

TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:)
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PUBLIC MEETING)
)
SAFETY IMPROVEMENT TECHNOLOGIES)
for MOBILE EQUIPMENT at SURFACE)
MINES, and for BELT CONVEYORS)
at SURFACE and UNDERGROUND MINES)

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U.S. DEPARTMENT OF LABOR
MINE SAFETY and HEALTH ADMINISTRATION

PUBLIC MEETING

SAFETY IMPROVEMENT TECHNOLOGIES for MOBILE EQUIPMENT at SURFACE
MINES, and for BELT CONVEYORS at SURFACE and UNDERGROUND MINES

Doubletree by Hilton - Dallas
2015 Market Center Blvd.
Dallas, Texas

August 9, 2018
9:08 a.m.

FACILITATOR: EMILY HARGROVE
Acting Deputy Administrator,
USDOL, MSHA, Metal and Nonmetal
Mine Safety & Health

ON BEHALF OF MSHA:

MICHAEL A. DAVIS
WILLIAM D. O'DELL
MAC BURRISS
ROBERT DRYER

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P R O C E E D I N G S

(9:08 a.m.)

1
2
3 MS. HARGROVE: All right. Good morning,
4 everyone. We're going to go ahead and get started. My
5 name is Emily Hargrove, and I am the Acting Deputy
6 Administrator for Metal and Nonmetal Mine Safety and
7 Health. I want to welcome you all here today and thank
8 you for your attendance and participation.

9 I'll be the moderator for this public meeting
10 to gather information about safety improvement
11 technologies and best practices for mobile equipment at
12 surface mines and for belt conveyors at surface and
13 underground mines.

14 On behalf of Assistant Secretary of Labor for
15 Mine Safety and Health, David G. Zatezalo, I want to
16 welcome you all here today. First I'd like to introduce
17 the members of the panel that are up here with me.

18 On my left is Mike Davis, District Manager for
19 South Central District. I'm sure most of you already know
20 him. And then to my far left is Will O'Dell, who is the
21 Assistant District Manager for South Central District.
22 I'd also like to take a moment to introduce some other
23 MSHA staff who are with us here today: Mac Burriss, who
24 is the Staff Assistant in South Central District, and
25 Robert Dryer, who is the Acting Supervisory Special

1 Investigator.

2 I'm going to read an opening statement, and
3 then we have a list of speakers. I have noticed no one
4 has signed up on that list, but if you'd like to go ahead
5 and sign up as a speaker or, you know, we can take people
6 as the morning goes on.

7 On June 26, 2018, MSHA published a Request for
8 Information seeking data and information on technologies
9 and engineering controls that could reduce accidents
10 involving mobile equipment, which includes powered haulage
11 equipment, and belt conveyors.

12 MSHA is considering technologies and
13 engineering controls that could: 1) increase the use of
14 seatbelts; 2) enhance an equipment operator's ability to
15 see all areas near the machine and warn the operator of
16 potential collision hazards; 3) prevent equipment
17 operators from driving over a highwall or dump point; and
18 4) to prevent entanglement hazards related to working near
19 moving or reenergized belt conveyors.

20 On July 25, MSHA announced six public meetings
21 in the *Federal Register*. This is the second meeting that
22 we have held, and the dates and locations of the remaining
23 meetings are posted on the Agency's website. In addition,
24 copies of the *Federal Register* notice are provided over
25 there on the sign-in table.

1 Background on issues regarding the RFI: Mobile
2 equipment used at surface coal and metal and nonmetal
3 mines, and surface areas of underground mines is a broad
4 category of equipment that includes bulldozers, front end
5 loaders, service trucks, skid steers, haul trucks, and
6 many other types of vehicles and equipment.

7 Accidents involving mobile equipment have
8 historically accounted for a large number of the
9 fatalities in mining, especially metal and nonmetal
10 mining. Since 2007, 61 miners have been killed in these
11 accidents. MSHA conducted an investigation of all these
12 accidents and determined that the contributing factors
13 included: 1) no seatbelts, seatbelt not used or
14 inadequate seatbelts; 2) larger vehicles striking smaller
15 vehicles; and 3) equipment operators' difficulty in
16 detecting the edges of highwalls or dump points, causing
17 equipment to fall a substantial height.

18 With regard to seatbelts: MSHA examined 38
19 fatal accidents that have occurred since 2007 including
20 mobile equipment in which the victim was not wearing a
21 seatbelt. MSHA further determined that 35, or 92 percent
22 of the victims, might have survived had they been wearing
23 a seatbelt.

24 MSHA is seeking best practices, data, and
25 information on engineering controls such as those that

1 affect equipment operation in the event the operator does
2 not fasten a seatbelt.

3 MSHA is also interested in engineering controls
4 such as audible and visual warning devices that encourage
5 and promote seatbelt use without directly preventing or
6 affecting equipment operation.

7 With respect to large equipment striking
8 smaller equipment: Surface mining vehicles can be several
9 stories tall and have a limited line of sight.

10 Since 2003, there have been 23 fatalities
11 caused by a larger vehicle striking a smaller vehicle. In
12 2017, we had four fatalities falling in this category
13 alone. MSHA has found that blind areas around large
14 mobile equipment, in which equipment operators cannot see
15 other miners, equipment or structures, contributed to
16 those accidents.

17 MSHA is seeking information and data on
18 engineering controls such as collision warning systems and
19 collision avoidance systems that could provide equipment
20 operators better information about their surroundings and
21 help reduce these accidents.

22 With respect to highwalls and dump points:
23 Since 2007, there have been 20 fatal accidents in surface
24 coal and metal and nonmetal mines involving bulldozer
25 operators and haul truck drivers who traveled over the

1 edge of a highwall or dump point.

2 MSHA is seeking information and data on systems
3 that integrate technologies such as GPS, radar, and radio
4 frequency identification tagging, and if these systems
5 could help equipment operators better identify the edges
6 of highwalls or dump points.

7 MSHA is also seeking data and information on
8 other devices that provide visual, audible or other
9 signals that warn equipment operators of hazards in their
10 locations.

11 Regarding belt conveyors: Since 2007, there
12 have been 17 fatalities related to working near or around
13 belt conveyors, of which 76 percent were related to miners
14 becoming entangled in belt drives, belt rollers, and
15 discharge points.

16 MSHA has found that factors that contribute to
17 entanglement hazards include inadequate or missing guards,
18 inadequate or insufficient numbers of crossovers in
19 strategic locations, and inappropriate lock out/tag out
20 procedures.

21 MSHA is interested in data and information on
22 systems that can sense a miner's presence in hazardous
23 locations, ensure machine guards are properly secured in
24 place, or ensure machines are properly locked out and
25 tagged out during maintenance.

1 Finally, training and technical assistance:
2 MSHA is also seeking information from stakeholders on best
3 practices, training materials, policies and procedures
4 that may improve safety in and around mobile equipment and
5 working near conveyor belts.

6 MSHA seeks information on how training can
7 increase seatbelt use and improve equipment operators'
8 awareness of hazards at the mine site. MSHA also seeks
9 suggestions on how training can ensure that miners lock
10 and tag conveyor belts before performing maintenance work.

11 This meeting will be conducted in an informal
12 manner. The panel may ask questions of you, and the
13 participants may ask questions of the panel. MSHA will
14 make available a verbatim transcript of this public
15 meeting approximately two weeks from the completion of the
16 meeting today.

17 You may read the transcripts of all public
18 meetings and comments on our website at MSHA.gov, and on
19 regulations.gov. You may also submit additional comments
20 using one of the methods identified in the "Addresses"
21 section of the Request for Information.

22 If providing comments, please provide specific
23 information and supporting rationale for your position.
24 MSHA also requests data and information on the cost,
25 benefits, and technological and economic feasibility of

1 the engineering controls.

2 All comments must be received by Monday,
3 December 24, 2018. You can view the comments on
4 regulations.gov or, again, on the Agency's website at
5 www.MSHA.gov, and select the link for regulations.

6 If you are speaking today and have a copy of
7 your testimony or presentation, please give a copy to the
8 court reporter so that she can append it to the meeting
9 transcript.

10 When you make your presentation, please come up
11 to the microphone in the center of the room and state and
12 spell your name for the court reporter so we can have an
13 accurate record.

14 At this time, is there anyone who would like to
15 speak? Please.

16 MR. SCHAUWECKER: Do I need to --

17 MS. HARGROVE: Yes, please come up to the
18 microphone and state your name and spell it for the
19 record, please.

20 MR. SCHAUWECKER: Yeah. Steve Schauwecker with
21 Luminant Mining. There was nothing mentioned in there
22 about fatigue. We've several -- we've had incidents
23 with -- around fatigue management, those kinds of things.

24 So it's not all about when you're working around
25 equipment. It's also driving the equipment.

1 I know that our mine actually -- you know, we
2 don't let people work so much overtime, I mean, because a
3 lot of people will work all overtime, and fatigue comes
4 into as a factor.

5 We do use -- I don't know. Is there antitrust?
6 Can we talk about manufacturers and stuff here?

7 MS. HARGROVE: Uh-huh.

8 MR. SCHAUWECKER: Okay. Like Garvan, they
9 actually have a device that you can actually put in the
10 seat and it also monitors your eye movement, to where if
11 you're blinking or if you're staring too long, it vibrates
12 the seat.

13 It actually alerts a supervisor that there's an
14 issue going on with the individual. They'll go out and
15 stop them, whatever it may be, to make sure that that's
16 going on. So it's been effective at one of our mines. We
17 did a pilot.

18 We also are going to use it at our Kosse mine.
19 We're actually getting it right now. But that's been our
20 biggest issue, with fatigue, and employees talking about
21 fatigue and different things. So I just thought I'd
22 mention that.

23 MS. HARGROVE: Thank you. And I think that --
24 you know, the RFI lists general categories. We are also
25 asking for best practices, and this could fall into

1 policies that you all have. So all of these things are
2 welcome, and what I'd ask is, if you could submit a
3 written comment.

4 We're looking for specifics and the costs of
5 those kind of things. So if you could submit the type of
6 technology that --

7 MR. SCHAUWECKER: Sure.

8 MS. HARGROVE: -- you're using, that would --

9 MR. SCHAUWECKER: Okay.

10 MS. HARGROVE: -- be incredibly helpful.

11 MR. SCHAUWECKER: Okay.

12 MS. HARGROVE: Thank you very much.

13 MR. SCHAUWECKER: That's fine.

14 MS. HARGROVE: Okay. Do we have any other
15 speakers? This might be a very short meeting today.

16 MR. MORROW: Wendell Morrow. I've got a
17 question on guarding. I know MSHA regulations give you
18 some clearance to remove guards to adjust belt conveyors.

19 I've been around mining a long time. I've never made a
20 guard where I couldn't adjust it from outside the guard,
21 so could there not be a change in the regulation that when
22 you make a head pulley or a tail pulley that has to be
23 adjusted that it's got to be built so it can be adjusted
24 from the outside?

25 MS. HARGROVE: Who wants to speak to -- I think

1 it would be -- yeah, that would be as a suggestion. Yes.

2 MR. MORROW: Yeah.

3 MS. HARGROVE: I think that -- just to let
4 everybody know, to kind of -- you said, there could be a
5 regulation. Mr. Zatezalo was at the meeting in Birmingham
6 on Tuesday, and he just wanted to remind everybody that
7 these meetings are just to gather information, that -- you
8 know, he stated that there were specific plans in the
9 works, and it really is to gather as much information as
10 we possibly can to address a number of these issues, that
11 we could see continuing to happen, these powered haulage
12 fatals.

13 So suggestions for regulation are welcome, and
14 I'll let Mike and Will comment about the specifics of
15 the -- if --

16 MR. DAVIS: Well, for those of us that are
17 pretty familiar with the standards on the metal and
18 nonmetal side, we had two, a 14107 and a 14112. One about
19 the insulation of the guard that would prevent accidental
20 contact, and the other one, under 14112, that gives you
21 the allowance to be able to work on those guards or on the
22 equipment if it's not in place.

23 I certainly, you know, would be interested in
24 seeing where that goes, because you know, mine operators
25 fabricate their own guards. So they can fabricate guards

1 to where the less time that you have to take them off and
2 dependent on someone to put them back on, I think it's an
3 interesting comment. Thank you.

4 MS. HARGROVE: Does anyone have any best
5 practices they might like to share, about how you are
6 addressing powered haulage issues at your operations?

7 MS. MAYFIELD: Talya Mayfield, Green America
8 Recycling. So recently -- and the vehicle that I'm
9 referencing is a little bit different -- we had some
10 mobile equipment concerns or issues with big equipment
11 running into things.

12 So something that we recently did, we put a
13 lighting system -- so the issue was the -- so we have
14 what's called a feed burn truck that we load raw
15 alternative fuel hazardous material into, and then we
16 truck it over and feed it into a conveyor system.

17 The lid -- employees were having issues keeping
18 the lid down, so we set up a lighting system where there's
19 a light that goes off if that's not done. So before you
20 drive the vehicle, the light won't shut off if the lid is
21 still up. And then we also added a warning, kind of like
22 with your seatbelts.

23 So I don't know. That's just something that
24 we've done recently that could be helpful. But the
25 lighting system for something has been -- is helpful when

1 the issue is behind you. So if you're trying to operate
2 the vehicle, if the light's on, then you need to check and
3 make sure.

4 I don't know if that's helpful, but that's just
5 something --

6 MS. HARGROVE: Thank you very much.

7 MS. MAYFIELD: -- that we've done recently.

8 MS. HARGROVE: Thank you.

9 MR. JOHNSTON: Yes. My name is Wade Johnston.
10 I work for Luminant Mining and Power. You mentioned in
11 your comments a minute ago about training and best
12 practices, and I'll just make a couple of quick comments.

13 Something that our company does in regard to
14 task training operators, especially on haulage equipment,
15 is we invested a few years ago in a site task trainer at
16 our mine sites that is responsible for making sure that
17 the operator is task trained appropriately from a safety
18 standpoint and an operational standpoint on that piece of
19 equipment.

20 Part of their training is we invested a few
21 years ago in simulators. We have an in-dump simulator,
22 motor grader, 992 loader. We even have a drag-line
23 simulator. We have motion-based simulators.

24 And when an operator begins to operate a piece
25 of equipment, they spend so many hours on that simulator

1 before they're put in what I call training mode. That's
2 good hands-on training. It creates an awareness for the
3 operator and so forth. It's kind of like as much practice
4 as you can get before game time starts.

5 MS. HARGROVE: Uh-huh.

6 MR. JOHNSTON: A second thing I want to mention
7 is kind of a culture training that we do in our company
8 called human performance training (HPI), and basically we
9 spend a great deal of time training not just our
10 operators, but our first-line supervisors and our
11 management team.

12 Part of HPI training is situational awareness,
13 three-way communications amongst operators, whether you're
14 passing a piece of equipment, wanting to go around a piece
15 of equipment or staging yourself with a piece of equipment
16 to be loaded and so forth.

17 So those are just a couple of comments that I
18 wanted to make in regards to training and best practices.

19 MS. HARGROVE: Thank you. Do you have any
20 comments?

21 Any other comments? I hate to close it. Yes,
22 please.

23 MS. MERRITT: My name is Peggy Merritt, and I
24 work for The University of Texas in Austin. We're the
25 state grant program for MSHA.

1 MS. HARGROVE: Uh-huh.

2 MS. MERRITT: I'm an instructor. I don't know
3 if it's a comment or a question, but after working in the
4 industry for a long time around trucks and equipment, part
5 of the problem isn't that we don't have the mechanical
6 things to do these things.

7 It's the attitude of the operator. And I'm not
8 sure how we can get across to the operators that, even
9 though this piece of -- an example -- the cut-off for
10 driving truck. It's supposed to only idle for five
11 minutes, and then it's supposed to automatically cut off.

12 Well, I can guarantee you any drivers that have
13 that know how they can get around it. The seats are
14 supposed to -- if you don't have a seatbelt on, it's
15 supposed to cut the engine off or it's not supposed to
16 move.

17 I can guarantee you they know how to get around
18 this stuff. So how do we address the individuals to not
19 be doing this stuff? They know. They've heard. It's not
20 safe. Don't do that. But we've got to do something more
21 to get it through to them so that they stop doing it, not
22 just that they know, and I think that's part of a big
23 issue, dealing with some of these guys.

24 You talk to them about it in class or
25 something: Yeah, I know. But you still do it. Right?

1 Well, yeah. But that's what we've got to stop. That's
2 another thing, not just getting the mechanical controls,
3 getting through to these guys that this could save their
4 life or somebody else's, and it's important.

5 MS. HARGROVE: Can I ask a follow-up question?

6 You know, when you say you're in class when you're asking
7 them, and they say, yeah, I know, do they give you any
8 information as to why, I mean, any kind of insight as to
9 what we might target or address to address their concerns
10 or the rationales that they're trying to circumvent the
11 technology?

12 MS. MERRITT: Once in a great while, it's
13 laziness, but that isn't usually it. It's convenience.
14 It's just making it a shorter time in dealing with some of
15 these things. They're always in a hurry. Those kind of
16 things.

17 I know the guys that I used to work with, it
18 was -- it's a big deal to shut the truck off, and then
19 you've got to start it back up again and stuff, so they
20 get around it.

21 Or the seatbelt issue and stuff like that. I
22 mean, they're needing to do this, that or whatever, and
23 they don't feel like they want to wear it.

24 It's just a very -- it's usually not
25 necessarily laziness. It's more convenience and being in

1 a rush and those kinds of things.

2 MS. MAYFIELD: What is -- you're an instructor?

3 MS. MERRITT: Yes, ma'am.

4 MS. MAYFIELD: Oh, and so --

5 THE REPORTER: Can you approach the podium,
6 please.

7 MS. HARGROVE: Can you --

8 MS. MAYFIELD: Oh, I'm sorry.

9 THE REPORTER: And announce your name.

10 MS. MAYFIELD: Sorry. Talya Mayfield, Green
11 America Recycling. My question was -- so you're an
12 instructor and these are employees for -- are you, like --
13 are you a trainer for them or do they work for you?

14 MS. MERRITT: I work for the State of Texas
15 with the MSHA grant program. So we go to different mines,
16 and we also have public classes where they come to us and
17 we train them --

18 MS. MAYFIELD: Got you.

19 MS. MERRITT: -- either MSHA new miner training
20 or the MSHA --

21 MS. MAYFIELD: But you're not affiliated with a
22 company necessarily. You're just like there.

23 MS. MERRITT: Luminant or --

24 MS. MAYFIELD: Right.

25 MS. MERRITT: -- Martin Marietta -- no.

1 MS. MAYFIELD: Okay. My -- so like, we've had
2 similar instances, and my thought -- and I could be
3 completely wrong -- for us, when that happens, it's more
4 of an HR personnel issue. Like at what point do you --
5 because a lot of times, when somebody is violating a
6 safety lock or something like that, it's out of
7 convenience or they feel like I can get more done if this
8 wasn't here, so I bypass that switch.

9 Or I didn't do this, or whatever. So at what
10 point does the company say that production is not as
11 important as safety? And is there some kind of
12 consequence or something that would happen from a
13 corporate stance, just because my experience has been when
14 employees do that on our end, that's not really an excuse.

15 Do you know what I mean? That it's convenient
16 isn't an excuse. I understand it's convenient, but this
17 is the safety policy.

18 MS. MERRITT: I'm not sure. I know in my
19 classes, sometimes I have to break it down to the very
20 basics, and one very basic is, when I was a kid, there was
21 no seatbelts, and when my kids were kids, there were
22 seatbelts, but who did I seatbelt in? Well, my kids.

23 Just like the supervisor in some of these
24 places and my working supervisors would preach at me to do
25 it a certain way, but then they wouldn't. And it's the

1 same thing with being an adult with my kids in the back
2 seat.

3 But then when it started hitting my billfold,
4 started hitting my license and everything else, well, then
5 I started wearing a seatbelt. And that's one of the ways
6 I explain it to guys. For one, I'm a woman talking, and
7 I've got to make it to where they'll pay attention to me a
8 little bit more.

9 But then the other thing is, is I don't know
10 what else to do. Like she said, where do we do -- what we
11 do? How do we make it personal to them, so that they're
12 not going to do it just when somebody is watching, but
13 this is what they're going to do.

14 And there are guys out there. I'm not saying
15 there's not. But it's the ones that aren't, are the ones
16 we've got to reach. Thank you.

17 MS. HARGROVE: For an example -- I'll toss in
18 an example. I recently heard of a company that kind of
19 goes along with accountability from a personnel HR
20 standpoint, a company -- folks were doing what you said,
21 either the seatbelts were clipped but they were sitting on
22 them, things like that.

23 And it's also when you, as a supervisor, are
24 looking around, it's very difficult to look up into a
25 piece of equipment and see if someone is wearing a

1 seatbelt. Just it's difficult to tell. So what this
2 company has done is they have kind of fluorescent orange
3 bands that you would have on a safety vest that they put
4 around the chest strap of the seatbelt so that from a
5 distance you can look up and see a -- see if that
6 individual is wearing a seatbelt.

7 And so that allows the company a little bit
8 more accountability. And their point was, that's a pretty
9 cost-effective way of doing it. It's not a technological
10 change to the equipment. It's a bulk order of these
11 sleeves that they put on the seatbelt.

12 So those are some of the best practices that we
13 are hearing and are interested in kind of hearing, as how
14 you are addressing these issues, what's cost-effective for
15 you, what your cost concerns might be, things like that.

16 MS. DURAN: Stephanie Duran, Martin Marietta.
17 And I have a comment. As we add -- we have been very
18 proactive in adding the vacuum sensors to our equipment,
19 and as well, equipment manufacturers are getting better
20 in -- with -- as equipment is upgrading because, as we
21 know, it's much different today as it was just 20 years
22 ago.

23 Are we adding more distractions in the cab of
24 the unit for the operator? Are we considering the fact
25 that we also ask them to give us their load count for the

1 day? We have the scales in there, but we're asking for
2 load counts.

3 They have certain paperwork they have to do.
4 Not only for this, but also in their employment -- I can
5 just speak for our company. We want them to be involved
6 in observations and participating in safety suggestions,
7 so there's more paperwork that they have to do.

8 So are we giving the operator more distractions
9 in the cab of the equipment? You know, some equipment is
10 coming also with Bluetooth for -- so I've been requesting
11 my equipment manager not to order the equipment with
12 Bluetooth radios because of cell phones.

13 MS. HARGROVE: Uh-huh.

14 MS. DURAN: That's just one way for us to
15 control that. So there's just a lot of distractions, it
16 seems, to be in the equipment.

17 MR. MORROW: Wendell Morrow, Texas Lime
18 Company. Best practice that we have for approaching
19 vehicles and what we've been training to is, the person
20 that's approaching another vehicle, being their
21 responsibility to get that other operator's attention,
22 whatever that's going to take, radio communication,
23 operator waving him on.

24 And if they don't get that attention, then
25 they're to back out of there and wait for a later time.

1 Nothing's so important that you've got to go in there and
2 put your life at risk to do that. So best practice.

3 MR. SCHAUWECKER: Do I say it again?

4 MS. HARGROVE: Yeah, go ahead.

5 MR. SCHAUWECKER: All right. Steve
6 Schauwecker, Luminant Mining. One of the things that Wade
7 talked about was the three-way communication. A lot of
8 our incidents -- and this is the same thing the military
9 uses.

10 It's nothing new. When you're approaching
11 somebody, you have to hear them and respond, and you
12 respond back to them, and you all understand exactly
13 what's going on. It's something real simple. But we also
14 put the whip antennas on the lighter vehicles to where
15 when they come up to the haulage equipment, they actually
16 see them.

17 We had a couple of events in years past where a
18 supervisor might have pulled up close to the -- like, say,
19 an end dump, and from the cab you couldn't see the pickup.

20 Okay? So that was an issue that we had. So we had added
21 the flags to it, and then we don't pull right up to the
22 vehicle. We pull out from the vehicle where they can
23 actually see them or whatever it may be.

24 One of the other things is proximity devices.
25 I don't think we can -- I mean, proximity devices are very

1 good. I know a lot of our equipment that we order came
2 with proximity devices.

3 Some of the issues that we've had with them was
4 mud getting on the proximity devices, giving a false sense
5 of security. When they're in the pit area, they're
6 sitting there hitting off the highwall, so they're going
7 off all the time, so employees are, like, going, you
8 know -- they're looking.

9 We have cameras. We have different things on
10 the equipment for them to be able to use, but I guess
11 we've struggled with the proximity devices. I don't know
12 underground. I know they have the proximity issue. Are
13 they still using the proximity devices down there?

14 Do they have the same issues?

15 MS. HARGROVE: I know there are issues with,
16 you know, interference and things like that from the coal
17 perspective. I know they've been working with the
18 manufacturers to address those, and I understand there are
19 things that interfere.

20 MR. DAVIS: I'm not familiar that they have.
21 It's -- I think it was on the frequency --

22 MS. HARGROVE: Uh-huh.

23 MR. DAVIS: -- that they were operating on that
24 was --

25 MR. SCHAUWECKER: Right.

1 MR. DAVIS: -- the issue.

2 MS. HARGROVE: Right.

3 MR. SCHAUWECKER: Yeah. It was only on the
4 continuous miners, wasn't it, that was down there?

5 MR. DAVIS: Yes.

6 MS. HARGROVE: Right.

7 MR. SCHAUWECKER: Yes. Well, I know there are
8 loaders that we use for hauling coal and stuff in the pit.
9 We took the proximity devices off and went with cameras,
10 because what happened, every time they backed up, the
11 proximity device was going off every single time. So the
12 operators were, like, going, hey, it's driving me crazy.
13 It's really not helping, and so the cameras seemed to be a
14 better fit, to where they could actually see at night,
15 even, with the lights and stuff like that, where they're
16 at.

17 So that's some of the things that we have gone
18 to, I think, that's helped with it. So I don't know if
19 proximity devices are coming into the surface coal or
20 whatever it is, but I think we kind of need to look at
21 what equipment that we do put them on, and maybe not on
22 everything.

23 But especially ones that are in confined areas
24 and stuff, I think would be good.

25 MR. DAVIS: Since 1989, whenever, the standard

1 on the use of seatbelts, you know, came in, I've gotten
2 about, you know, 30 years of experience with the industry
3 to understand how they have implemented, you know, new
4 training, oversight, and things like that.

5 Whenever you take a look at the number of
6 citations and orders, enforcement actions that were issued
7 against operations where employees weren't wearing
8 seatbelts, and then we watched industry shift over into
9 how they -- you know, they dealt with that, the things
10 that seemed to have worked best was in the training and
11 then in the reinforcement of that training.

12 Always capped off by oversight and then
13 finally, in the end, of which MSHA doesn't regulate to
14 you, which is, you know, type of enforcement, positive or
15 negative, that you use for persons that do or do not
16 follow your company rules.

17 I can only say that I've watched a major, major
18 change over the years for the numbers of issues that we've
19 had with that. So industry has done, you know, pretty
20 well with that issue, but you know, there's always -- as
21 you can see, when it starts, you know, coming back and
22 increasing again.

23 You know, one of the things that, you know,
24 that you can do that would be more effective -- so I
25 would -- I'd like to hear any comments that you have, as

1 it relates to that, as far as what you've done. If you
2 take a look at your history, and you know, what you've
3 done with that standard, you've had some really good
4 success with it.

5 So how did you get there?

6 MS. DURAN: Stephanie Duran, Martin Marietta.
7 One of the things that we've done is, we've been looking
8 recently at taking the seatbelt use as a zero tolerance
9 policy. Of course, with any situation, it's always going
10 to be thoroughly investigated for any extenuating
11 circumstances that could have occurred with that, but just
12 like lock out/tag out, we're starting to treat seatbelt
13 use as a zero tolerance policy.

14 Having recently a situation where an
15 operator -- he prevented three hazards in the workplace,
16 but when he got back on his skid steer, he forgot to put
17 his seatbelt on, had not moved 10 minutes -- or 10 feet,
18 but however, he still didn't have it on, and he was caught
19 at that time.

20 While he was doing something good, there was
21 that quick, in a rush, that last-minute decision not to
22 put it on before he moved the equipment. So that's one
23 way that we're dealing with the seatbelt use.

24 MS. HARGROVE: Does anyone else want to speak
25 to what they're doing with seatbelts or their policies

1 with seatbelts? Or next question?

2 MR. SCHAUWECKER: Steve Schauwecker, Luminant
3 Mining. Anyway, what we've done is -- a lot of our new
4 equipment, CAT equipment, different things, came with
5 shoulder straps. We did have some events where employees
6 that had -- where we had something rollover on its side,
7 and we -- you know, the employees were just talking about
8 the -- like your old haulers and different things of that
9 nature didn't come with shoulder straps.

10 So what we did is we went in and got with the
11 manufacturer and actually retrofitted the haulers with
12 three-point, which is basically your shoulder straps to
13 help protect the employee in case of an event, or you
14 know, if your air ride seat went bad or something like
15 that, that, you know, it would hold you in place or
16 whatever you needed to do.

17 So that's what we did with our seatbelts.

18 MS. HARGROVE: Thank you. Anyone else on
19 seatbelts?

20 (No response.)

21 MS. HARGROVE: We haven't heard a lot on the
22 dump points. Does anyone have anything to add about, you
23 know, where we have these accidents where folks approach
24 the highwall -- we've had folks go over high heights,
25 because they haven't been able to detect the edge of the

1 wall for dumping points.

2 Does anyone have any comments on that?

3 (No response.)

4 MS. HARGROVE: How about belt conveyors?

5 Anything further on belt conveyors?

6 (No response.)

7 MS. HARGROVE: Another -- I'll kind of toss
8 in -- in speaking with a company recently, they were
9 talking about the turn points and the areas where people
10 really are exposed, where they have folks that are going
11 in to clean up spills.

12 Rather than having someone go in with a shovel
13 to clean up spills, they're now using either water or air
14 pressure to clean those up, so people aren't exposed to
15 those areas, things like that. That was a best practice
16 that we've heard so far.

17 Any other -- are you -- do any of you do the
18 same types of things or have other suggestions for just
19 kind of keeping people away from the dangers of conveyors
20 or any technological suggestions for how you might handle
21 those?

22 I see people nodding when I say this, so I'm
23 hoping that someone might -- any other general comment?

24 Okay.

25 MR. FLORES: Miguel Flores, R.E. Janes Gravel

1 Company. I had a quick question for y'all. We recently
2 had a question as far as the necessity to retrieving
3 material samples.

4 We -- that has kind of come up as a question,
5 is how to retrieve material samples from conveyor belting.
6 Some have suggested maybe keeping in contact with the
7 plant operator and stopping the conveyor for a certain
8 period of time, retrieving the sample, and then getting
9 back out of that danger.

10 Is that still allowable or permissible, or do
11 we have to have best practices as far as going in for that
12 individual retrieving that sample, going in, locking out,
13 tagging out, assuring themselves that that conveyor is not
14 going to be in motion, and then retrieve their sample, and
15 then go back and get their lock out and tag out?

16 Or what's your suggestion on that?

17 MR. DAVIS: If I could ask, if you might just
18 elaborate a bit, if you were taking a sample from the
19 conveyor, what are they equipped with as far as the safety
20 feature? A lock aid, you know, lock your cable line on
21 that, that will disengage if someone was pulled onto it?
22 Can you take a sample from a remote location, like a piece
23 of steel with a cup and hold it out to the end of the
24 conveyor?

25 Or are you just taking it straight off the

1 belt?

2 MR. FLORES: What they're trying to do is go
3 right beside the handrail on the walkway, then retrieving
4 the material off of that belt for a certain section of
5 that conveyor, retrieving that material, and then
6 communicating with the operator to allow him to continue
7 on, turn on that conveyor.

8 MR. DAVIS: And just a little bit more. Would
9 I be reaching across my handrail with my hand and a --

10 MR. FLORES: And shovel.

11 MR. DAVIS: -- sampler, or do I have something
12 I could attach that to, and without leaning over the belt,
13 and putting it on the scoop my sample, versus a shovel
14 that I'm hands-on? What --

15 MR. FLORES: There --

16 MR. DAVIS: -- are there some other things that
17 you could do that would eliminate the practice of leaning
18 over your belt or you know, your handrail and things like
19 that? Because once you do that, then, you know, you're
20 exposing --

21 MR. FLORES: You're exposing yourself to -- so
22 best practices would be lock out/tag out, assuring
23 yourself no movement and retrieving that sample, and then
24 go back and remove your lock and tag?

25 MR. DAVIS: Well, things that I've -- you know,

1 things that I've seen is that, you know, with a metal rod
2 and a cup or a scoop on the end, that goes over your rail
3 or over your pull cord, not the arm that could be
4 entangled, or it's taking at the end of the head drive, so
5 wherever it's dropping, you can reach out to that.

6 I've seen that done. But if you expose people
7 when you send them beyond, you know, controls that you've
8 already installed, then I think you may want to re-look at
9 that.

10 MR. FLORES: Thank you.

11 MS. HARGROVE: Any other comments, questions,
12 concerns?

13 MR. DAVIS: Well, I do note that we have
14 someone in here from the underground, and has a lot of
15 conveyors. If they had any comments to those issues?

16 MS. HARGROVE: Okay. Well, I'm going to start
17 to read my closing statement, but, you know, we haven't
18 been going very long, so if anybody wants to -- I keep
19 looking around, and if there are any further comments or
20 questions?

21 (No response.)

22 MS. HARGROVE: Okay. Well, if you change your
23 mind as I'm reading this, please just wave and we'll
24 continue on.

25 But we really do want to hear everybody's --

1 everyone's thoughts. I don't want to deprive anyone of
2 the opportunity to speak. Well, I thank everyone for
3 coming forward and making your comments and asking your
4 questions today, and I also want to thank all of you again
5 for attending this meeting.

6 Again, we are accepting written comments, so if
7 you want to submit those comments, I would like to
8 emphasize we need them by Tuesday, December 24, 2018. As
9 a reminder, our next quarterly stakeholder call, MSHA's
10 next quarterly stakeholder call, will be on Friday,
11 August 10, 2018, from 11:00 a.m. to noon.

12 We are going to be discussing recent
13 developments at MSHA, including efforts to improve
14 efficiency by blurring the lines between coal and metal
15 and nonmetal enforcement where it makes geographic sense.
16 The call will also have a primary focus on conveyor
17 safety, a key component to our powered haulage safety
18 initiative.

19 Specialists will cover conveyor guarding, safe
20 maintenance using lock out/tag out and blocking against
21 motion, and safe access at crossing points. This meeting
22 will be conducted via Webex.

23 Before this meeting concludes, in addition to
24 the RFI, I want to mention that Executive Order 13777,
25 Enforcing the Regulatory Reform Agenda, has directed each

1 federal agency to evaluate existing regulations and make
2 recommendations regarding their repeal, replacement or
3 modification, consistent with applicable law.

4 As part of the evaluation of Executive Order
5 13777, it requires each agency's regulatory reform task
6 force to seek input and other assistance as permitted by
7 law from entities significantly affected by these federal
8 regulations, our stakeholders.

9 In compliance with E.O. 13777, on October 23,
10 2017, MSHA posted a regulatory reform email address on the
11 Agency's websites for stakeholders to send recommendations
12 on existing rules, regulations and standards that could be
13 repealed, replaced or modified without reducing miners'
14 safety or health.

15 MSHA requests that stakeholders review the
16 existing comments, and if commenting -- and adding another
17 comment, please identify that comment and provide specific
18 information, including empirical evidence and data to the
19 extent possible to support your position on whether or not
20 you support the commenter's proposal.

21 MSHA considers early public participation in
22 the regulatory reform process to be particularly
23 important. MSHA expects that stakeholder comments will
24 initiate public dialogue and assist the Agency in its
25 review and assessment of existing requirements and on how

1 best to minimize regulatory burdens on mine operators
2 without diminishing the protections afforded miners under
3 the Mine Act.

4 And this time, I'm going to look around one
5 more time, if there are any additional comments?

6 (No response.)

7 MS. HARGROVE: Well, at that, then I want to
8 thank you all again very much, and our stakeholder meeting
9 is concluded.

10 (Whereupon, at 9:52 a.m., the meeting was
11 concluded.)

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REPORTER'S CERTIFICATE

IN RE: Public Meeting Safety Improvement
Technologies for Mobile Equipment at Surface Mines, and
for Belt Conveyors at Surface and Underground Mines

DATE: August 9, 2018

LOCATION: Dallas, Texas

I hereby certify that the proceedings and
evidence are contained fully and accurately on the tapes
and notes reported by me at the meeting in the above case
before the Mine Safety & Health Administration.

Date: August 14, 2018


Official Reporter

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