

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-2018-0016-0157

Comment from Wolverine Fuels

Submitter Information

Email: CHEAPS@wolverinefuels.com

Organization: Wolverine Fuels

General Comment

See attached comment

Attachments

CFC MSHA Reponse_11072021

CFC MSHA Reponse_11072021

Date: November 8, 2021

To: Mine Safety and Health Administration

From: Canyon Fuel Company, LLC

Subject: Comments on Proposed MSHA Rules, Docket No. MSHA-2018-0016

Please see comments below in red font, related to MSHA's proposed rule to require site specific surface plans related to management of mobile equipment. Canyon Fuel Company appreciates this opportunity to provide input regarding this proposal.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Authority: [30 U.S.C. 811](#).

Subpart V—Safety Program for Surface Mobile Equipment

[§ 77.2100](#)

Purpose and scope.

This subpart requires mine operators employing six or more miners to develop, implement, and update a written safety program for surface mobile equipment to reduce the number and rates of accidents, injuries, and fatalities. This subpart applies to surface mobile equipment at surface coal mines and surface work areas of underground coal mines. The purpose of this safety program is to promote and support a positive safety culture and improve miners' safety at the mine.

CFC Comment: CFC has implemented and refined its existing safety program over many years to creates a plan that is specific to our operations. Please explain how approving our existing programs will enhance the safety or our workforce.

[§ 77.2101](#)

Definitions.

The following definitions apply in this subpart—

Responsible person means a person with authority and responsibility to evaluate and update a written safety program for surface mobile equipment.

Surface mobile equipment means wheeled, skid-mounted, track-mounted, or rail-mounted equipment capable of moving or being moved, and any powered equipment that transports people, equipment, or materials, excluding belt conveyors, at surface coal mines and surface work areas of underground coal mines.

CFC Comment: CFC has a process for revising its current safety plan measures. Please explain how our workers will be safer by MSHA approving a designated person. Our day-to-day operations have a designated responsible person who oversee mining activities. Designating another individual could create confusion.

§ 77.2102

Written safety program.

(a) Each operator subject to this subpart shall develop and implement a written safety program for surface mobile equipment that contains the elements in this subpart, no later than [DATE 6 months after effective date of the final rule].

(b) Each operator subject to this subpart shall designate a responsible person to evaluate and update the written safety program, no later than [DATE 6 months after effective date of the final rule].

CFC Comment: CFC has no comment on time frame to implement safety plan

§ 77.2103

Requirements for written safety program.

(a) The mine operator shall develop and implement a written safety program that includes actions the operator would take to:

(1) Identify and analyze hazards and reduce the resulting risks related to the movement and the operation of surface mobile equipment.

CFC Comment: Identifying and analyzing hazards and resulting risks is the foundation for our existing safety program. MSHA needs to clarify how this section of the proposed rule would be enforced.

(2) develop and maintain procedures and schedules for routine maintenance and non-routine repairs for surface mobile equipment:

CFC Comment: These processes are currently in place and CFC does not agree that MSHA should have jurisdiction in approving our maintenance programs.

(3) identify currently available and newly emerging feasible technologies that can enhance safety at the mine and evaluate whether to adopt them; and

CFC Comment: The process of continued safety improvement is evaluated routinely by company management. CFC does not believe this process needs to be mandated by law.

(4) train miners and other persons at the mine necessary to perform work to identify and address or avoid hazards related to surface mobile equipment.

CFC Comment: This requirement already exists on how to operate mobile equipment and identify hazards associated with operating equipment. Please explain the difference with proposed to existing requirement of equipment training.

(b) The responsible person shall evaluate and update the written safety program annually or as mining conditions or practices change, as accidents or injuries occur, or as equipment changes or modifications are made.

CFC Comment: This process is integral to our existing safety program. CFC does not agree that MSHA should mandate this.

§ 77.2104

Record and inspection.

The mine operator shall make the written safety program available for inspection by authorized representatives of the Secretary, miners, and representatives of miners, and provide a copy, upon request.

CFC Comment: See comment above.

CFC General Comments:

Current regulations regarding blocking mobile equipment from motion, setting park brakes, turning vehicle tires into banks when parking, performing pre-operational checks to ensure mobile equipment is functioning correctly, and proper design and construction of berms would have prevented most of the surface mobile equipment fatalities that have occurred more recently. These are basic practices that are already required. Rather than require additional site-specific surface mobile equipment plans, it is our opinion that the current regulations are adequate to keep workers safe and that inspection and enforcement of existing rules is a more appropriate avenue. CFC is concerned about the ambiguous nature of this law which places much discretion in the hands of the inspector who would enforce the regulation. This leads to inconstancy in enforcement and thus unnecessary time appealing citations, time that would better serve facilitating our safety processes to keep our workers safe.

Thank you for your consideration,

Sincerely,

Corey Heaps
General Manager of Safety
Wolverine Fuels, LLC