
Subject:

Comments of Murray Energy Corporation on MSHA Request for Information on Exposure of Underground Miners to Diesel Exhaust; RIN 1219-AB86; Docket No. MSHA-2014-0031

From: Green, Edward [<mailto:EGreen@crowell.com>]**Sent:** Tuesday, January 09, 2018 5:16 PM**To:** McConnell, Sheila A - MSHA**Cc:** Zatezalo, David G - MSHA; Palmer, Wayne D - MSHA; Silvey, Patricia - MSHA; Stricklin, Kevin G - MSHA; Howard, John (CDC/NIOSH/OD); Frank J. Hearl P.E. (fhearl@cdc.gov); Jessica E. Kogel PhD (kgy7@cdc.gov); Matetic, Rudy J. (CDC/NIOSH/PMRD)**Subject:** Comments of Murray Energy Corporation on MSHA Request for Information on Exposure of Underground Miners to Diesel Exhaust; RIN 1219-AB86; Docket No. MSHA-2014-0031

Dear Ms. McConnell:

Please find attached the supplemental comments of Murray Energy Corporation (Murray) on MSHA's Request for Information on Exposure of Underground Miners to Diesel Exhaust. Murray appreciates the opportunity to work with MSHA and its sister agency, the National Institute for Occupational Health and Safety (NIOSH), on the Diesel Exhaust Health Effects Partnership the two agencies have formed. This Partnership deals with an issue of significant importance to the health and safety of underground miners. As such, the Partnership presents a great opportunity for the two agencies and private sector stakeholders, like Murray, to engage in informal dialogue for the purpose of developing and/or refining occupational health and safety "best practices."

Please let me know should you have any questions.

Sincerely yours,

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FILED VIA EMAIL

Ms. Sheila McConnell
Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
U.S. Department of Labor
201 Twelfth Street South
Arlington, VA 22202

Re: RIN 1219-AB86; Docket No. MSHA-2014-0031, Request For Information on
Exposure of Underground Miners to Diesel Exhaust—Comments of Murray
Energy Corporation

Dear Ms. McConnell:

Please find below the comments of Murray Energy Corporation (“Murray”) on MSHA’s Request for Information on Exposure of Underground Miners to Diesel Exhaust (“RFI”). These comments supplement those Murray prepared on the RFI filed on November 30, 2016.

The purpose of these supplemental comments is simple and straightforward; that is, to express Murray’s appreciation of and strong support for the work of the MSHA/NIOSH Diesel Exhaust Health Effects Partnership (“Partnership”). The Partnership has now met twice, on December 8, 2016 and September 19, 2017. Murray believes these meetings have provided both MSHA and NIOSH, as well as private sector stakeholders (mine operators, labor union representatives, academics, diesel engine manufacturers, and other parties interested in diesel engines and diesel engine emissions) with a great opportunity to engage in an informal dialogue to discuss how best to advance solutions to whatever adverse health effects of diesel exhaust may exist in the population of US underground miners. MSHA, NIOSH, and the private sector stakeholders all bring different kinds of expertise to the table; but all share as a common goal the strongly held desire to protect the safety and health of miners.

In this regard, Murray operates eleven large underground coal mines and one room-and-pillar mine in West Virginia, Ohio, Illinois, and Utah. Murray's fleet of diesel-powered underground equipment is maintained in strict compliance with MSHA's current diesel exhaust rules. That fleet is regularly inspected, changed out, modified, or refurbished as necessary to maintain that compliance. Murray's diesel-powered fleet in its West Virginia mines is also in compliance with state rules regarding diesel-powered equipment.

Please know Murray does not believe that MSHA's rules concerning the use of diesel-powered equipment in underground coal mines are in need of any overhaul. Thus, Murray sees no reason for any new rulemaking in this area. Having said that, Murray is also of the view that development and/or refinement of "best practices" is always a laudable goal. And it is in achieving that goal where Murray is optimistic the Partnership will provide fertile ground. Overall, Murray supports ongoing dialogue with MSHA and NIOSH via the medium of this and other Partnerships. Thus, Murray is an active participant in other partnerships with the two agencies (e.g., Refuge Alternatives, Rock Dust, Proximity Detection Systems, and Breathable Air).

As for next steps with regard to the Diesel Partnership, Murray has two recommendations: one with regard to the RFI; and one on how best to advance the cause of this Partnership. As for the RFI, Murray recommends that its docket remain open indefinitely. That will allow MSHA to have a repository of the work associated with the Partnership and one place for the body of knowledge associated with the RFI. At the very least, Murray recommends the docket be kept open for another year—until January 9, 2019. In addition, Murray urges MSHA and NIOSH to prepare a draft "white paper" memorandum for review and comment by the Partnership, setting forth a proposed strategy for research into the health effects of diesel exhaust in underground mining—with benchmarks along the way.

Thank you very much for the opportunity to provide these supplemental comments.

Sincerely yours,



Edward M. Green
Counsel for Murray Energy

cc: David Zatezalo
Wayne Palmer
Patricia Silvey
Kevin Stricklin
Dr. John Howard
Frank Hearl
Dr. Jessica Kogel
Dr. R.J. Matetic