

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

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1220 L Street, N.W., Suite 206  
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BEFORE THE U.S. DEPARTMENT OF LABOR  
MINE SAFETY AND HEALTH ADMINISTRATION

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PUBLIC MEETING )  
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SAFETY IMPROVEMENT TECHNOLOGIES )  
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at SURFACE and UNDERGROUND MINES )

National Mine Health and  
Safety Academy  
1301 Airport Road  
Beaver, West Virginia

Tuesday,  
September 11, 2018

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

BEFORE: KEVIN STRICKLIN  
SCOTT MANDEVILLE  
Facilitators

PARTICIPANTS:

MARK S. HOERBER, JR.  
JEFF KRUEGER  
MICHAEL PEELISH

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P R O C E E D I N G S

(9:00 a.m.)

MR. STRICKLIN: Good morning, everyone. My name's Kevin Stricklin. I'm the Administrator for Coal Mine Safety and Health. I'm also the acting Administrator for Metal and Nonmetal. I want to welcome all of you here today. Thank you for coming. I appreciate any participation that any of you may feel you need to give today. I'll 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 the Assistant Secretary of Labor, Dave Zatezalo, I want to welcome all of you here today. Next to me is Scott Mandeville. Scott is the district manager in Coal District 4 here in Mount Hope.

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 power haulage equipment and belt conveyors. MSHA is considering technologies and engineering controls that could increase the use of

1 seat belts; enhance an operator's ability to see all  
2 areas near the machine and warn the operator of  
3 potential collision hazards; prevent equipment  
4 operators from driving over a highwall or a dumping  
5 point; and prevent entanglement hazards related to  
6 working near moving or re-energized belt conveyors.

7 On July 25, 2018,, MSHA announced in the  
8 *Federal Register* six public meetings and a webinar.  
9 This is the fourth meeting. The date and location of  
10 the remaining two meetings are Albany, New York, on  
11 September 20th and MSHA Headquarters in Arlington,  
12 Virginia, on September 25th as it's posted on our  
13 website. In addition, copies of the *Federal Register*  
14 notice are provided in the back of this room.

15 The background on mobile equipment: The  
16 mobile equipment that's used at underground -- or at  
17 surface coal and metal and nonmetal mines and surface  
18 areas of underground mines is a broad category. It  
19 includes bulldozers, front-end loaders, service  
20 trucks, skid steers, haul trucks, and many other types  
21 of vehicles. Accidents involving mobile equipment  
22 have historically accounted for a large number of  
23 fatalities in mining, especially in metal and nonmetal  
24 mines.

25 Since 2007, 61 miners have been killed in

1       these types of accidents. MSHA conducted an  
2       investigation of all these accidents and determined  
3       the contributing factors included no seatbelts,  
4       seatbelts weren't used, or inadequate seatbelts;  
5       larger vehicles striking smaller vehicles; and  
6       equipment operator's difficulty in detecting the edges  
7       of highwalls or dump points, causing equipment to fall  
8       from substantial heights.

9               Concerning seatbelts: MSHA has examined 38  
10       fatal accidents since 2007 that involved mobile  
11       equipment in which victims were not wearing a  
12       seatbelt. MSHA determined that 35 of the 38, or  
13       92 percent, might have survived had they been wearing  
14       a seatbelt. MSHA is seeking data and information on  
15       engineering controls and best practices such as those  
16       that affect equipment operation in the event the  
17       operator does not fasten the seatbelt. MSHA is also  
18       interested in engineering controls -- such as audible  
19       and visual warning devices -- the best practices that  
20       encourage and promote seatbelt use without directly  
21       preventing or affecting equipment operation.

22               Large equipment striking smaller equipment:  
23       Surface mining vehicles can be several stories tall  
24       and have limited lines of sight. Since 2003, there  
25       have been 23 fatalities caused by a larger vehicle

1 striking a smaller vehicle. In 2017 alone, there were  
2 four fatalities. I'm regressing here a little bit,  
3 but last year in Nevada, there was a van carrying nine  
4 people that was run over by a large surface haulage  
5 piece of equipment. Two of those people in the van  
6 died. It could have very easily been nine people that  
7 died. It was just luck that the wheel ran over the  
8 front of the van. If it would have hit the middle of  
9 the van by a few feet, there would have been nine  
10 fatalities in one accident.

11 MSHA has found that blind areas around large  
12 mobile equipment, in which equipment operators cannot  
13 see, contributed to these striking accidents.

14 MSHA is seeking information and data on  
15 engineering controls, such as collision warning  
16 systems, collision avoidance, and best practices, that  
17 could provide equipment operators better information  
18 about their surroundings and help reduce accidents.  
19 Again, I regress, but if Dave Zatezalo, our Assistant  
20 Secretary, was here, he'd be sitting up here asking a  
21 question or making a statement, saying that when he  
22 went out to buy a car and you put the new car in  
23 reverse, you got a screen that shows you what's behind  
24 you. You got a TV camera. If you put on your turn  
25 signal, you see what's beside you in the passing lane

1 to let you know something is there. He's saying why  
2 won't manufacturers -- or why won't operators who  
3 operate multi-million dollar pieces of equipment  
4 consider -- it's easy for me to say -- but putting a  
5 few more thousand dollars in to get that same  
6 technology on these big pieces of equipment. And, you  
7 know, you have to think about, is that something that  
8 is doable? Is that something that operators want to  
9 do or can do? And is technology available? We think  
10 technology is pretty close to being there, but we'd  
11 like to hear what any of you may have to say about  
12 that.

13 High wall and dump points: Since 2007,  
14 there have been 20 fatal accidents in surface coal and  
15 metal and nonmetal mines involving bulldozer operators  
16 and haul truck drivers who travel over the edge of a  
17 highwall or a dump point. There's a couple that's  
18 occurred in metal/nonmetal mines this year.

19 MSHA is seeking information and data on  
20 systems that integrate technologies, such as GPS,  
21 radar, radio frequency identification tagging, and if  
22 these systems could help equipment operators better  
23 identify the edges of highwalls or dump points. MSHA  
24 also seeks data and information on other devices that  
25 provide visual, audible, or other signals and best



1 practices that warn equipment operators of hazards in  
2 their locations.

3 As an example, I was golfing a couple weeks  
4 ago. I was in a golf cart and it had the GPS screen  
5 on it that told me what the distance was to the green  
6 from where I was at, but it also -- when I got in the  
7 golf cart, if I got lazy and I wanted to get as close  
8 to the green as possible, the golf cart immediately  
9 shut off. So, I mean, the GPS is available. If we  
10 can do that at a golf course, surely we could tie  
11 something in so you couldn't get too close to a  
12 highwall in a big truck. I mean, again, technology is  
13 amazing to all of us and there are certain things that  
14 I think is available to do. We just need everybody to  
15 come together and work toward that.

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

21 MSHA has found that factors that contribute  
22 to the entanglement hazards include inadequate or  
23 missing guards, inadequate or insufficient number of  
24 crossovers at strategic locations, and inappropriate  
25 lockout/tagout procedures. This is something, if

1     you're an operator, you can go back -- you don't need  
2     for something to occur before you do something. Go  
3     back, make a note of it, and have your examiners check  
4     your crossover points and underground belts and make  
5     sure they're adequate. We had a couple -- Scott had  
6     one in his district just a year ago where a person was  
7     crossing a belt, and he was found seven miles later on  
8     the surface of the mine site in the coal stock pile.  
9     We had one in northern West Virginia where an  
10    operator, for whatever reason, didn't want to go over  
11    the crossover of the belt and tried to cross a moving  
12    belt without protection, fell on the belt, and was  
13    killed as well. So it's just a good rule of thumb for  
14    everyone to go look at what they have in place and  
15    make sure, number one, that the crossovers are  
16    accessible and, number two, your examiners or whoever  
17    are crossing them are using them correctly.

18           MSHA's interested in data and information on  
19    systems that can sense a miner's presence in hazardous  
20    locations, ensure that machine guards are properly  
21    secured in place, or ensure machines are properly  
22    locked out and tagged during maintenance. You know,  
23    just a simple rule of common sense. Make sure that if  
24    something is locked out or it's pulled out, don't let  
25    anybody else just come and put it back in without

1 checking to make sure that everybody's clear,  
2 everybody's away from it, et cetera. We had one of  
3 those last year as well.

4 MSHA's also seeking information on best  
5 practices, training material, policies, and procedures  
6 that may improve safety in and around mobile equipment  
7 and working near conveyor belts.

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

14 This meeting is going to be conducted in an  
15 informal manner. The panel, me and Scott, may ask  
16 questions, and the participants may ask questions of  
17 the panel. MSHA will make available a verbatim  
18 transcript. As you can see, we're having a court  
19 reporter take all this down. It'll be made available  
20 to the public approximately two weeks from the  
21 completion of the meeting. You may view the  
22 transcript of all the public meetings and comments at  
23 our website at MSHA.gov and on regulations.gov. You  
24 may also submit additional comments using one of the  
25 methods identified in the "Addresses" section of the

1 Request for Information. If providing comments, we  
2 ask you to please provide specific information and  
3 supporting rationale for your position.

4 We also request data and information on the  
5 costs, benefits, and the technology and economic  
6 feasibility of the engineering controls. That's if  
7 you have it. If you'd just like to come up here and  
8 say, hey, I think this will work, that's fine. If  
9 you've got some documentation that you'd like us to  
10 take back with us, that would be great too.

11 MSHA also wants to hear from you on  
12 suggestions and/or examples of the best practices for  
13 keeping miners safe around powered haulage equipment.

14 We had, MSHA had, a big push a few years ago on  
15 proximity detection on underground mining machines,  
16 and we look at that as a success. It became anti-  
17 climatic in a way because 50 to 60 percent of the  
18 mines already had the proximity equipment installed on  
19 their machines prior to the regulation even going into  
20 effect. So the operators, as an example, had really  
21 bought into that practice of installing proximity on  
22 their underground equipment.

23 Naturally, we would be happy to see surface  
24 operators put that on their equipment today without  
25 any type of regulations in place. And I'm not sure

1       this is going to lead to regulation. This is just a  
2       request for information from all of you to get your  
3       opinion of it. But, naturally, the more you do safety  
4       and health-wise to protect your miner with new  
5       technology with good ideas is great. We don't want to  
6       stand in the way of any of that.

7               All comments must be received by Monday,  
8       December 24, so we got a window of time through close  
9       to the end of this year. And you can view the  
10      comments on regulations.gov or our website,  
11      www.MSHA.gov, and select the link for regulations.

12             If you have a copy of your testimony or  
13      presentation, please give that to the court reporter  
14      so he can append to the meeting transcript. When you  
15      make a presentation, we'll ask you to come up to the  
16      front of the room here, speak into this microphone,  
17      and spell your name to the court reporter so they have  
18      an accurate record.

19             I think we have at least two speakers here  
20      today. Anyone interested in speaking, could you  
21      please raise your hand.

22             (Show of hands.)

23             MR. STRICKLIN: Okay. We have three  
24      speakers here today with us. Naturally, as this goes  
25      on, if someone else would like to make a statement,

1 we're more than open to that.

2 So how about if we start with the gentleman  
3 up front here since he's the closest. His name is  
4 Mark. I'll let Mark have the microphone and kind of  
5 give the presentation to us.

6 MR. HOERBER: Good morning. As Kevin said,  
7 my name is Mark Hoerber. I'm here with Schroth Safety  
8 Products. We are a safety company. We primarily  
9 build our products in the United States, and our focus  
10 is saving everybody in every incidence we possible  
11 can. I'm here directly to speak about MSHA's request  
12 for information regarding seatbelt usage. MSHA has  
13 said many things about life and how important it is.  
14 This slide and the next slide is just information that  
15 you can get off MSHA's website on statistics of  
16 injuries. As Kevin said earlier, since 2007, 35  
17 people could possibly still be alive today had they  
18 worn their seatbelt or worn it properly.

19 So, again, I'm here to talk about seatbelts.  
20 MSHA has asked, what can we do about seatbelts? How  
21 we can we make it more visible? How can we  
22 communicate its usage? First and foremost, our  
23 seatbelt system has orange webbing, high visible  
24 orange webbing. When the operator's wearing it on,  
25 let's say, a 785, ground crew can look up and see the

1 orange stripe across the driver's chest and you'll  
2 know the occupant is wearing it.

3 But let's talk about communication. Some  
4 mine sites have systems that will relay vehicle  
5 information back to their main shop. Our system  
6 already has the ability to output a signal. You could  
7 put a light on top of the cab so the seatbelt -- you  
8 click in your seatbelt, the light goes on. Or  
9 clicking the seatbelt, the signal gets sent over to  
10 the shop. Hey, vehicle is in motion; the operator is  
11 wearing their seatbelt. Or, if the mine site wants to  
12 do it, you can tie it into the interlock system so  
13 that if the seatbelt is not engaged, the vehicle  
14 doesn't move.

15 So we've been working on this system since  
16 2016 with Peabody Energy and a couple of their mine  
17 sites in Indiana and it's because of our work with  
18 them, Peabody has earned a NIOSH Award directly  
19 related to implementing this system. They currently  
20 have several of these units fielded in their Wild Boar  
21 Mine Site and are currently working on continuing to  
22 get these out in their system. One of their  
23 approaches to the matter is some vehicles have three-  
24 points, some vehicles have two-points. They're  
25 hitting all their two-point vehicles up first. When

1       those trucks need to have their seats replaced or if  
2       they have a seat ready to go, let's not wait for it.  
3       Let's go ahead and just get it swapped. So Peabody  
4       Energy's been very adamant about improving safety of  
5       their people.

6               Sorry, my cards are a little out of order.  
7       So one of things about my solution, our solution here  
8       is the seatbelt isn't just a seatbelt to restrain the  
9       individual. What can we do? Well, if we can give  
10      drivers feedback, say, hey, the vehicle's orientation  
11      is such that you might be going towards a rollover  
12      situation, our system detects that and will vibrate  
13      the seatbelt, giving the driver a chance to know, and  
14      if the vehicle does commit to a rollover or enters a  
15      specific angle where we think the vehicle will roll,  
16      say the occupant is leaning forward, an electric motor  
17      will come on and actually reorientate the occupant to  
18      an upward position and then the seatbelt will function  
19      as a normal seatbelt, keeping the occupant restrained  
20      during the event.

21              Here is a short video, if you don't mind, of  
22      a demonstration of it. Bear with me a moment. There  
23      is no sound. I apologize. So here is the haptic  
24      warning. Again, it's the warning. So you're going to  
25      pay attention to the gentleman wearing the seatbelt.



1 If you notice, when he tilted, you see his chest is  
2 vibrating. You'll see it one more time here. Hey,  
3 that's a bad situation. Let's try to get out of this,  
4 right? Now we're talking about an out of position  
5 occupant for this part here. The vehicle's going to  
6 now commit to a hard rollover at first, so to say. So  
7 our sensor's in that toy truck. That's why he's  
8 tilting. He's a large man. I think he's a little  
9 indicative of coal miners, and you see it just pulls  
10 him like nothing.

11 Okay. So we just attended the MEI show in  
12 Vegas. We will be attending the AUSA show. I know  
13 that's not a mining show, but if anybody's in the D.C.  
14 area during the first week of October, I'd like -- the  
15 first full week of October, you're more than welcome  
16 to come and we will also have our system on display  
17 there.

18 At this time, if there are any questions,  
19 I'd be happy to answer them or talk about anything.  
20 And at the same time, if anybody has any room for  
21 improvement or things that I should consider more in  
22 my product, I'd be happy to consider that as well.

23 (No response.)

24 MR. HOERBER: Okay. With that being said,  
25 I'd like to thank you for your time in letting me

1 speak and I'll also ask you all one more thing. At  
2 some time today, let's just give some time in  
3 remembrance to those who have lost their lives today  
4 and those who continue to fight for our freedoms.  
5 Thank you for your time.

6 MR. STRICKLIN: Okay. Thank you, Mark.

7 MR. HOERBER: Thank you.

8 MR. STRICKLIN: Mike, do you want to go  
9 next?

10 MR. PEELISH: Jeff's going to go.

11 MR. STRICKLIN: Jeff's going to go next.  
12 Okay. Jeff, could you come up to the mic. You don't  
13 have a PowerPoint, correct?

14 MR. KRUEGER: Correct.

15 MR. STRICKLIN: Okay. Just, if you would,  
16 just spell your name for the court reporter and speak  
17 in --

18 MR. KRUEGER: Okay. This microphone here?

19 MR. STRICKLIN: You can speak at either one  
20 you want.

21 MR. KRUEGER: I'll go over here.

22 MR. STRICKLIN: Okay.

23 MR. KRUEGER: Good morning. Jeff Krueger.  
24 Jeff, J-E-F-F, Krueger, K-R-U-E-G-E-R. I would like  
25 to thank MSHA the opportunity to come here and present

1       today for surface mines stakeholder meeting. With my  
2       role at USSC Group, I'm Director of Product  
3       Development for our product line called Fogmaker,  
4       Fogmaker North America. Fogmaker manufactures a  
5       water-based fire suppression system utilizing patented  
6       nozzles, a design that contains also a AFFF agent that  
7       is currently in use in mobile equipment both for  
8       surface and underground metal and nonmetal mines in  
9       the U.S. and around the world and is also in  
10      underground coal mines in Australia today.

11               The purpose of our comments is to shed light  
12      on the possible applications of the self-contained  
13      water-based technology to improve conveyor belt safety  
14      in underground coal mines by protecting conveyor belt  
15      drive installations and the electric installations as  
16      well. While the request for information emphasized  
17      the entanglement risks associated with the belt  
18      conveyors, Fogmaker believes it's important to also  
19      address the fire protection options on belt drives and  
20      other electrical installations. We hope that MSHA  
21      receives these comments in the spirit for which  
22      they're intended, which is safety improvement through  
23      technology advancement.

24               After evaluating underground belt drives, a  
25      Fogmaker team determined its water-based technology is

1 not technically feasible on belt drive installations  
2 due to the expansive surface area that needs to be  
3 covered per the current regulatory language. Fogmaker  
4 will continue to explore the capabilities of the  
5 technology relative to the requirements of the  
6 regulation. We will seek to discuss this application  
7 with MSHA to obtain direction on how to determine the  
8 parameters under which this technology could be  
9 deployed as other options to direct, detect, suppress  
10 fires for conveyor belt drives.

11 While evaluating underground fire  
12 suppression opportunities on belt drives, the Fogmaker  
13 system has the applicability for unattended electrical  
14 installations, such as battery charging stations. The  
15 ability to install mobile, self-contained water-based  
16 fire suppression kits on constantly moving battery  
17 charging stations provides superior fire suppression  
18 and is more efficient to deploy since no water hook-  
19 ups or supply is necessary. The opportunity to deploy  
20 this technology exists now and does not require  
21 additional approvals per the regulation.

22 Also, permanent fuel storage stations and  
23 mobile diesel fuel storage units are other  
24 opportunities to deploy highly effective fire  
25 suppression systems for fuel fires, just as we

1 currently do for the airport industry today.

2           Indeed, Fogmaker water-based fire  
3 suppression systems has a primary application, such as  
4 deployment on underground mobile equipment. MSHA is  
5 aware of Fogmaker's fire suppression capabilities on  
6 mobile diesel equipment and what it takes to deploy  
7 Fogmaker technology on this underground mobile diesel  
8 equipment. Fogmaker seeks to work with MSHA to  
9 embrace other technology solutions in underground coal  
10 mine to give mine operations choices when it comes to  
11 improved safety through different technologies, such  
12 as the Fogmaker water-based fire suppression  
13 technology.

14           Thank you for your time. Any questions?

15           MR. STRICKLIN: Jeff, can we have a copy of  
16 that presentation?

17           MR. KRUEGER: Yes, absolutely. Okay.

18           MR. STRICKLIN: Thank you.

19           MR. KRUEGER: Thank you.

20           MR. STRICKLIN: Thank you.

21           MR. KRUEGER: Thank you, Kevin.

22           MR. STRICKLIN: Our next speaker will be  
23 Mike Peelish. Either place, Mike.

24           MR. PEELISH: I'll step up here. It's  
25 probably easier. My name is Michael Peelish, M-I-C-H-

1       A-E-L, P-E-E-L-I-S-H. I'm actually here with Jeff  
2       Krueger and Fogmaker to deliver those comments.  
3       However, Kevin, you may have recalled back in the mid-  
4       '90s when I was head of safety for Cyprus Amax, we had  
5       a fatality in Arizona. Big Al Wade was driving a  
6       small truck, and a big truck took a hard right turn,  
7       was dispatched, and he ran over him at the Sahuarita  
8       Mine in Arizona.

9               When I got to the airport, I had a call from  
10       Jack Tisdale, and Tisdale, Mr. Tisdale, called me up  
11       and he said Assistant Secretary McAteer's -- I won't  
12       use the exact language that he used -- but he's tired  
13       of these big trucks running over small trucks. So, at  
14       that time, we embarked on an effort, as you may  
15       recall, a cooperative effort with MSHA to write best  
16       practices. So we spent about a year. I think we  
17       ended up with about 18 best practices that reside in  
18       this facility today. Okay? We did everything from  
19       taking pictures of trucks, haul trucks from above  
20       using walkie talkies to determine that, at that time,  
21       a 777 had 70 percent blind spots, okay? We worked  
22       with NIOSH on discriminating sensors at the time. We  
23       worked with seatbelts. How do we identify when people  
24       aren't wearing seatbelts? We had, you know, a series  
25       of best practices that today you can find on a pocket

1 card that an operator can take with them out in the  
2 field to make sure they're doing their preoperative  
3 checks right on their equipment or whatever it might  
4 be.

5 So, to get to that task force, I had to  
6 fight a lot of people in the associations because they  
7 thought it was going to lead to regulation. This was  
8 back in the '90s. We haven't seen one regulation come  
9 out of those efforts. What we did see was an  
10 immediate decrease in surface fatalities because the  
11 inspectors were taking these pocket cards with best  
12 practices on them and they were handing them out to  
13 the people doing the work in the field, not sitting on  
14 some safety manager's binder on their shelf in the  
15 office. But these little 4 and a half by 9 inch  
16 pocket cards became a way, even in today's electronic  
17 world, to get information in the hands of the people  
18 who were doing the work.

19 So I think what I'm suggesting here is that  
20 MSHA go back and take a look at that work that was  
21 done because it was a lot of good work and it was done  
22 fairly rapidly because we weren't in an obligation at  
23 that time to have public hearings. We could meet here  
24 at the Mine Academy. We could meet at Phelps Dodge  
25 properties out in Arizona. We could meet anywhere we

1 wanted to get the work done. So I would just suggest  
2 that we go back and not re-till the same soil for a  
3 lot of work that had been done with those best  
4 practices. So --

5 MR. STRICKLIN: Anybody have any questions  
6 of Michael?

7 (No response.)

8 MR. STRICKLIN: We thank you, Michael.

9 MR. PEELISH: Thank you. Thank you, sir.  
10 Appreciate it.

11 MR. STRICKLIN: Very good comments. On our  
12 website, Dave has put -- all of Dave's presentations  
13 are on our website. Anytime he goes out, he feels  
14 comfortable that if I can say it to a group of people,  
15 I'm going to post it. One of the presentations is  
16 about surface haulage and big equipment running over  
17 smaller. It made me think of it when Mike was  
18 talking. It might have been a picture that Mike's  
19 folks took after his accident. It shows a big  
20 equipment, piece of equipment and a line of sight that  
21 that operator has and what is in front of that  
22 equipment that can't be seen. So, if you get an  
23 opportunity, you may want to look at that picture.  
24 It's -- I don't want to say it's impressive because, I  
25 mean, it's just, it's something to see what an



1 operator in one of these big pieces of equipment does  
2 not see. So, if you get a chance, you may want to  
3 look at that.

4 Is there anyone else who wishes to make a  
5 presentation?

6 (No response.)

7 MR. STRICKLIN: Well, I hate to be the  
8 bearer of bad news, but we're all going to have to go  
9 back to work.

10 (Laughter.)

11 MR. STRICKLIN: I want to thank everybody  
12 for coming forward today and making a presentation.  
13 Again, we have two more opportunities for people to  
14 come and speak in a public setting, but you also have  
15 until December 24th to submit any comments that you  
16 may have. I want to emphasize that we need all the  
17 comments by Tuesday, December 24th. We will take all  
18 comments and concerns into consideration. And  
19 again -- I think Michael spoke it as well as I could  
20 have -- that this doesn't mean any regulation is  
21 coming. This is just for informational purposes, and  
22 anything any of you can do or we can do to make the  
23 mining industry safer and healthier, we want to do  
24 that.

25 Before this meeting concludes, I want to

1 mention that Executive Order 13777, Enforcing the  
2 Regulatory Reform Agenda, directs each federal agency  
3 to evaluate existing regulations and make  
4 recommendations regarding their repeal, replacement,  
5 or modification, consistent with applicable law.

6 As part of the evaluation of E.O. 13777, it  
7 requires each agency's reform -- regulatory reform  
8 task force to seek input and other assistance as  
9 permitted by law from entities significantly affected  
10 by federal regulation. That means all of you in the  
11 industry. In compliance with that, on October 23,  
12 2017, almost a year ago, we posted a regulatory reform  
13 email address on the agency's website for stakeholders  
14 to send recommendations on existing rules,  
15 regulations, and standards that could be repealed,  
16 replaced, or modified without reducing miners' health.

17 As an example, I think what Jeff talked about earlier  
18 with the Fogmaker is something that could be added to  
19 a regulation and not cause any confrontation. It can  
20 be an either/or with what's being done now or what  
21 could be done in the future.

22 In addition, we have a number of regulations  
23 that I look at that are outdated. With the new  
24 emergency response plan that has come into place,  
25 there are some regulations out there that are

1 antiquated and can be removed, but we're asking for  
2 comments by any of you that when you see something  
3 that you think is outdated, needs to be repealed, let  
4 us know.

5 MSHA requests that stakeholders review the  
6 existing comments. If commenting on another comment,  
7 please identify and provide specific information to  
8 support your position on whether or not you support a  
9 commenter's post. In other words, there's some  
10 postings out there about what can be repealed or what  
11 should be repealed, and you have an opportunity not  
12 only to submit your own comments about what should be  
13 repealed but comments about what is posted there.

14 MSHA considers early public participation in  
15 the regulatory reform process to be particularly  
16 important. I can give you a number of examples how  
17 we've used the comments from when a rule was proposed  
18 to how it ended up. One in coal I'll talk about is  
19 the dust rule. When that was first proposed, it was  
20 one hour -- or, I'm sorry, 1 milligram was going to be  
21 the standard. After it was done, it became 1.5  
22 milligram. In metal and nonmetal, we had the exam  
23 rule. It was going to be, basically, like a pre-  
24 shift. Now it's when miners enter an area. So miners  
25 can come in with the examiner. They don't have to

1       wait for the entire area to be pre-shifted before they  
2       come in to begin work. So those are two examples of  
3       comments that we've received from our initial  
4       regulation to when it became final. So we hear your  
5       comments. We truly do.

6               MSHA expects that stakeholder comments will  
7       initiate public dialogue and assist the agency in its  
8       review and assessments of existing regulations on how  
9       best to minimize regulatory burdens on mine operators  
10      without diminishing protections afforded miners under  
11      the Mine Act.

12             Scott, do you have anything you'd like to  
13      add?

14             MR. MANDEVILLE: No. Well, one thing. You  
15      know, Kevin talked about I did -- we did have a  
16      fatality in District 4, and a lot of people came  
17      together after that and made some changes on how they  
18      were going to do belts. We made a big push and they  
19      did a good job of moving all their crossovers and  
20      looking at how we had crossovers, cross-unders. And  
21      also, some of the companies got really proactive in  
22      making switches they can hang by the tailpiece with a  
23      neon light so, if somebody does fall on the belt, they  
24      can grab it. It breaks the connection and stops the  
25      belt. So, you know, things do happen for a good -- I

1 mean, bad things happen, but sometimes some good comes  
2 out of it to help somebody else.

3 MR. STRICKLIN: Okay. Well, at this time, I  
4 want to thank you very much, and this concludes our  
5 stakeholder meeting.

6 (Whereupon, at 9:35 a.m., the meeting in the  
7 above-entitled matter adjourned.)

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REPORTER'S CERTIFICATE

DOCKET NO.:       --

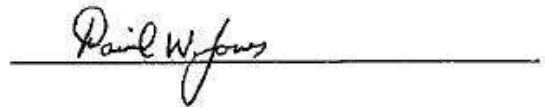
CASE TITLE:       Request for Information: Safety  
Improvement Technologies for Mobile  
Equipment at Surface Mines, and for  
Belt Conveyors at Surface and  
Underground Mines Stakeholder Meeting

HEARING DATE:     September 11, 2018

LOCATION:           Beaver, West Virginia

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the U.S. Department of Labor, Mine Safety and Health Administration.

Date:     September 11, 2018

A handwritten signature in cursive script, appearing to read "David Jones", is written over a horizontal line.

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