

PUBLIC SUBMISSION

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Docket: MSHA-2018-0016

Safety Improvement Technologies for Mobile Equipment at Surface Mines, and for Belt Conveyors at Surface and Underground Mines.

Comment On: MSHA-2018-0016-0111

Safety Program: Surface Mobile Equipment

Document: MSHA-2018-0016-0144

Comment from United Mine Workers of America

Submitter Information

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Organization: United Mine Workers of America

General Comment

See attached file(s)

Attachments

Powered Haulage Plan Comments 2021

United Mine Workers of America



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UNITED MINE WORKERS' HEADQUARTERS
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November 5, 2021

MSHA Office of Standards, Regulations, and Variances
201 12th Street South
Suite 4E401
Arlington, VA 22202-5452

Re: Docket Number: MSHA-2018-0016
Regulation Identification Number: 1219-AB91

The United Mine Workers of America has reviewed MSHA's proposed rule to require the majority of mine operators to develop and implement a written safety program for mobile and powered haulage equipment at surface mines and surface areas of underground mines. We are pleased to see that the Agency is taking steps to address the alarming number of powered haulage accidents in recent years.

MSHA points out that from 2003 to 2018 there were 109 powered haulage fatalities. The UMWA knows all too well the dangers of powered haulage accidents. Since 1984, the UMWA has been involved in investigating 76 fatalities of members who were involved in powered haulage accidents. Most of which could have been avoided through more robust mining plans with input from the miners who are putting these plans into action.

We are, however, disappointed that the Agency did not go further in its requirements and excluded belt conveyors from the proposed rule. The Agency pointed out in its Request for Information published in 2018 that from 2007 to 2018, there were 17 fatalities related to working near or around belt conveyors. Over two-thirds (76%) of those fatalities were related to miners becoming entangled in belt drives, belt rollers, and discharge points. Some of the factors that MSHA listed that contributed to these entanglements included: inadequate or missing guards, inadequate or an insufficient number of crossovers in strategic locations, and/or inappropriate lock-out/tag-out procedures.

MSHA also points out that current technologies such as systems that can sense a miner's presence in hazardous locations; ensure that machine guards are properly secured in place; and/or ensure machines are properly locked out and tagged out during maintenance would reduce fatalities. MSHA should require operators to take advantage of these technologies to prevent these types of accidents. Or, at the very least, require operators to develop and implement a

written safety program for belt conveyors just as they are with mobile and powered haulage equipment.

We are also disappointed to find that the Agency did not require the operator to include the participation of the miners' representative in the development of these safety programs. Nor does the Agency require the plan to be approved by the District Manager. No program will be successful without the active participation of the miners who will put these plans into action. These miners' representatives must have a place at the table and their ideas and input be treated with sincerity and respect before any plan will work.

Also, MSHA must be required to review and approve the operator's safety program as well as any revisions to the program. MSHA should also review the plan at least annually, or as mining conditions change, to ensure the plan remains relevant and protective. Otherwise, operators are making plans with practically no oversight. If these plans are allowed to be developed without oversight or approval from the Agency, these plans will be based on the operator's convenience and not the health and safety of the workers. Operators should also be required to train all miners on the plan and any revisions rather than only having a copy of the plan made available to them.

Lastly, but most importantly, history has shown that none of this will truly work without a union in place. Miners working at Union-represented operations enjoy the representation of a Mine Health and Safety Committee which is made up of miners, selected by their peers. The Safety Committee works with the miners and the employer to assure their mine is operated in a safe and healthy manner. The Safety Committee has the right to inspect the mine on a regular basis (no less than once every two months); meets with the employer monthly to discuss health and safety issues; represents miners in health and safety issues and works with the employer and miners on general health and safety concerns. Miners working at non-union operations do not enjoy the benefits of having such a committee to look out for their interests and to have a seat at the table when developing mining plans.

The UMWA supports any effort that enhances health and safety protections for miners. However, the Agency could better ensure this rule becomes a success by requiring participation from the miners' representative when developing these plans as well as covering belt conveyors in the proposed rule. I would like to thank you for the opportunity to comment on the proposed rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Roberts", with a stylized flourish at the end.

Josh Roberts, Administrator of Occupational Health and Safety

cc: Cecil Roberts, International President
Brian Sanson, International Secretary-Treasurer
International Executive Board
Regional Directors
Bob Scaramozzino, Executive Assistant to the President
Tanya James, Executive Assistant to the Secretary-Treasurer
Kevin Fagan, General Counsel
Ron Bowersox, Director of Health and Safety Field Operations