TRANSCRIPT OF PROCEEDINGS

IN THE MATTER OF:)
)
REQUEST FOR INFORMATION:)
SAFETY IMPROVEMENT)
TECHNOLOGIES FOR MOBILE)
EQUIPMENT AT SURFACE)
MINES, AND FOR BELT)
CONVEYORS AT SURFACE)
AND UNDERGROUND MINES)
)

Pages: 1 through 32

Place: Reno, Nevada

Date: August 21, 2018

HERITAGE REPORTING CORPORATION
Official Reporters
1220 L Street, N.W., Suite 206
Washington, D.C. 20005-4018
(202) 628-4888
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BEFORE THE U.S. DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF:	)
	)
REQUEST FOR INFORMATION:	)
SAFETY IMPROVEMENT	)
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MINES, AND FOR BELT	)
CONVEYORS AT SURFACE	)
AND UNDERGROUND MINES	)
	)

Renaissance Reno
Downtown Hotel
One South Lake Street
Reno, Nevada

Tuesday
August 21, 2018

The parties met, pursuant to the notice, at 9:00 a.m.

BEFORE: ROSLYN FONTAINE
Deputy Director

ATTENDEES:

GREG BARRY
DARRYL GOLLENBUSCH
ADAM GREGOR
KEVIN HIRSCH
MARK HOERBER
MARK LONGPRE
RUBEN BRUMIN ROTMIND
LARRY SZABL
AARON WEIGHT

P R O C E E D I N G S

(9:00 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. 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. Mr. Kevin Hirsch, Acting District Manager for the Western District. I would also like to acknowledge Brad Mantel, the Department of Labor Solicitor's Office Counsel for Standards.

MR. HIRSH: Good morning.

MR. MANTEL: Good morning.

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

equipment, which includes powered haulage equipment, and belt conveyors. MSHA is considering technologies, engineering controls and best practices that could: increase the use of seatbelts; enhance an equipment operator's ability to see all areas near the machine and warn the operator for potential collision hazards; prevent equipment operators from driving over a highwall or dump point; and prevent entanglement hazards related to work in their moving or re-energized belt conveyors.

On July 25th, MSHA announced in the Federal Register, six public meetings and a webinar. This is the third meeting. The dates and locations of the remaining meetings are posted on the agency's website. In addition, copies of the Federal Register notices are provided on the table outside of this room.

A little background. Mobile equipment: Mobile equipment used at surface coal and metal and nonmetal mines, and surface areas of underground mines is a broad category of equipment that includes bulldozers, front-end loaders, service trucks, skid steers, haul trucks and many other types of vehicles and equipment. Accidents involving mobile equipment have historically accounted for a large number of fatalities in mining, especially in metal and nonmetal

mines.

Since 2007, 61 miners have been killed in these accidents. MSHA conducted an investigation of all these accidents and determined that the contributing factors included: 1) no seatbelts, seatbelt not used; or inadequate seatbelts; 2) larger vehicles striking smaller vehicles; and 3) equipment operator's difficulty in detecting the edges of highwalls or dump points causing the equipment to fall from substantial height.

Seatbelts. MSHA examined 38 fatal accidents that occurred since 2007 that involved mobile equipment in which the victim was not wearing a seatbelt. MSHA further determined that 35 or 92 percent of the victims might have survived had they been wearing a seatbelt.

MSHA is seeking data and information on engineering controls and best practices -- such as those that affect equipment operation in the event the operator does not fasten his seatbelt. MSHA is also interested in engineering controls such as audible and visual warning devices and best practices that encourage and promote seatbelt use without directly preventing or affecting equipment operation.

Larger equipment striking smaller equipment.

Surface mining vehicles can be several stories tall and have limited line of sight. Since 2003, there have been 23 fatalities caused by a larger vehicle striking a smaller vehicle. In 2017 alone, there were four fatalities.

MSHA has found that blind areas around large mobile equipment -- in which equipment operators cannot see other miners, equipment, or structures -- contributed to these striking accidents.

MSHA is seeking information and data on engineering controls -- such as collision warning systems and collision avoidance systems -- and best practices that could provide equipment operators better information about the surroundings and help reduce accidents.

Highwalls and dump points. Since 2007, there have been 20 fatal accidents in surface coal and metal and nonmetal mines, involving bulldozer operators and haul truck drivers who traveled over the edge of a highwall or dump point.

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

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

Belt conveyors. Since 2007, there have been 17 fatalities related to working near or around belt conveyors, of which 76 percent were related to miners becoming entangled in belt drives, belt rollers and discharge points.

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

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

Training and technical assistance. MSHA is also seeking information from stakeholders on best practices, training materials, policies and procedures that may improve safety in and around mobile equipment and working near belt conveyors.

MSHA seeks information on how training can

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

Okay, I will now read a statement. This meeting will be conducted in an informal manner. The panel may ask questions of the participants, and the participants may ask questions of the panel. MSHA will make available a verbatim transcript of this public meeting approximately two weeks from the completion of the meeting. You may view the transcripts of all public meetings and comments at our website at MSHA.gov and on regulations.gov. You may also submit additional comments using one of those methods identified in the “Addresses” section of the Request for Information. If providing comments, please provide specific information and support and rationale for your position.

MSHA also requests data and information on the costs, benefits and technological and economic feasibility of the engineering controls. Also, MSHA wants to hear from you on suggestions and/or examples of best practices for keeping miners safe around powered haulage equipment.

All comments must be received my Monday, December 24, 2018. You can view the comments on regulations.gov or the agency's website, select the link for regulations. If you have a copy of your testimony or presentation, please give a copy to the court reporter who is seated in the back, so that it can be appended to the meeting transcript. When you make your presentation, please spell your name so that the court reporter can have an accurate record.

Our first speaker is Larry Szabl.

MR. SZABL: Well, that is quite a surprise, because I didn't know I was going to be a speaker. But anyway, my name is Larry Szabl. The last name is spelled S-Z-A-B-L.

I'm with Denton-Rawhide Mine out of Fallon, Nevada, and the reason we came down today is to see how this will apply to us. We are a small mine, maybe less than 120 people, maybe running only seven to eight - maybe 10 haul trucks. And we want to see how this is going to apply when we start back up. Right now, we are in a - not a shut down mode, but we are in a holding mode, we are waiting for some permits to get through and stuff.

So, we just wanted to see how this was going to apply to us. What are we going to have to do to

meet the MSHA requirements? That's what we would like to know on that one. So, that's about it. That's why we are here today.

MS. FONTAINE: Okay.

MR. SZABL: Thank you.

MS. FONTAINE: Thank you. So, right now we are just in the data gathering phase. So, we don't know if this will lead to rulemaking, but if it does, it will be included in our regulatory agenda and you will have lots of notice.

MR. SZABL: Okay, that's what we were wanting to know, if it is going to be a rulemaking change or if it is just an information gathering.

MS. FONTAINE: Yes. Okay. Thank you. Okay. Our next speaker will be Mark Hoerber, Jr.

MR. HOERBER: Good morning. My name is Mark Hoerber, H-O-E-R-B-E-R. I am with Schroth Safety Products out of Ponte Beach, Florida. I am here to talk to you about our motorized seatbelt system for off-road vehicles.

I'm here to talk today specifically in regards to MSHA's Request for Information and regarding surface vehicles incidents, or mobile equipment injuries related in deaths.

This slide up here shows a bunch of

summaries and statistics of injuries that have been occurring, which is all publicly available on MSHA's websites. But one of the biggest things that Roslyn said earlier, is one of the biggest things to take away: 35 people, if they had worn their seatbelts, could still be alive today. So, that is why I am here to talk more about this.

MSHA has asked a couple of questions regarding about this. One of them, how can the restraints be more visible? Also, how can their usage be communicated? So, Schroth has been working on solution since 2016 with this very specific idea in mind. We have been partnered up with Peabody Energy, which is one of the largest coal manufacturing mining companies out there. And through our efforts they have been able to receive a NIOSH Safety Award for implementing our safety restraint system.

So, one of the things that we want to know is, how can the restraint be more visible? Our restraint uses a bright visible orange webbing, that when the driver occupant is wearing it, any personnel on the ground can see this webbing coming across their chest.

Also, our system will know whether or not it is engaged. Since it knows whether or not it is

engaged, a signal can be outputted to an external light on the cab, thus giving more visible indications that a seatbelt is in use. It can also be interfaced with an interlock subsystem. There have been mentions of wanting to tie it into that, but not preventing the vehicle from performing. So, these interlock subsystems would then be able to relay back to the remote monitoring center that if the vehicle is in motion without a restraint being used.

Our solution also has a measuring device to measure vehicle roll angels. When the first threshold is met, our system will warn the driver via hectic warning, by tugging on the seatbelt, letting him know they are in a precarious situation and they need to get out of that situation.

If a second threshold is met, when the vehicle enters a rollover state, our system will energize the motor on the seatbelt, doing what is called a hard-pull, pulling the occupant upright into their seat restraining them in that position until the rollover event is done. They then release it as a normal seatbelt would in a car rollover accident.

For that, I have a video to show. So, this is demonstration of the hectic warning. I apologize they do not have sound. So, as you see there, the

gentlemen's chest is vibrating as the demonstrator is being moved to that first angle. The second part of our system, the hard-pull will be demonstrated here. You see how he was pulled back into his seat and held in place until then. Okay.

So, currently we will be showing our products at the upcoming Mining Exploration International Show in Las Vegas, September 6 through the 8th. At this time, if there are any questions, I'd like to answer them; otherwise, there is contact information on this slide or you can see me after the meeting and I will give you more contact information. And would be happy to talk to you about anything. So, are there any questions at this time?

Yes, sir.

MR. BRUMIN: Ruben Brumin, Rotmine (phonetic). Does the seatbelt detect whether it is actually on the person, or --

MR. HOERBER: No. We aren't at that level of sophistication as of yet, but we do have the ability to tell whether an occupant is wearing it or not.

MR. BRUMIN: Okay.

MR. HOERBER: I should say, whether it is buckled in or not.

MR. BRUMIN: So, it is just going to detect whether it is buckled in.

MR. HOERBER: Correct. Okay. If somebody wants to circumvent a scenario, they are going to do whatever they are going to do.

MR. BRUMIN: Yeah.

MR. HOERBER: So, whether they clip on it and then they sit on it - so the system, if you would say, has an indicating light on the outside of the cab. The lights on, but then when you look at the driver, you don't see that bright orange webbing across their chest, you know they're not wearing their system.

MR. BRUMIN: Okay. It is reflective, also?

MR. HOERBER: No, it is just high visibility orange, really. If a customer wanted to have that with a reflective ability in the webbing, we can evaluate that on a case by case basis. But as of right now, the webbing does not have any reflectivity in it.

MR. BRUMIN: Okay. Thank you.

MR. HOERBER: Thank you. You had a question, sir?

MR. GREGOR: Adam Gregor, Coeur Mining. Has the seatbelt system been approved by MSHA, since it

will be a (sic) alternative means to the OEM?

MR. HOERBER: It is not approved. MSHA sets regulations that we would need to meet, for example, your car has to meet an automotive specification. A Federal Motor Vehicle Safety Standard 209 and 302 for seatbelts. So, people come together and generate those regulations and then the federal government enforces them. MSHA will be similar. They will get requirements together and say, well you need to meet for example SAE J386, which is the requirement specifically for seatbelt usage in off-road vehicles. So, there are requirements already out there that we meet, but the electrical aspect of our product there aren't any regulations on it. We are currently breaking ground with this new product.

MR. GREGOR: Okay. With Peabody, did they have to do a petition for modification?

MR. HOERBER: No.

MR. GREGOR: Thank you.

MR. HOERBER: We currently have several systems implemented on their sites right now.

Are there any other questions?

MS. FONTAINE: I have one.

MR. HOERBER: Yes, ma'am.

MS. FONTAINE: Do you plan to give us this

presentation for our public record, or are you going to submit written comments, and if so, could you give us some costs on the systems?

MR. HOERBER: I will verify whether or not my company wants to submit this presentation, or it will give you something to involve costs in.

MS. FONTAINE: Okay.

MR. HOERBER: I will get that information for you.

MS. FONTAINE: All right. Thank you.

MR. HOERBER: Is there any other questions at this time? If not, I appreciate your time. Thank you very much.

MS. FONTAINE: Is there anyone else who wishes to make a presentation? Or has some questions, or -

MR. LONGPRE: I have a question.

MS. FONTAINE: Sure.

MR. LONGPRE: My name is Mark Longpre, L-O-N-G-P-R-E, with Teichert, T-E-I-C-H-E-R-T.

What wasn't mentioned earlier were fatigue monitoring systems. I didn't know if any of that had played in any injuries or fatalities, and if MSHA was looking into those technologies or interested in looking into those technologies? And also, were any

injuries as a result of loose materials in the cabin, i.e., a lunch box or something like that? I was just kind of curious about that. I'm personally interested.

MS. FONTAINE: Okay, your first question is, we didn't mention the fatigue monitoring system, but we are definitely interested in it. If you could submit some information for us, we would be grateful for that. We are trying to find out what exactly is out there, what works, the pros and cons.

As far as loose materials in the cab, I haven't personally read all the accident reports. But I will go back and look and find out about that information.

Any other questions or answers, or suggestions, recommendations? I know you are all out there working every day. You all have the best practices. Yes.

MR. WEIGHT: My name is Aaron Weight, W-E-I-G-H-T. I work for Barrick.

My question is in regard to Standard 56.14207. It says that all unattended vehicles must have the park brake applied. Does MSHA plan on issuing a clarification statement when it comes to autonomous technologies?

MR. FONTAINE: I do believe that we are.

MR. WEIGHT: Okay.

MR. FONTAINE: Yes.

Nobody has anything else to say? Yes.

MR. GOLLENBUSCH: I'm Darryl Gollenbusch, Safety Manager, Western Aggregates, G-O-L-L-E-N-B-U-S-C-H.

We've gotten a little proactive, given the amount of accidents that have been happening, and we have revamped our training program because we want to make sure we stay ahead of this. One thing we have noticed that certain miners operate the same equipment all the time, and other miners don't. So, as part of our safety program is, we are bringing large equipment in, 988 loaders, haul trucks and everybody gets up and sits in the cab. And then we have people stationed, who walk around and show them physically where the blind spots are that you can't see while sitting in the cab. Especially haul trucks, because you've got 270 degrees that you just cannot see around that piece of equipment.

Another thing we've done is we have the same guys doing the workplace exams and they kind of fall into a complacency seeing the same thing. So, we are pairing them up with other miners and with management

staff on a rotating basis and re-task training them on what to look for. Because one of the things we had was hoses left out, you know. And the guy would just pick the hose up from the previous shift and not write it down. Well, we have a problem here we need to address it. So, one of the things - we are adding hangars to our hose points. Well, there is no discrepancy anymore. You either left it out, or you didn't, and disciplinary action and retraining happens after that.

The orange seatbelts - I also run a fleet of concrete mixer trucks and we ordered them all with those orange seatbelts and we have a DriveCam system where we can monitor the drivers and record an event. You can't see that seatbelt when the guy is wearing an orange safety shirt. So, we have actually gone back through and striped them with black markers, so they actually show up when you see them. The same thing happens in equipment. The guy is wearing a nice bright orange shirt with an orange seatbelt. If you are looking at that camera, you can't see them. I have guys that wear green florescent too, we passed out different colored safety shirts. So, we actually thought of that. So, with black marker, we just put black stripes on them and you can clearly see that

they are visible from the ground. And that has gotten to be one of the things we've done.

Also, as far as conveyor belt safety. We have gone back through and retested everybody that not only deals with lock out/tag out, our maintenance guys, but also our ground guys and our laborers that aren't familiar with it because they are only called on once or twice a year to participate in a lock out/tag out on screen deck change or some other major deal, so everybody has been walked back through it. And that's an ongoing program also, spot checks and things like that. So, we have been putting in a lot of 14- 15-hour days making sure I get all three shifts up to that standard.

We have also instituted a policy where certain safety hazards or discrepancies are no-excuse. They are automatic termination. You get caught working on something without a lock on it, you're gone. There’s no more written warnings or anything else. So, fortunately, we have not had that issue in over three years, and that guy was let go. But we are taking this very seriously.

One of the things that come up from one of the mobile equipment accidents, was Cupertino in December last year. Nobody new how to use a fire

extinguisher. I brought in our fire extinguisher vendor and ran everybody through fire extinguisher training. He actually sets a can of gas on fire and people were amazed how hard it is to put that fire out. My vendor could do it in under two seconds. Some guys went through a whole extinguisher and were like - you know. And techniques are getting eight feet away and everything else.

That was so successful we actually had our equipment vendor, Holt, come up and do some task training on some equipment, especially a new skid steer we had. People who don't normally operate that equipment went through that task training, just so they are familiar with it, when they work around that piece of equipment. But, that was kind of the focus that we were able to do now is get proactive and train, train and retrain. It is just my two cents.

MS. FONTAINE: Thank you. I have just one question.

MR. GOLLENBUSCH: Yes, ma'am.

MS. FONTAINE: As far as the orange sleeve on the seatbelts, did you choose a particular type of equipment category of trucks, if so --

MR. GOLLENBUSCH: It is a concrete mixer truck that we have. It is not a MSHA vehicle, but we

did order them with the orange seatbelts, because we have a DriveCam system. Which if the truck goes too fast around the corner, stops too quick, hits a bad bump in the road, it goes off. And we considered putting those in some of our larger haul equipment trucks, the thing is though, they would be going off every five seconds.

MS. FONTAINE: Okay.

MR. GOLLENBUSCH: Because the vibration deal and everything. They are basically for an over-the-road truck. And we talked to DriveCam about upping the parameters on them, and they wanted quite a bit more money for us to do that at this time. Because there would be so many nuisance videos coming off those things.

Because every time there is a triggering event, it uploads a video to them, they look at it to see if they see a safety hazard by a set of criteria we establish and then they send it to me if there is a noticeable violation for my evaluation.

But some of my concrete trucks will generate two or three a day, some five or six a day. Some guys have gotten used to driving with it and never set the thing off at all. But when you're on a mine site, you don't have nice smooth roads all the time, you are

stopping and starting quick. But the familiarization is one of the things we looked at - was people that don't normally operate that equipment, get them familiar with how that equipment operates.

I have talked to a RFID vendor. One of the things we have though - our people are trained and trained and trained on how to drive large mobile equipment.

The problem we have is over-the-road truck drivers coming into our site. Last week I was task training a guy rolling a water truck. I told five different guys, get back in your truck. Two big signs out front, stay in your trucks. One guy stopped, and I asked him to get back in his truck, we went and got water and came back, he was out again talking to his buddy. I kicked him out for the day. I just, I said you know what, have your dispatcher call me. You need to stay in your trucks.

We have a spot right up by the front gate where they can use the restroom and past that point you have to stay in your truck. But that's the thing, those people don't answer to me for the most part, but they are going to be safe on my site or go somewhere else.

MS. FONTAINE: Thank you.

MR. BARRY: I have a question for you. My name is Greg Barry (phonetic), I'm with SRS (phonetic). You mentioned the automatic termination standard procedures around conveyor belt safety. What is your position on conveyor belt guarding?

MR. GOLLENBUSCH: Our guarding is inspected every shift. I do at least one plant inspection a month. Guarding is repaired at that time. We shut down at noon, follow-up is known as -- PG&E has a peak load thing where they charge more for electricity between noon and 6:00 p.m.

So, my maintenance shift comes in the morning and they are there for half of the running shift and then half the down shift. We will area guard something with a sign and with caution tape, we will put up blocks or whenever something is dented. If it’s bad enough to be repaired, we have to work in that area, we shut it down and fix it right then. I have four sets of maintenance guys that can do that, and they’ve gotten quite adept at making guarding and repairing guarding.

But, yeah, area guard it for the reminder of the shift and then alert everybody that might potentially work in that area, that you have a problem with a guard.

MR. BARRY: So, if you have guarding around your conveyor belts and you have --

MR. GOLLENBUSCH: Around the head pulleys and tail pulleys and stuff we have guardrails --

MR. BARRY: -- we have our maintenance guys out there doing work and repairing. What happens if they get done and forget to put a guard back on, is there any --

MR. GOLLENBUSCH: Before they can pull the locks, the guarding has to be done. We have a work order form that everybody fills out. Half of that work order form is a risk assessment. Not only the lock out/tag out form, but also placing that equipment back into operation.

Cal/OSHA Mine and Tunnel in California comes through and also does mine inspections on top of MSHA. And they require a written procedure for every piece of equipment you have on your mine sight. You can't just get away with a slam risk and say this is how we normally do it.

For a C20 Conveyor belt, there is a specific procedure exactly on how it’s locked out, how it’s tagged out, how it’s repaired. The tail pulley, the head pulley, each one is separate, depending on if it's a gravity take up or a screw jack or a grease

jack tensioner; that's all addressed in the written plan.

Also, I have pictures of what the exact lock out switch looks like in that plan. It's that thick. And everybody that does maintenance is fully aware of that and has a copy of that plan. So, before they pull their lock out, they have to go through that checklist on their workorder and then sign off on it.

I have had guys that were not able to get stuff repaired for the next shift, and we just put an area guard around it. Head pulleys are easy; you chain it off going up to the head pulley and you put a sign up. Tail pulleys we have portable fencing we put up, six sections of portable fencing we just put around it. Its got signs on it, you know, danger do not enter. And nobody will bypass a barricade, that’s a serious safety violation.

MR. BARRY: Thank you.

MS. FONTAINE: Okay. Does anyone else have any - okay.

MR. SZABL: If I could make another comment?

MS. FONTAINE: Oh, sure.

MR. SZABL: My name is Larry Szabl, again from Denton-Rawhide Mine.

You know you are talking about your

seatbelts and how different colors and all that you can do it. Ruben, sitting next to me said, make them bright pink. I don't know if that would work or not, but you'd have somebody wear a bright pink shirt at the mine, so I don't know how you would do that.

MR. GOLLENBUSCH: That's why we came up with striping.

MR. SZABL: Yeah. Striping is a good idea, but I got to tell you this. I don't know how, and I hate to say this, how you make it 100 percent people proof. Because - any of you ever raised teenaged daughters? You know that they can get around the rules and all the regulations like crazy. So, it is up to us, as the safety people out there, to actually be out in the field and watch and train these people how to do it. Because you can have all the safety things you want in the world, but somebody will learn to get by it.

One thing I wanted to talk about, last October 31st - I don't know if any of you know Mr. Pete Kuhn? He was killed at Marigold Mine. He and another person were run over. Pete was a good personal friend of mine. I worked for him, a very good guy. One of the best safety people you want to meet, but he made a mistake. He went up and he parked

beside a truck, like 20-some feet away and the truck ran over him. He and another guy were killed.

These things with these detection systems, I think that's about a good idea. Because had the truck had cameras on it. The truck did have cameras, but they didn't detect where the vehicle was at. These detection systems like you have on some of the higher-end cars, you know, Mercedes, Lexus - I know you probably each have one, but.

You know some of the people that have them like that, mine does not have a - I'm not bragging, but I have a Lexus and a Ford - they both have the detection systems on them. The bad thing about that is, is if they get real dirty, it doesn't work. And I was going down the road the other day and I hit a nice big bug with the Ford, and that thing started screaming and beeping like crazy. So, there is a flaw there too. If people want to get around it, they will get around it. But the detection system, I think is a very good thing in addition to the cameras.

You were talking about guarding on the crushers. That's a very good idea what you have. That's very nice. But you can also put a safety lock on that crusher when you take the guard off. You can take it so that thing will not start up, until you put

the guard back in and have that interlock back in. So, that maybe something to look at.

I know what everybody says, 'Oh man, MSHA. Here they come. Watch out, watch what you're doing.' But you've got to remember, if you guys want to do some good training films, look up a film called The Nonga, 1907. Back in 1906, 1907 we were killing up to 3,000 miners a year in the United States. Now what we have so far, 11 so far? That's 11 too many. But we've come a great improvement since 3,000 a year. Just so, you know, people like to say oh MSHA and stuff. I kind of like to see MSHA coming, because it is a different set of eyes. I may get pissed off by the end of the day, when they leave, but they are a good source of information and stuff like that. And I found out if you really work with the inspector, instead of being antagonistic, it is good.

But anyway, on the safety things, like that. Think about the safety interlocks at the crusher system. Your seatbelts, like I said, I don't know if you have teenaged daughters or teenaged sons, but they will get around anything in the world on it. I would really like to see the detection systems on vehicles. Because if that detection system was there, Pete and Omar would still be alive. They would. A lot of

human error, but maybe we could have prevented those two deaths. Thank you very much.

MS. FONTAINE: Thank you. I also want to thank you for clarifying something. In the beginning if you raise a teenaged daughter, she can get around anything. In the end, you said daughter or son.

MR. SZABL: Oh yeah. I have five daughters. I didn't have a son, so --

MR. LONGPRE: Mark Longpre again with Teichert.

I'm presuming that MSHA is going to be in active conversations with the major equipment manufacturers, and looking at their OEM approved aftermarket devices? Part of that would help us in the industry, is a comparison analysis done by NIOSH or MSHA, of these technologies that are currently in place in the marketplace. And give us the data on which ones we think will be best suited for use at our operations. That would help us out.

MS. FONTAINE: Thank you. That is part of the reason for this exercise, so that we can found out what exactly is out there.

Okay, I guess I've gotten as much as I can get? So, again, I want to thank everyone who attended and participated.

I want to emphasize that we need your comments by Monday, December 24, 2018. We will take all your comments and concerns into consideration. Before this meeting concludes, I want to mention that Executive Order 13777, enforcing the regulatory reform agenda directs each federal agency to evaluate existing regulations and make recommendations regarding their repeal, replacement or modification consistent with applicable law.

As part of the evaluation, E.O. 13777, requires each agency's regulatory reform task force to seek input and other assistance as permitted by law from entities significantly affected by federal regulations. In compliance with E.O. 13777, on October 23, 2017, MSHA posted a regulatory reform e-mail address on the agency's website for stakeholders to send recommendations on existing rules, regulations and standards that could be repealed, replaced or modified without reducing miner safety or health.

MSHA requests that stakeholders review existing comments. If commenting on another comment, please identify that comment and provide specific information, including empirical evidence and data to the extent possible to support your position on whether or not you support the commenter’s proposal.

MSHA considers early public participation in the regulatory reform process to be particularly important. MSHA expects that stakeholder comments will initiate public dialogue and assist the agency in its review and assessment of existing requirements on how to best to minimize regulatory burdens on mine operators without diminished protections afforded miners under the Mine Act.

At this time, I want to thank you very much. Our stakeholder meeting is concluded.

(Whereupon, at 9:39 a.m., the meeting in the above-entitled matter was concluded.)

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REPORTER'S CERTIFICATE

DOCKET NO.: --

CASE TITLE: MSHA Request for Information SAFETY IMPROVEMENT TECHNOLOGIES FOR MOBILE EQUIPMENT AT SURFACE MINES, AND FOR BELT CONVEYORS AT SURFACE AND UNDERGROUNG MINES STAKEHOLDER MEETING

MEETING DATE: August 21, 2018

LOCATION: Reno, Nevada

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 Heritage Reporting Corporation.

Date: August 24, 2018

Gigi Lastra
Official Reporter
Heritage Reporting Corporation
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Washington, D.C. 20005-4018