



WHERE SAFETY IS SUCCESS.™

Ms. Sheila McConnell  
Director, Office of Standards, Regulations and Variances  
Mine Safety and Health Administration (MSHA)  
U.S. Department of Labor  
201 12th Street South, Suite 4E401  
Arlington, VA 22202

October 17, 2019

Dear Ms. McConnell,

Please accept the following response to the agency's Request for Comments: Program Policy Letter No. P18-IV-\_\_\_; Escapeways and Refuges in Underground Metal and Nonmetal Mines (30 CFR 57.11050); Docket No. MSHA-2018-0015

Although the PPL focuses on location of refuges as related to secondary escapeway requirements, we would like to take this opportunity to comment on refuges requirements in metal/non-metal mines.

Currently, 30 CFR §57.11052 includes the following:

**§57.11052 Refuge areas.**

Refuge areas shall be—

- (a) Of fire-resistant construction, preferably in untimbered areas of the mine;
- (b) Large enough to accommodate readily the normal number of persons in the particular area of the mine;
- (c) Constructed so they can be made gastight; and
- (d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

Under the current regulations, operators wishing to utilize refuges containing Breathable Air Systems, potable stored water or other advanced components approved by MSHA under 30 CFR §7 for coal operations, are now required to pipe air & water lines, of any quality or quantity, to the chambers to be compliant. The only other option is to embark on a formal petition process of uncertain outcome.

MSHA-2018-0015-0010

We recommend that MSHA simplify the process for operators who wish to offer the protection of a modern refuge alternative by providing guidance for operators choosing to opt for this alternative. For example:

- Defining the specifications of a breathable air/oxygen system that MSHA would be consider acceptable in the petition process. While many of the requirements for Refuge Alternatives, approved for coal, may not be applicable to metal/non-metal refuges, using per-day standards for onboard storage of water & oxygen seems reasonable.
- Defining the acceptable duration of the provisions, scrubbing chemicals, back-up power, etc. that MSHA considers appropriate to survive metal/non-metal incidents. This duration should be based appropriate historical evidence.

MSHA should avoid enacting guidelines that would serve to unnecessarily increase costs and suppress innovation. However, provision of minimum guidelines for petition approval, would be very helpful.

Respectfully submitted,

David Maust  
Vice President & General Manager  
Strata Safety, LLC.  
Strata Worldwide, LLC.

# PUBLIC SUBMISSION

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**Docket:** MSHA-2018-0015

Escapeways and Refuges in Underground Metal and Nonmetal Mines. (Program Policy Letter (PPL))

**Comment On:** MSHA-2018-0015-0003

Meetings: Escapeways and Refuges in Underground Metal and Nonmetal Mines

**Document:** MSHA-2018-0015-0010

Comment from David Maust, Strata Worldwide, LLC

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## Submitter Information

**Name:** David Maust

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## General Comment

See attached file(s)

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## Attachments

Comments to Escapeways and Refuges in Underground Metal and Nonmetal Mines PPL