

Comments of the United Mine Workers of America
Escapeways and Refuges in Underground Metal and Nonmetal Mines (Program Policy
Letter (PPL))
Docket No. MSHA-2018-0015
September 13, 2019

Overview:

Title 30 CFR 57.11050, Escapeways and Refuges, requires escapeways in underground MNM mines to enable miners to escape in an emergency and, when they cannot escape, the standard requires refuges to enable miners to shelter safely in place until they can be rescued. Based on questions from underground MNM operators, MSHA believes that this PPL addresses a significant safety issue regarding the placement of a refuge in a location that provides miners access if they cannot escape.

In accordance with Executive Order 12866 on Regulatory Planning and Review and the Office of Management and Budget's (OMB) Final Bulletin for Agency Good Guidance Practices, MSHA has determined that the guidance would not be economically significant as there would be no new costs. MSHA has determined, however, that the guidance is significant because it may reasonably be anticipated to raise novel legal or policy issues. MSHA is therefore issuing this PPL for public comment to clarify the existing standard regarding placement of refuges required by 30 CFR 57.11050(a) and will review all comments received.

Scope:

This Program Policy Letter (PPL) applies to underground metal and nonmetal (MNM) mine operators, miners, miners' representatives, Mine Safety and Health Administration (MSHA) enforcement personnel, and other interested parties.

Background:

Recently, underground MNM operators have raised questions regarding the placement of refuges required by 30 CFR 57.11050(a). This PPL provides guidance regarding the placement of such refuges under the standard.

Purpose:

This PPL provides guidance regarding the existing standard that requires refuges to protect underground MNM miners in mines while a second escapeway is being developed or during the exploration or development of an ore body and the location of such refuges.

COMM:MSHA-2018-0015-0004

Policy:

Title 30 CFR 57.11050, Escapeways and Refuges, requires two or more separate, properly-maintained escapeways in underground MNM mines to enable miners to escape in an emergency and, when they cannot escape, the standard requires refuges to enable miners to shelter safely in place until they can be rescued.

The standard at 30 CFR 57.11050(a) recognizes two exceptions to the requirement that underground MNM miners be provided at least two separate escapeways from their working places to the surface. First, miners must be provided a method of refuge while a second escapeway is being developed. Second, during the exploration or development of an ore body, a second escapeway is "recommended, but not required." MSHA consistently has interpreted these two exceptions to mean that if, in either of these situations, miners have only one escapeway from their working place, miners must have access to a refuge.

This refuge should be located near the miners so that they promptly and reliably can enter the refuge if they cannot escape. In determining an appropriate distance, MSHA considers mine-specific factors in each case. MSHA recognizes that it may not be practicable for most working places near the portal (for example, within 300 feet) in a horizontal configuration (as opposed to vertical) to have refuges. On the other hand, MSHA believes that in most cases a refuge located, for example, 1500 feet from miners on a relatively level surface (or, for example, reachable within a 10-minute walk in any configuration while carrying an injured miner) would generally be close enough to provide the protection the standard intends. Mine operators are encouraged to consult with their MSHA District Manager to determine appropriate refuge locations given mine-specific conditions and factors (e.g. steeply pitched, narrow, uneven, low-height, or wet travelways) when developing and reviewing the mine's escape and evacuation plan under 30 CFR 57.11053.

UMWA Comments:

The United Mine Workers of America (UMWA) agrees that there should be clarification/guidance concerning the placement of refuge alternatives in underground Metal Non-Metal (MNM) mines. We also agree with MSHA's statement that it may not be practicable in cases where miners are working near the portal (for example, 300 feet).

However, we disagree with MSHA's belief that 1,500 feet from miners on a relatively level surface (or, for example, reachable within a 10-minute walk in any configuration while carrying an injured miner) would generally be close enough to provide the protection the standard intends. We do not see any reason as to why MNM miners would have a lesser standard than coal miners (1,000 feet from the working face).

Therefore, we ask that MSHA use its own coal standard (§ 75.1506) of 1,000 feet from the working section as the minimum distance to be considered close enough to provide the protection the standard intends. This 500-foot difference is nearly one and a half football fields in length. When carrying an injured miner or trying to escape in an emergency situation, that is an enormous difference. The Darby mine explosion in 2007 would be an excellent example as to why 1,500 feet would be too much. Those who perished in the Darby explosion were able to crawl a distance of 1,400 feet before succumbing to the toxic atmosphere. Had a shelter been available within 1,000 feet they would likely have survived. However, had the shelter been 1,500 feet away, it would have done them no good.

Respectfully submitted,

Josh Roberts, Administrator, Department of Occupational Health and Safety
United Mine Workers of America

PUBLIC SUBMISSION

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General Comment

See attached file(s)

Attachments

MNM Refuge Alt MNM PPL 2019[407]