UNITED STATES OF AMERICA
US DEPARTMENT OF LABOR
MINE SAFETY & HEALTH ADMINISTRATION

PUBLIC MEETING ON
REQUEST FOR INFORMATION ON
EXPOSURE OF UNDERGROUND MINERS
TO DIESEL EXHAUST

Thursday, August 4, 2016

Meeting Rooms N & O
Sheraton Birmingham Hotel
2101 Richard Arrington, Jr. Boulevard
Birmingham, Alabama

12:00 p.m.

FACILITATOR:

SHEILA McCONNELL, Director,
Office of Standards, Regulations & Variances
Mine Safety & Health Administration

PANEL MEMBERS:

MOHAMED ABOELMAGD
ALFRED D. DUCHARME
SAM PIERCE

ALSO PRESENT:

PAMELA KING
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MS. McCONNELL: Good afternoon. My name is Sheila McConnell, and I am the director of the Office of Standards, Regulations & Variances for the Mine Safety & Health Administration. I am the moderator of this public meeting on the agency's Request for Information on exposure of underground miners to diesel exhaust. The RFI was published in the Federal Register on June 8, 2016.

On behalf of Assistant Secretary Joseph Main, I want to welcome you all here today and thank you for your attendance and participation.

First I'd like to introduce the members of our panel. We have Sam Pierce, Southeastern District Manager for Metal and Nonmetal Mines. We have our health specialist, Mohamed Aboelmagd, from Coal Mine Safety and Health. We have Al Ducharme on my left, Office of the Solicitor. Again I'd like to introduce
Pamela King up front, who works for MSHA's Office of Standards.

This is the fourth and final public meeting on the Request for Information. The first three took place on July 19 in Salt Lake City, Utah; July 21 in Pittsburgh, Pennsylvania; and July 26 at MSHA Headquarters in Arlington, Virginia.

The purpose of this public meeting is to receive information from the public that will help MSHA evaluate the agency's existing standards on the policy guidance on controlling miners' exposures to diesel exhaust to evaluate the effectiveness of the protections now in place to preserve miners' health.

This meeting will be conducted in an informal manner. Speakers and other attendees may present information to the court reporter for the rulemaking record. MSHA will accept comments and other information for the record from any interested party.

If you have not already done so,
please sign the attendance sheet at the back of the room so that we may have an accurate record of your attendance.

We have copies of the Request for Information also in the back of the room, and a verbatim transcript may be viewed at regulations.gov and on MSHA's website.

As I have noted before, MSHA will be issuing an extension notice in the next week or two that extends the comment period from September 6, 2016, to November 30, 2016.

Before we hear from you, I want to provide some background on why MSHA is reviewing the agency's existing standards.

MSHA regulates miners' exposures to diesel exhaust to reduce the health risk and to prevent material impairment of health in miners. Diesel engines are widely used in mining operations because of their high power output and mobility.

Many mine operators prefer diesel-powered machines because they are more powerful
than most battery-powered equipment and can be
used without electrical trailing cables that can
restrict equipment mobility.

In March 2012, the National Institute
for Occupational Safety and Health and the
National Cancer Institute completed the Diesel
Exhaust in Miners Study. This epidemiological
study was conducted to determine whether
breathing diesel exhaust could lead to lung
cancer and other health outcomes.

In June 2012, the International Agency
for Research on Cancer concluded that there is
sufficient evidence of carcinogenicity in humans
from diesel exhaust exposure to upgrade its
classification of diesel exhaust to classify
diesel exhaust as a human carcinogen.

Following the International Agency for
Research on Cancer classification of diesel
exhaust as a human carcinogen, MSHA issued two
health hazards: one on diesel exhaust and diesel
particulate matter in underground coal and metal
and nonmetal mines, and one on nitrogen dioxide
emissions in underground coal mines.

MSHA issued the first health hazard in partnership with OSHA on January 10, 2013. MSHA issued a second health hazard alert on August 6, 2013. This alert reinforced the dangers of platinum-based particle filters as a source of increased concentrations of nitrogen dioxide in underground coal mines.

The Request for Information seeks information and data on the effectiveness of the existing standards in controlling miners' exposures to diesel exhaust, including diesel particulate matter.

MSHA specifically requests information on a series of questions related to the following:

The use of nonpermissible light-duty diesel-powered equipment in underground coal mines.

Maintenance of diesel-powered equipment in underground coal mines and recordkeeping requirements.
The type and effectiveness of after-treatment and engine technologies used in both coal and metal and nonmetal underground mines. MSHA is interested in best practices for selecting and using after-treatment devices.

Under MSHA's existing standards for metal and nonmetal underground mines, total carbon measurements are used as a surrogate for diesel particulate matter when determining miners' exposure. MSHA is seeking information on alternative surrogates, other than total carbon, to estimate a miner's diesel particulate matter exposure.

MSHA is also seeking information on the advances in sampling and analytical technology and other methods for measuring a metal and nonmetal miner's exposure to diesel particulate matter.

MSHA is also interested in data and information on existing controls that were most effective in metal and nonmetal miners' exposures, and what are the technological
challenges and relative costs of reducing diesel particulate matter exposure limit from the existing standard of 160 micrograms of total carbon per cubic meter of air.

MSHA is interested in receiving any other data or information that may be useful to MSHA in evaluating miners' exposures to harmful diesel exhaust emissions, including the effectiveness of existing control mechanisms for reducing harmful diesel emissions and limiting miners' exposures to harmful diesel exhaust emissions.

At this time we will hear from our first presenter, Daryl Dewberry, United Mine Workers.

MR. BLANKENSHP: He didn't make it back.

MS. McCONNELL: He didn't make it back.

Then I guess that's to you, then, Mr. Blankenship. You're second on the list.

MR. BLANKENSHIP: James Blankenship,
Rep, District 20 representative. Again, thank
you for coming to Birmingham.

It pleases me to hear that the agency
has decided to take steps into reviewing its
current rules and regulations pertaining to
miner's exposure to diesel exhaust.

As you may know, since MSHA's final
rules in 2001 for underground coal mines and in
2006 for metal and nonmetal mines, studies from
NIOSH have proven that exposure to diesel exhaust
increases miners' chances of contracting lung
cancer.

Studies have also shown that
underground miners can be exposed to up to 100
times more of the typical environmental
concentration of diesel particulate matter, DPM,
and more than 10 times that might be found in
other occupations.

What with an ever-increasing amount of
diesel equipment being used in underground mines,
the agency must act quickly to address this issue
to protect the miners from such negative health
effects. As such, MSHA rules need to parallel
the Pennsylvania and West Virginia mining laws
pertaining to underground diesel equipment
emissions.

As you know, these agencies have
created laws that are much more stringent than
the current federal laws and are the gold
standard when it comes to diesel rules in
underground mines.

MSHA needs to take a hard look at what
they have done and model our rules and
regulations after them. Some of these state
regulations and requirements include an exhaust
emissions control and conditioning system that
dilutes DPM to .2 milligrams when diluted by 100
percent of the MSHA-approved inhalation rate; a
DPM filter capable of reducing the diesel
particular matter by at least 75 percent; an
oxidation catalyst capable of reducing carbon
monoxide emissions to 100 ppm or less; a system
capable of reducing the exhaust gas temperature
below 302 degrees; an automatic engine shutdown
system that would shut off the engine before the
exhaust gas reaches 302 degrees; a spark and
flame arrester system; a sampling port of
measuring of undiluted exhaust gases as they
leave the engine and also before they enter the
mine atmosphere; and onboard engine performance
and maintenance diagnostic system capable of
monitoring engine speed, operating hours, intake
restrictions, exhaust back pressure, coolant
exhaust gas temperatures, coolant temperature,
oil pressure and oil temperature.

Exhaust gas limits for the mine
atmosphere of 35 ppm for carbon monoxide and 25
for nitric oxide and 3 ppm for nitrogen dioxide;
the requirements of an operator to develop a
detailed and comprehensive maintenance plan;
strict recordkeeping requirements of all emission
tests and maintenance and repairs; complete
examination maintenance performed every 100
hours; eight hours of diesel training every year,
separate from the requirements under 30 CFR Part
These states have these regulations in place for many years with much success, as well as producing over 172 million tons of coal in the year 2014. This proves these regulations can be enforced, while at the same time the mines can be safe, productive, and competitive.

The current federal law is nowhere near stringent enough to adequately protect miners from the negative health effects of diesel particulate matter in underground mines.

The miners we are charged to protect deserve to have better protection in place for their health, not just protection from pneumoconiosis caused by coal dust but also from lung cancer caused by diesel particulate.

On page 36830, number 8, you wanted to know what are the advantages or safety and health benefits of light-duty equipment powered on a weekly -- being tested on a weekly basis.

Light-duty equipment is abused underground more than heavy-duty equipment,
because everybody uses it. It's out-by stuff; it's nonpermissible. Everybody in the world just grabs it and does what they want to with it and parks it in the crosscut.

It's not maintained properly. It needs to be tested and maintained, just like permissible equipment, because it puts off a lot more emissions. To make the operators do it the same way that they do permissible equipment would be a plus for the miners' health and safety.

And number 10 on that page talks about should MSHA require diagnostics system tests. That's the same thing they've got in the West Virginia and Pennsylvania laws, definitely, because you can have an early warning if an engine's going bad, something's happened to it, before it starts putting a lot of emissions into the atmosphere. You can catch it ahead of time and save the miners from having to breathe a lot of emissions, and you can fix the problem.

And number 11 talks about recordkeeping. Keeping records on the diesel
engines gives you a history of what that engine's
going to be -- what the engine's done, how far it
came off of its -- when it was new, and it gives
you an idea of when it needs to be changed out a
lot quicker before it actually does harm.

Recordkeeping and maintenance is a
key. It tells you -- gives you definitely a
heads-up on what's going to happen with that
engine, and it keeps emissions, particulates from
getting in the air that miners have to breathe.

The miners in Alabama need the laws
just like West Virginia, because our state laws
are ancient. Our laws still call for more air
for a mule than it does a miner. So without MSHA
protecting their livelihood, we're up the creek
without a paddle, because our laws are so
outdated.

So it's up to MSHA to protect their
lungs and their livelihood from diesel emissions.
And I will answer any questions, and I appreciate
your time.

MS. McCONNELL: Thank you for your
testimony, Mr. Blankenship. I've got to turn to my colleagues.

Have anything, Mo?

MR. ABOELMAGD: No.

MS. McCONNELL: Al?

MR. DUCHARME: Nothing.

MS. McCONNELL: What is your -- I guess the thought about the light-duty equipment currently -- the nonpermissible light-duty equipment currently used in underground mines, are they typically -- in your experience as in underground mines or as a representative, is your experience that they are older engines that are being repaired and modified, or do you find it -- I guess my sense is giving -- trying to figure out a sense of what are the difficulties for the underground mines to upgrade the older permissible light-duty equipment with newer machines?

MR. BLANKENSHIP: We were having trouble getting the engines. That used to be Jim Walter 4 where I worked. I was a diesel
mechanic, working on underground equipment. I was outside; they brought it out to us.

We were having problems getting the engines, so we was having to just repair what they had.

MS. McCONNELL: And the problems were associated with -- why were they --

MR. BLANKENSHIP: Supply.


MR. BLANKENSHIP: Couldn't get -- couldn't find them, couldn't get them, according to what they told us, anyway, as the mechanics.

MS. McCONNELL: Right.

MR. BLANKENSHIP: So we were just repairing them and sending them back underground. And the thing about light-duty out-by equipment, like I said earlier, it doesn't belong to anybody. I mean, what I meant by that is if you've got a ramcar operator who runs that ramcar every day, he takes care of it. A miner operator takes care of his miner.

The people who run those out-by
equipment, they might see it one time a week, couple of times a week. They run it, do their job, and they're gone. They don't take care of it. It doesn't get the proper maintenance that the other equipment gets.

MS. McCONNELL: What type of equipment is -- what type of equipment are you talking about?

MR. BLANKENSHIP: Low-tracks, scoops, versa-tracks, that effect.

MS. McCONNELL: So are there a lot of diesel-powered scoops? Are they --

MR. BLANKENSHIP: There's a couple. Mostly low-tracks and versa-tracks and some Bobcats.

MS. McCONNELL: Okay. That's the only questions I have, and so I thank you.

MR. BLANKENSHIP: Thank you.

MS. McCONNELL: Is there any other individual who'd like to talk to us about our Request for Information, for either the metal and nonmetal side or the coal side?
(No response.)

MS. McCONNELL: I'm just going to pause as everybody thinks about it. There's not that many people here, though.

(Pause.)

MS. McCONNELL: So as I mentioned, the comment period will be extended to November 30; the notice is forthcoming. But since I don't see anyone interested in speaking today, I'm going to conclude MSHA's public meeting on the request for information on exposure of underground miners to diesel exhaust.

On behalf of Secretary Joseph Main, we appreciate your participation in this rulemaking process and encourage you to submit your comments on or before November 30.

The meeting is now concluded, and thank you for your participation.

(Whereupon, 12:26 p.m., the public meeting was concluded.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Information on Exposure of Underground Miners to Diesel Exhaust

Before: US DOL/MSHA

Date: 08-04-16

Place: Birmingham, AL

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter