TRANSCRIPT OF PROCEEDINGS

REQUEST FOR INFORMATION

SAFETY IMPROVEMENT TECHNOLOGIES FOR
MOBILE EQUIPMENT AT SURFACE MINES AND
FOR BELT CONVEYORS AT SURFACE AND
UNDERGROUND MINES

RFI 2018 STAKEHOLDER MEETING

Pages: 1 through 24

Place: Albany, New York

Date: September 20, 2018

HERITAGE REPORTING CORPORATION
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SAFETY IMPROVEMENT TECHNOLOGIES FOR MOBILE EQUIPMENT AT SURFACE MINES AND FOR BELT CONVEYORS AT SURFACE AND UNDERGROUND MINES

RFI 2018 STAKEHOLDER MEETING

Public Meeting

Held: September 20, 2018

9 a.m. - 9:30 a.m.

Albany, New York

A P P E A R A N C E S

Kevin Stricklin
Administrator
Coal Mine Safety and Health

Kevin Abel
Assistant District Manager
Metal and Nonmetal, Northeastern District

Ed Elliot
Senior Adviser to the Assistant Secretary
of Labor for Mine Safety and Health
Mine Safety and Health Administration

I N D E X

P R O C E E D I N G S

MR. STRICKLIN: Good morning.

My name is 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 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 belt conveyors at surface and underground mines.

On behalf of Assistant Secretary of Labor for Mine Safety and Health, David Zatezalo, I want to welcome all of you here. This is something that is very important today. Dave has taken a personal interest in both of these issues, and we're going around the country to different meetings for this Request for Information. It is not a rule. This is just a Request for Information.

Included with me up front here is Kevin Abel. Kevin is the Assistant District

Manager of Metal and Nonmetal, Northeastern District, and in the front row is Ed Elliot.

Ed is the Senior Adviser to Dave Zatezalo, and all three of us are here. Unfortunately, we don't have a whole lot of other people here.

On June 26th of 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: 1) increase the use of seat-belts; 2) enhance equipment operator's ability to see all areas near the machine and warn the operator of potential collision hazards; 3) prevent equipment operators from driving over a high wall or a dump point; and, 4) prevent entanglement hazards related to working near moving or reenergized belt conveyors.

On July 25th, MSHA announced in the Federal Register six public meetings and a

webinar. This is the fifth of those six meetings. The sixth and final meeting will be held next week, September 25th in Arlington, Virginia at MSHA headquarters. The address of the meeting is posted on the Agency's website.

In addition, copies of the Federal Register are provided on this front table here. I ask all of you that have attended to sign-in, if you would, and to give us your E-mail address. If we have additional information, we would like to share that with anybody who attended one of these meetings.

Mobile equipment used at surface coal and metal and nonmetal mines and surface areas of underground mines is a broad category 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 the fatals in mining, especially in the metal and nonmetal sector.

Since 2007, 61 miners have been killed in these accidents. MSHA conducted an

investigation of every one of these accidents and determined the contributing factors included: 1) no seat-belts or noted seat-belts were not used or inadequate seat-belts; 2) large vehicles striking smaller vehicles; and, 3) equipment operator's difficulty in detecting the edges of high-wall or dump points causing equipment to fall from substantial heights.

Dave always gives the example when he's speaking that when he went out to buy a new car it's pretty tough to buy one now without a backup camera, and there's many of them now available when you switch lanes on a road it kind of gives you a warning if a car is next to you; a proximity-type piece of equipment.

And he kind of scratches his head, as many of us do, I think, "Well, if we can do that in a $20- to $30,000 car, why aren't we doing this in a multi-million-dollar piece of equipment that's used on the surface."

And so, as I said, he's really interested in discussing these ideas, requesting information as to the reason for these meetings.

With Seat-belts: MSHA examined 38 fatal accidents that occurred since 2007. MSHA determined that 35 of the 38 fatal accidents or 92 percent of the victims might have survived if they had been wearing their seat-belt.

MSHA is seeking data and information on engineering controls and best practices such as those that affect equipment operation in the event that the operator does not fasten his seat belt. In other words, trying to find ways to possible -- that the equipment won't start if the seat belt isn't engaged.

MSHA is also interested in engineering controls -- such as audible and visual warning devices -- and best practices that encourages and promotes seat-belt use without directly preventing or affecting equipment operation.

Large Equipment Striking Smaller Equipment:

Surface mining vehicles can be several stories tall, as we've all seen, 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.

One of the fatalities that occurred in Nevada of last year, there was a safety director with eight people that just started working at that mine. So, naturally, there's nine people in this van. This big piece of equipment backed up over the van, and it could have very easily been nine fatalities instead of two fatalities.

Now, I can't say we're lucky that we had two fatalities, but it could have been worse. And it was just a matter of inches where that big piece of equipment's tire actually traveled over top of that passenger van.

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

Since 2007, there have been 20 fatal accidents in surface coal and metal and

nonmetal mines involving bulldozer operators and haul truck drivers who travel over the edge of the high-wall or a dump point.

I've got two fatalities in metal and nonmetal this year where a haul truck has driven into an impoundment, and one has been posted on our website as a final report. The second one we're in the process of drafting right now. So a current issue, as well.

MSHA is seeking information and data on systems that integrate technologies, such as GPS, radar, radio frequency, et cetera, and if these systems can help equipment operators better identify the edges of high-walls and dump points.

To give you an example. A few weeks ago I was golfing, and it was at a course that had a GPS tied into the golf cart. And I wanted to try to get up close to the green so I didn't have to walk, and the golf cart actually shut off; it wouldn't allow me to get to that point.

So we've got technology available for golf carts. Maybe we can take that same

technology and use it towards these haul trucks to when they get close to the edge of the high wall, if we have a good GPS system in place it will shut that piece of equipment off and be a full-proof way that that operator can't go over the high wall.

So, again, we're looking for information on other devices that provide visual and audible and best practices that would warn the equipment operators of hazards at these locations.

Belt Conveyors:

Since 2007, there have been 17 fatalities related to working near or around belt conveyors, of which 60 -- or 76 percent were related to miners becoming entangled in belt drives, belt rollers and discharge points.

MSHA has found that factors that contributed 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 and 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 seat-belt use and improve equipment operators' awareness of hazards at the mine site. MSHA also seeks suggestions on training -- how training can ensure the miner's lock and tag conveyor belts before performing maintenance work.

We're doing an investigation in metal and nonmetal of a fatal that occurred where a miner was caught on a conveyor belt that was moving on the surface. So it's a real issue; it's ongoing, and we're looking for any type of ways we can find that will help decrease the fatalities that have occurred.

We're at the lowest number of fatalities ever in the mining industry, but when our bar and your bar is set at zero, if we have one, one is unacceptable. So we need to try to continue to work towards zero.

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. The other five should be posted by now prior to this meeting. You may view the transcript of all the public meetings and comments within our website at MSHA.gov and on regulations.gov. You may also submit additional comments using one of the methods identified in the "Addresses" section of the Request for Information. If providing comments, please provide specific information and supporting rationale to 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, enter examples of best practices for keeping miners safe around powered haulage equipment.

All comments must be received by Monday, December 24th, 2018. Again, you can view the comments on regulations.gov or on the agency's website at www.MSHA.gov and select the link for regulations.

If you plan to speak and you have a copy of your testimony or presentation, please give a copy to the court reporter so it can be appended to the transcript. When you make your presentations, please spell your name clearly so that the court reporter can have an accurate record, and if you have a business card, please give that to the court reporter, as well.

Mr. Abel, is there anything you'd like to add to anything I said?

MR. ABLE: Well, only that, you know, we happen to be the district that's investigating the current conveyor belt fatality, and I would like to add that, you

know, we hear about all the fatal accidents involving power haulers who what a lot of people don't see are the day-to-day accidents that occur with power haulage. And just two days ago we had a front end loader back into a pickup truck. It involved a creased hood and grill torn up, but it could have been much worse.

So these are day-to-day issues that we have to deal with, and, you know, we certainly appreciate any help we can get into putting a stop to them.

Thank you.

MR. STRICKLIN: Thank you.

Mr. Elliot, is there anything you would like to add?

MR. ELLIOT: No, sir.

MR. STRICKLIN: Mr. Elliot says, "No, sir."

Okay, our first speaker, I believe it's on the sheet over here. I believe it's Mark.

MR. HOERBER: Yes.

MR. STRICKLIN: Mark Hoerber of Schroth.

And, Mark, you've spoken in a number of other ones. We appreciate you coming. And please make sure that you speak clearly into the microphone, which I know you have in the past and I'm sure you'll continue today.

THE WITNESS: Good morning. My name is Mark Hoerber, H-O-E-R-B-E-R. I work with Schroth Safety Products in Pompano Beach, Florida. We are a seat belt company. We make air bags and seat belt restraints.

Our goal is reducing fatalities as much as we can. I'm here to talk today directly about MSHA's Request for Information about seat-belts.

One of the things that MSHA has asked about seat-belts is, "How can we make them more visible?" I'm sorry, I don't have my cheat sheet cards in front of me. I'm a little out of order. I apologize.

Actually, MSHA has just covered over some of the things that we have problems with. My next couple of slides just summarize some of those things. All these statistics can be found at the MSHA website.

But one of the things that holds near and dear to my company is what Kevin said: Since 2007, 35 people could possibly still be alive had they worn their seat-belt properly or just had known more what to do with it better.

One of the things we want to do is, How can we make the seat-belt more visible? Right now our current solution utilizes a bright web -- orange webbing that when the occupant is wearing it, a safety person on the ground can look up at the haul truck and see the occupant wearing it.

The second thing about our system is they can output a signal to an LED light on top of the cab to -- interlock system that can prevent the vehicle from moving and stuff like that; whatever the mines really want to do. So our system does both of those actions.

But one thing about our system that's really unique is the fact that it has a motor on it, and we have an electronic box that goes on any vehicle. It is not vehicle dependent. What it does is when the vehicle

starts to roll, if it gets to a certain area where it starts to get questionable, we'll call it, the seat-belt will then start to tug on the driver like (indicating), something like this, letting them know, "Hey, you're in a precarious situation. Try to get yourself out of here. You have some time still."

If the vehicle does commit to a rollover again, that sensor box will recognize this and the motor will do what's called a hard pull, so if the occupant is leaning forward, it will reorient them into the upright position, lock and function as a normal seat-belt until the rollover event is complete. That is what our system is doing. We're now working with Peabody Energy. We have some of our units currently fielded.

Through our efforts, Peabody Energy has recently received a NIOSH safety award specifically for implementing this system.

At this time, I'd like to open the floor. If there's any questions, I'd be happy to talk about the system. If there's any improvements, anything that wants to be suggested to have my system do, I'd be most

open to hearing that, as well.

Yes, sir.

UNIDENTIFIED SPEAKER: How many field events have occurred where your system has functioned as it's intended?

MR. HOERBER: I'm proud to say zero because we don't want this event to ever occur. I'm not looking forward to the day my system works and saves a life, but I'm also looking forward to the day it works and saves a life because if we don't have an accident, in my opinion, that would be better.

Currently I know we have more than six in the field in trucks being used. I am talking to the mine periodically and have received zero false warnings and, as of now, no incidents have occurred.

UNIDENTIFIED SPEAKER: What's the basic cost?

MR. HOERBER: It's volume dependent because we're so new into it. I'm not an engineer. I'm not a salesperson.

UNIDENTIFIED SPEAKER: Mm-hmm.

MR. HOERBER: So I can't really go far into the numbers. But the system, I think

from what I remember, again it's volume dependent, could be somewhere between 16- to $2,200; somewhere around there.

UNIDENTIFIED SPEAKER: Are they designed for older equipment?

MR. HOERBER: The way we have approached with Peabody Energy -- so you take an evaluation all of your vehicles out in the field. You've got some with three points, some with two points. They're targeting the vehicles that have the two-point seat-belt. They go, take out the seat-belt, buy a brand-new seat with the system on it, drop a new one in there. Their rate of changing it out is cyclical to the rate of changing seats.

Did that answer your question, sir?

UNIDENTIFIED SPEAKER: Yeah.

MR. HOERBER: Well, if there's no other questions, if anybody is in Washington, DC the first full week of October there is a show called Association of the United States Army. We will have the system on display there. We welcome anybody to take a look.

If there are no other questions at

this time, I thank you for your time and we'll be done.

MR. STRICKLIN: Thank you, Mark. Is there anyone else in the audience that would like to make a presentation or make any statements today?

Okay. Well, I hate to say this, but I want to thank all of you for coming today, and making a presentation and just showing up for the meeting.

I want to emphasize that we need your comments by Tuesday, December 24th. We will take all your comments and concerns into consideration.

Before this meeting concludes, I wanted to mention that Executive Order 13777 Enforcing the Regulatory Reform Agenda directs each federal agency to evaluate existing regulations and make recommendations regarding their appeal, 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 this executive order, on October 23rd of 2017, MSHA posted a regulatory 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's safety or health.

MSHA requests that stakeholders review the existing comments. If commenting on another -- if commenting on another comment that's already posted, please identify which comment you're posting on and provide specific information, including any empirical evidence and data to the extent possible to support your position or whether or not you support the commenter's proposal.

MSHA considers early public participation in a 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 best to minimize regulatory burdens on mine operators without diminishing protections

afforded by miners under the Mine Act.

At this time, I want to thank all of you very much for coming, and this concludes our stakeholder meeting. Anybody that has come in, we ask you to sign our sheet we have passed out.

(Whereupon, at 9:30 a.m., the meeting in the above-entitled matter was concluded.)

REPORTER'S CERTIFICATE

I, JENNIFER A. ALEXY, a Court Reporter and Notary Public in and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

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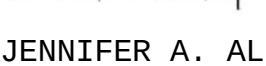

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