independent pieces of equipment, where it is their belief that the equipment on a section is a system of interdependent parts. Mr. Hall recommend that the Agency stop the piecemeal approach and join them in the development of a holistic solution.

Mike Baize with Knight Hawk Coal, respectfully withdrew their request to public comment. However, supported the comments of Mr. Hall.

Mark Eslinger a General Safety Manager for Black Panther Mining, LLC, and Five Star Mining, Inc. was disappointed because no one from the MSHA enforcement side was present at the meeting. He was concerned with the implementation time period, and he suggested that the exemption for full-face continuous mining machines in the rule was wrong, he stated that the proximity must cause the machine to stop before contacting the machine operator, that this section of the regulation should say, "when cutting or loading coal or rock, and before the rule came into effect, the miners who will wear these devices need to know that they will not suffer any health problems.

So MSHA came out with an effective date of the final rule on March 16, 2015.

You-MSHA are now proposing to require that underground coal mine operators equip coal hauling machines and scoops on working sections with proximity detection systems according to a phase-in schedule for newly manufactured and existing equipment. The proposed requirements would strengthen protections for miners by reducing the potential for pinning, crushing, or striking injuries to miners who work near these machines. MSHA is also interested in the application of these proposed requirements to underground metal and nonmetal mines. Newly acquired information added from the previous proposed rule, shows that from 2010 through 2014, 41 pinning, crushing, or striking accidents involving coal hauling machines and scoops have been reported: 23 that involved coal hauling machines and 18 that involved scoops. Nine of these accidents involved fatalities that may have been prevented by the use of proximity detection systems. The latest death being recorded on December 16, 2014, at our UMWA represented Highland 9 Mine, where a repairman was killed when struck by a ram car. It is my belief and many others that this death could have clearly been avoided if the initial rule would have included other section equipment as the UMWA had suggested back in 2011.

It appears that there is without question, an undeniable support for proximity detection by all in the industry. I'm led to believe that by the previous statements made in 2011 that I referenced earlier. I also believe there is a consensus to expand the use beyond Continuous Mining Machines only. Let me again do a brief recap of 2011 as to why I am of that opinion. **Consol** was ahead of the game by

expanding their use of proximity to other equipment as well as protecting more individuals around the equipment other than the miner operator and reported back then great success. They had even expanded the use on other mining equipment as a Joy 14-BU loading machine, two Joy 15 10 SC-32 shuttle cars, a 582 Sandvik battery scoop at their Bailey Mine and in the process of equipping a Joy 14-BU loading machine, a Joy 21 shuttle car, and a battery scoop in their new miner underground training section at their BMX Mine. **Peabody** accused the agency of hampering the further development of this promising technology by not expanding your scope of a long-term goal to require proximity detection on all section mobile equipment, including coal haulers, shuttle cars, and scoops. Hank Moore of the **Pennsylvania Coal Association** stated they supported the rule believing that the proximity detection systems could serve an important function in accomplishing the goal of eliminating red zone injuries and deaths. Mr. Hamilton from the **West Virginia Coal Association** actually stated that trammig the machine to a new location was the most dangerous work function, and that included more than moving the miner, but movement of other pieces of equipment as well. Brian Thompson the local rep for continuous miners and **Joy Mining machinery** stated at that time, over 30 systems were running in the U.S. mine industry were spread out across a variety of operators, the largest install base being Alliance, and subsequent machines had been shipped over the last year to 18 months to a variety of other operators. Mr. Thompson said, and I quote, "Those systems are up and running and running well. They've been adopted well. They've been brought into those environments with little trouble or disruptions to the overall process. So while the end goal is being achieved as far as keeping operators in a safe area, in an appropriate distance away from the machine, it's also blending into an operator work force and being adopted in such a manner that it's been very successful". End quote. John M. Gallick, Vice President of Safety and Health for **Alpha Natural Resources** and Terry J. Theys, Director of Safety and Engineering, Alpha Natural Resources believed that proximity detection systems could serve an important function in raising miners' awareness of red zone issues, with a goal of eliminating red zone injuries and deaths. In conclusion, Alpha supported working to end red zone injuries. They believed that the proximity detection system can serve to help work towards that goal and if MSHA gave them more time to install the systems and would work with the mine operators to address their concerns regarding the deep cuts, enforcement and malfunctioning systems, and a new red zone training initiative, the rule can be improved and mining can be done safely during that period. And how many times did we hear about red zone injuries and deaths. Red zones are not isolated to Continuous Mining Machines only. Red zones occur around all moving mining machinery where miners are exposed.

So with all of these documented statements of support on record by operators and manufactures in the Industry, I am wondering why I even need make comments of support on. The industry has already laid out the case for the need and importance of proximity on other mining machinery. But - as the clock changes time, and the days, months, years, and seasons change, I would suspect that you may, if you haven't already, hear some of the same concerns and arguments from operators about why this proposed rule cannot be done. Whether it be about the timeline to implement, or frequency interference, or availability, or whether the technology is actually ready. Shame on all of us in this room, on all in the industry if this argument is even lobbied and entertained for discussion. We've been working and talking about this issue for far too long. The Agency started a serious look into this- in 2002- after a series of fatal injuries. At that time the operators insisted they just need to conduct better training, pretty much about the same some tried to argue in 2011. But In 2010, MSHA introduced an initiative titled ``Safety Practices around Shuttle Cars and Scoops in Underground Coal Mines." MSHA initiated this safety campaign to raise the mining industry's awareness of pinning, crushing, or striking hazards associated with mobile mining machines. This initiative included training programs and best practices to encourage mine operators to train underground coal miners to exercise caution when working around mobile machines. What were the results? 41 pinning, crushing, or striking accidents involving coal hauling machines and scoops having occurred since 2010: 23 that involved coal hauling machines and 18 that involved scoops. Three fatalities occurred in 2013, one involving a scoop, two involving coal hauling machines; and one fatality occurred in 2014 involving a scoop. So for the sake of being further embarrassed and looking like an industry that cares more for profits than human life, everyone needs to cut the bull with insisting or entertaining the idea that training only will suffice, that we need more time and get on about the business of being responsible and respectable of our most valuable resource-the Miner. I would imagine that every miner whose lives could have been saved with proximity detection, every family member, and every child that's been left behind- wishes they could have more time with those miners who have senselessly lost their lives due to our inactions.

Another few points I would like to make along the lines for comments you have solicited.

The proposal would exclude longwall working sections. It was written that somehow in MSHA's experience, coal hauling machines and scoops are not routinely used on longwall working sections. This would be true because working sections are defined *as* all areas of the coal mine from the loading point of the

section to and including the working faces. But as everyone knows this pretty much limits this area on the longwall from the stageloader to the tailgate, where it would be almost impossible to use a scoop. MSHA needs to include the longwall scoops as part of the require machines but redefine the location of use on longwalls as *Active workings, which is defined as any place in a coal mine where miners are normally required to work or travel.*

On producing longwall sections, scoops are widely and routinely used on a day to day basis to haul supplies, timbers, replacement parts if needed for repairs, water roadways, haul belt structure, relocating and moving shelter/chambers and some mines even try to pass scoops off for the use of transporting sick and or injured miners as well as normal transportation. ~~Scoops are also largely used on non-producing longwall set ups and tear down sections.~~ These are areas where a lot of potential hazards exist. I believe MSHA should go back and revisit this area to confirm or disprove what I am saying. I believe that you will find that a scoop is a widely used piece of equipment on the producing--- ~~and non-producing~~ longwall sections. Therefore it is the Unions belief that these areas should also be included in the mix of scoops being covered by the use of proximity detection.

Q) MSHA solicits comments on other types of mobile machines that should be required to be equipped with proximity detection systems. MSHA specifically solicits comments on circumstances where it may be appropriate to require loading machines, roof bolting machines, and feeder breakers to be equipped with a proximity detection system. Comments should provide specific information on rationale for requiring other types of mobile machines to be equipped with proximity detection systems, safety benefits to miners, technological and economic feasibility considerations, and supporting data.

A) From personal working experience as a 20 year underground vet, and a 20 year safety inspector/advocate, ~~the one machine~~^{of the} MSHA mentions that ~~stands~~^{stand} out as ~~most likely the~~ need of proximity detection during all phases of operation, would be the loading machine. When I ran the loading machine on the section, there was a lot of foot traffic back and forth and while loading coal, it wasn't always easy to see someone coming or moving around the machinery. I have had near misses of injuring a fellow miner passing by and know of many other operators who have had the same experience. Loading machines are quick moving machines and are all over the place. When you aren't loading coal, you are cleaning up the ribs, pushing a pile of coal ready for the next shuttle car or scoop. You back up for distances to level the roadway or you may be backing up to pull miner cable slack. My point is there is a lot of movement on this piece of equipment, a lot of potential to harm someone. Before the meeting, I had a conversation with Todd Moore who has had some experience with testing loading machines. He told me that they removed them from loading machines because it forced everyone towards the miner. I would be interested to hear what other say on this as well. ~~I~~^{we} think MSHA should still explore the

+ whether loading machines should be considered as needing proximity, ~~but the~~ ^{only} Union will take a more definite position on this with our written comments

The Union is also concerned and believe that equipment such as the bolters and feeders should be equipped with the proximity detection devices, mainly for tramming purposes during location moves from place to place, but not necessarily while the equipment is in use to perform the normal daily functions and duties.

I understand we are in probably the worst of times, especially the coal industry, and some think that this may add an additional financial burden on some already struggling companies. But as safety advocates, we need to weigh in on the long term effects of saving lives and reducing accidents, which in the end, will offset the cost in loss of court cost due to law suits in wrongful deaths, loss of production due to an accident or fatal investigation, and decreased fines of negligence, but more importantly have a peace of mind knowing we consciously did the right thing for the right reason.

The Union intends on submitting written comments to cover the other topics that you have solicited. Again, thank you for allowing me this opportunity to speak on behalf of miners and their families.

~~We will submit in our write~~

→ we support the timeline & training as outlined and suggested by MSHA.

We support that shuttle cars, RAM cars, and scoops should be equiped with proximity detection.

~~we support warning lights~~

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF PUTNAM, To-wit:

I, Penny L. Kerns, Certified Court Reporter,
do hereby certify that the foregoing is a correct
verbatim record of the proceedings had and testimony
taken at the time and place set forth herein.

I certify that the attached transcript meets
the requirements set forth within Article 27, Chapter 47
of the West Virginia Code.

Given under my hand this 21st day of
October, 2015.

Penny L. Kerns, CCR
Notary Public

My commission expires May 13, 2018.