

TRANSCRIPT OF PROCEEDINGS

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

Pages: 1 through 21

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BEFORE THE U.S. DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

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

Room 7W202 and 7W204
Mine Safety and Health
Administration (HQ)
201 Twelfth Street South
Arlington, Virginia 22202

Thursday,
August 16, 2018

The parties met, pursuant to the notice, at
11:00 a.m.

BEFORE: ROSLYN FONTAINE, Moderator

PARTICIPANTS:

- William Francart, Member
- Brian Goepfert, Member
- Timothy Watkins, Member
- Bobby Carlson
- Kevin Deel
- Mark Ellis
- Ed Green
- Barbara Rosche
- Tina Starczowski
- Matt Stewart
- Don Vickers
- John Williams
- Thomas Young

I N D E X

PRESENTATION	
By Ms. Fontaine	3 - 9
DISCUSSION AMONG PARTIES	9 - 19
CONCLUDING REMARKS	
By Ms. Fontaine	19 - 21
CERTIFICATE	22

P R O C E E D I N G S

(11:00 a.m.)

MS. FONTAINE: Good morning.

My name is Roslyn Fontaine, Deputy Director, Office of Standards, Regulations, and Variances. I want to welcome all of you here today, those of you in the audience and those joining us by WebEx and the toll-free conference number. Thank you for your attendance and participation. I will be the moderator of this public meeting to gather information about Safety Improvement Technologies for Mobile Equipment at Surface Mines and for Belt Conveyors at Surface and Underground Mines. On behalf of Assistant Secretary of Labor for Mine Safety and Health David G. Zatezalo, I want to welcome all of you here today. Let me introduce the members of the panel. To my left, Timothy Watkins, Deputy Administrator for Coal Mine Safety and Health; to my right, William Francart, Director of Technical Support; and to his right, Brian Goepfert, Chief of Division of Safety, Metal and Nonmetal Mine Safety and Health.

On June 26, 2018, MSHA published a Request for Information seeking data and information on technologies, engineering controls, and best practices that could reduce accidents involving mobile

1 equipment, which includes powered haulage equipment
2 and belt conveyors. MSHA is considering technologies,
3 engineering controls, and best practices that could
4 increase the use of seatbelts; enhance an equipment
5 operator's ability to see all areas near the machine
6 and warn the operator of potential collision hazards;
7 prevent equipment operators from driving over a high
8 wall or a dump point; and prevent entanglement hazards
9 related to working near moving or reenergized belt
10 conveyors.

11 On July 25th, MSHA announced in the *Federal*
12 *Register* six public meetings and a webinar. This
13 meeting is being conducted by WebEx and a conference
14 call. Although you can't see the conference through
15 WebEx, please log in through WebEx and the conference
16 call number so that you can hear.

17 The dates and locations of the remaining
18 meetings are posted on the agency's website. In
19 addition, copies of the *Federal Register* notices are
20 provided in the back of the room.

21 For some background - mobile equipment:
22 Mobile equipment used at surface coal and metal and
23 nonmetal mines in surface areas of underground mines
24 is a broad category of equipment that includes
25 bulldozers, front end loaders, service trucks, skid

1 steers, haul trucks, and many other types of vehicles
2 and equipment. Accidents involving mobile equipment
3 have historically accounted for a large number of the
4 fatalities in mining, especially in metal and nonmetal
5 mines. Since 2007, 61 miners have been killed in
6 these accidents. MSHA conducted an investigation of
7 all these accidents, and determined that the
8 contributing factors included: no seatbelts,
9 seatbelts not used, or inadequate seatbelts; larger
10 vehicles striking smaller vehicles; and equipment
11 operator's difficulty in detecting the edges of high
12 walls or dump points, causing equipment to fall from a
13 substantial height.

14 Seatbelts: MSHA examined 38 fatal accidents
15 that occurred since 2007 that involved mobile
16 equipment in which the victim was not wearing a
17 seatbelt. MSHA further determined that 35 or 92
18 percent of the victims might have survived had they
19 been wearing a seatbelt. MSHA is seeking data and
20 information on engineering controls and best practices
21 -- such as those that affect equipment operation in
22 the event the operator does not fasten his seatbelt.

23 MSHA is also interested in engineering
24 controls -- such as audible and visual warning devices
25 -- and best practices that can encourage and promote

1 seatbelt use without directly preventing or affecting
2 equipment operation.

3 Large equipment striking small equipment:

4 Surface mining vehicles can be several stories tall
5 and have limited line of sight. Since 2003, there
6 have been 23 fatalities caused by a larger vehicle
7 striking a smaller vehicle. In 2017 alone, there were
8 four fatalities. MSHA has found that blind areas
9 around large mobile equipment -- in which equipment
10 operators cannot see other miners, equipment, or
11 structures -- contributed to these striking accidents.

12 MSHA is seeking information and data on
13 engineering controls -- such as collision warning
14 systems and collision avoidance systems -- and best
15 practices that could provide equipment operators
16 better information about their surroundings and help
17 reduce accidents.

18 High walls and dump points: Since 2007,
19 there have been 20 fatal accidents in surface coal and
20 metal and nonmetal mines involving bulldozer operators
21 and haul truck drivers who traveled over the edge of a
22 high wall or dump point. MSHA is seeking information
23 and data on systems that integrate technologies such
24 as GPS, radar, and radio frequency identification
25 tagging and if these systems could help equipment

1 operators better identify the edges of high walls or
2 dump points.

3 MSHA also seeks data and information on
4 other devices that provide visual, audible, or other
5 signals, and best practices that warn equipment
6 operators of hazards in their locations.

7 Belt conveyors: Since 2007, there have been
8 17 fatalities related to working near or around belt
9 conveyors, of which 76 percent were related to miners
10 becoming entangled in belt drives, belt rollers, and
11 discharge points. MSHA has found that factors that
12 contribute to entanglement hazards include:
13 inadequate or missing guards, inadequate or
14 insufficient number of crossovers in strategic
15 locations, and inappropriate lock out/tag out
16 procedures.

17 MSHA is interested in data and information
18 on systems that can sense a miner's presence in
19 hazardous locations; ensure that machine guards are
20 properly secured in place; or ensure machines are
21 properly locked out and tagged out during maintenance.

22 Training and technical assistance: MSHA is
23 also seeking information from stakeholders on best
24 practices, training materials, policies and procedures
25 that may improve in and around mobile equipment and

1 working near belt conveyors. MSHA seeks information
2 on how training can increase seatbelt use and improve
3 equipment operators' awareness of hazards at the mine
4 site. MSHA also seeks suggestions on how training can
5 ensure that miners lock and tag conveyor belts before
6 performing maintenance work.

7 This meeting will be conducted in an
8 informal manner. The panel may ask questions of
9 participants, and participants may ask questions of
10 the panel. MSHA will make available a verbatim
11 transcript of this public meeting approximately two
12 weeks from the completion of the meeting. You may
13 view the transcripts of all public meetings and
14 comments on our website at msha.gov, and on
15 regulations.gov.

16 You may also submit additional comments
17 using one of the methods identified in the addresses
18 section of the Request for Information. If providing
19 comments, please provide specific information and
20 support and rationale for your position. MSHA also
21 requests data and information on the cost, benefits,
22 and the technological and economic feasibility of the
23 engineering controls.

24 Also, MSHA wants to hear from you all
25 suggestions and/or examples of best practices for

1 keeping miners safe around powered haulage equipment.

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

6 If you have a copy of your testimony or
7 presentation, please give a copy to the court reporter
8 so it can be appended to the meeting transcript. When
9 you make your presentation, please spell your name so
10 that the court reporter can have an accurate record.

11 Is there anyone in the room that wishes to
12 speak or has any comments or questions of the panel?

13 (Pause.)

14 MR. BOSIK: Hello.

15 MS. FONTAINE: Hello. Is there anyone on
16 the phone who would like to make a presentation, offer
17 some suggestions?

18 MR. BOSIK: Hello there. My name is Todd
19 Bosik. Can you hear me?

20 MS. FONTAINE: Yes.

21 MR. BOSIK: Okay. I have a question.
22 Obviously, there is a lot of people on the line. My
23 question is more from an administrative effort. We
24 are planning on attending some of the regional
25 meetings that you guys are hosting, and I guess I'm

1 wondering at those meetings, is there an opportunity
2 to present papers or positions or technology
3 alternatives to some of your -- or by subject matter,
4 and if so, what do we need to do -- you know, register
5 to speak at those presentations?

6 MS. FONTAINE: Okay. Well, you can just
7 sign in to speak when you get there. But if you will
8 need some special type of technology, like if you're
9 bringing like a thumb drive or something like that,
10 just ensure that it's not encrypted. Other than that,
11 you'll be all set.

12 THE COURT REPORTER: I'm sorry. What was
13 his name again?

14 MS. FONTAINE: Todd, could you please spell
15 your name?

16 MR. BOSIK: Sure. My name is Todd, T-O-D-D,
17 and my last name is Bosik, B-O-S-I-K.

18 MS. FONTAINE: Thank you.

19 MR. BOSIK: And I'm calling -- my company is
20 called Schroth, S-C-H-R-O-T-H, Safety Products.

21 MS. FONTAINE: Thank you. Is there anyone
22 else? This is your opportunity to inform us.

23 MR. BOSIK: It's Todd Bosik one more time.
24 I guess the question is, if we present a technology to
25 you for your review, is there some sort of proprietary

1 protection, or will this all go to the public domain?
2 We have a really good idea, and we just want to know
3 that if we present it to you, that doesn't just create
4 an opportunity for other people to, you know, take the
5 idea and run with it.

6 MS. FONTAINE: Okay. Well, it would be part
7 of the rulemaking record, so if you have something in
8 there that's proprietary, I suggest you not include
9 it.

10 MR. ELLIS: Roz, I got a question.

11 MS. FONTAINE: Sure.

12 MR. ELLIS: I'm Mark Ellis with the
13 Industrial Minerals Association of North America. I
14 don't happen to have the reference in front of me, so
15 this is just off of memory. But how -- can the panel
16 address how the regulatory agenda item you have for
17 proximity detection in underground mines relates to
18 the RFI that you have for powered haulage? Because it
19 seems like some of the same questions would be coming
20 up in the same area. I'd just like to see how they
21 relate to one another.

22 MR. WATKINS: I'd like the first crack at
23 it. Of course, my name is Tim Watkins, Deputy
24 Administrator for Coal. Some of the questions that we
25 had all this time, I guess -- some of the questions

1 that came up through the issue with the proximity
2 detection underground, interference and other type of
3 issues, those same type issues are being looked into
4 for on the surface. That's why we're reaching out to
5 manufacturers of different proximity detection systems
6 on the surface.

7 And for the most part, what we've been
8 hearing back from the manufacturers of the equipment
9 is that it's a lot easier to control those types of
10 interferences and other types of -- well, there is
11 other types of interferences on the surface than it is
12 underground.

13 So a couple of things we're looking at on
14 the -- you know, on the surface is, you know, whether
15 you put the -- are you protecting the person or do we
16 protect the equipment? You know, you put it on a
17 truck, and the person may be in, or do we actually put
18 it on the individuals?

19 So all that stuff is being looked at, and
20 that's the reason we open it up to the folks for
21 suggestions and comments on how to -- what you think
22 the best practice would be as far as moving forward.

23 MALE VOICE: -- done hydraulics, but I was
24 wondering if you guys could cross it off in this part.

25 (Pause.)

1 COMPUTER VOICE: Mute on.

2 MALE VOICE: Okay.

3 COMPUTER VOICE: Mute off.

4 MR. FRANCCART: This is Bill Francart.

5 Mark, one of the other issues we're looking
6 at -- proximity detection underground is basically
7 electromagnetic technology. On the surface, we know
8 there is a lot of potential for other technologies to
9 be used, and that's what we needed some input on.
10 What kind of technologies are being used right now?
11 What does the manufacturer believe is the best option
12 for the surface? Is electromagnetic a possibility on
13 the surface? Is radar/lidar? We really want some
14 input on what they believe would be the best approach.

15 MS. FONTAINE: Does anyone else have
16 anything?

17 (No response.)

18 MS. FONTAINE: Anyone else on the call?

19 (No response.)

20 MS. FONTAINE: Can you hear me on the phone?

21 MR. BOSIK: Yes, yeah.

22 MS. FONTAINE: Okay. All right. You have
23 been unmuted. So no one has anything to say right
24 now. So we're going to take a 10-minute break and
25 come back.

1 COMPUTER VOICE: Mute on.

2 (Whereupon, a brief recess was taken.)

3 MS. FONTAINE: Okay. Can you hear me on the
4 phone?

5 COMPUTER VOICE: Mute off.

6 MS. FONTAINE: Okay. Hello?

7 (No response.)

8 MS. FONTAINE: Hello, can you hear --

9 MALE VOICE: Yes.

10 MS. FONTAINE: Okay. All right. We
11 received a comment that someone didn't understand what
12 I said about seatbelts. So I'm going to read that
13 again. MSHA is seeking data and information on
14 engineering controls and best practices such as those
15 that affect equipment operation in the event the
16 operator does not fasten his seatbelt. MSHA is also
17 interested in engineering controls such as audible and
18 visual warning devices and best practices that
19 encourage and promote seatbelt use without directly
20 preventing or affecting the equipment operation.

21 For example, when we were in Birmingham, we
22 heard a company say that they use orange sleeves,
23 which they put over the seatbelt, which are visible,
24 and that way they can tell if the operator is -- if
25 the miner is or isn't wearing his seatbelt. Someone

1 also talked about somehow connecting it to a light
2 visually that would show you if they were or weren't
3 wearing it.

4 So does anybody have comments about that one
5 way or the other?

6 MR. ELLIS: Hi. This is Mark Ellis with the
7 Industrial Minerals Association again. Roz I think
8 that's a really good point, and it lends me to the
9 question that I'm going to ask, and it really is as
10 MSHA is getting feedback on the RFI through these
11 public meetings, it would be really helpful to other
12 commenters if you could summarize the comments that
13 have come in, and then allow that information be made
14 available somehow so that people could hear the
15 suggestions on best practices that have been
16 mentioned, and they can speak to the merits of it, the
17 feasibility of it.

18 I think that would give you the kind of
19 things you're really looking for. But right now, it's
20 a very big thing to get your arms around, and I think
21 that to the extent you can give us some targets to
22 shoot at, not necessary with a point of shooting them
23 down, but really maybe even emphasizing this is
24 something that we should be doing, or that could be
25 done if people had, you know, the will to do it.

1 MS. FONTAINE: Okay. And like I said, we
2 will be posting the transcripts on our website.

3 MR. ELLIS: I'll give you an example, and
4 that is the summary that -- I know it's a lot of work.

5 MS. FONTAINE: Yeah, for the diesel?

6 MR. ELLIS: The diesel partnership. You
7 know, the summary of the comments that came in on that
8 last RFI --

9 MS. FONTAINE: Yes.

10 MR. ELLIS: -- I think were really helpful
11 to, you know, getting us where we need to go to the
12 next step.

13 MS. FONTAINE: Oh, absolutely.

14 MR. ELLIS: Okay. Thank you.

15 MS. FONTAINE: Yeah. Okay.

16 (Pause.)

17 MR. BOSIK: I just found -- I sent you guys
18 a quick note.

19 MS. FONTAINE: Yes.

20 MR. BOSIK: I'm wondering on the -- the
21 information that you read out, is that located
22 somewhere on your website? Because I've been looking
23 through, and I can't seem to find those points of
24 interest.

25 MS. FONTAINE: Okay. Do you have a copy of

1 the *Federal Register* notice that was published on June
2 26th, the actual request?

3 MR. BOSIK: I think I had it, but if I had
4 to find it again, where would I find it.

5 MS. FONTAINE: Okay. Go to www.msha.gov,
6 regulations.

7 MR. BOSIK: Yeah.

8 MS. FONTAINE: Okay. Scroll down to the
9 middle, where you see the active rulemakings, and you
10 see Safety Improvement Technologies.

11 MR. BOSIK: Yes.

12 MS. FONTAINE: Okay. So if you select --

13 MR. BOSIK: I got it.

14 MS. FONTAINE: Okay.

15 MR. BOSIK: Thank you.

16 MS. FONTAINE: You're welcome.

17 (Pause.)

18 MS. FONTAINE: Yes.

19 (Pause.)

20 MR. GREEN: Good morning. My name is Ed
21 Green, and I wanted to commend MSHA for doing this.
22 RFIs are a relatively --

23 MR. BOSIK: Can't hear him.

24 MR. GREEN: -- modern approach to getting
25 information from stakeholders and industry included.

1 And I have a sense that because of the fact that this
2 is a relatively new approach, this may explain why
3 we're having such radio silence on the end of the
4 stakeholders.

5 Don't get frustrated by it. Speaking for
6 the panel as well as to my colleagues, I think this
7 will be a very valuable way to go about getting
8 information, and I commend MSHA for doing this. And
9 having heard the assistant secretary speak about the
10 passion that he has to deal with this problem, I'm
11 confident that at the end of the day -- we should see
12 what happens on Christmas Eve -- we all will have lots
13 of substantive, valuable materials on which to
14 proceed. Thank you.

15 MS. FONTAINE: Thank you. We hope so as
16 well.

17 MR. BOSIK: Can you relay what he said? I
18 don't think anybody on the phone could hear it from
19 him. It was just --

20 MS. FONTAINE: Oh, yes. He was saying that
21 this was a valuable avenue, but it's a little new.
22 That's probably why we're getting so much silence.
23 But he didn't want you all to become frustrated, nor
24 us, and that hopefully by December 24th, we'll have a
25 lot of valuable information and input.

1 We also just received another question: If
2 MSHA expects to publish a proposed rule, when can we
3 expect it? At this point, we're just in the
4 information-gathering phase. We don't know where this
5 may lead us. But if we do determine to go forward
6 with rulemaking, then, of course, it would be in our
7 regulatory agenda. You'll have plenty of notice.

8 (Pause.)

9 MS. FONTAINE: Oh, well. Okay. Since there
10 seems not to be anyone else coming forward to make a
11 presentation, once again I want to thank everyone who
12 attended this meeting. I want to emphasize that we
13 need your comments by Monday, December 24, 2018. We
14 will take all of your comments and concerns into
15 consideration.

16 Before this meeting concludes, I want to
17 mention that Executive Order 13777 Enforcing the
18 Regulatory Reform Agenda directs each federal agency
19 to evaluate existing regulations and make
20 recommendations regarding their repeal, replacement,
21 or modification consistent with applicable law. As
22 part of the evaluation, E.O.13777 requires each
23 agency's regulatory reform task force to seek input
24 and other assistance as permitted by law from entities
25 significantly affected by federal regulations.

1 In compliance with E.O. 13777, on October
2 23, 2017, MSHA posted a regulatory reform email
3 address on the agency's website for stakeholders to
4 send recommendations on existing rules, regulations,
5 and standards that could be repealed, replaced, or
6 modified without reducing miners' safety or health.
7 MSHA requests that stakeholders review the existing
8 comments. If commenting on another comment, please
9 identify that comment and provide specific
10 information, including empirical evidence and data, to
11 the extent possible, to support your position on
12 whether or not you support the commenter's proposal.

13 MSHA considers early public participation in
14 a regulatory reform process to be particularly
15 important. MSHA expects the stakeholder comments will
16 initiate public dialogue and assist the agency in its
17 review and assessment of existing requirements on how
18 best to minimize regulatory burdens on mine operators
19 without diminishing protections afforded miners under
20 the Mine Act.

21 At this time, we thank you very much. Our
22 stakeholder meeting is concluded.

23 (Whereupon, at 11:40 a.m., the public
24 meeting was concluded.)

25 //

REPORTER'S CERTIFICATE

DOCKET NO.: --

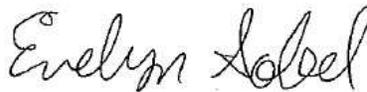
CASE TITLE: SAFETY IMPROVEMENT TECHNOLOGIES for
MOBILE EQUIPMENT at SURFACE MINES, and for BELT
CONVEYORS at SURFACE and UNDERGROUND MINES STAKEHOLDER
MEETING

DATE: August 16, 2018

LOCATION: Arlington, Virginia

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 United States Mine Safety and Health Administration.

Date: 8/16/18



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