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**From:** Kelhart, Mike <Mike.Kelhart@draeger.com>  
**Sent:** Friday, December 18, 2020 5:10 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group <zzMSHA-COMMENTS@DOL.GOV>  
**Subject:** RIN 1219-AB93 / Docket No. MSHA-2020-0018

Dear Madam or Sir,

Please find attached Draeger's response to MSHA's Part 18 Testing proposal. A hard copy of this letter was also mailed out on December 16, 2020.

Thank you for giving Draeger the opportunity to comment on this proposal

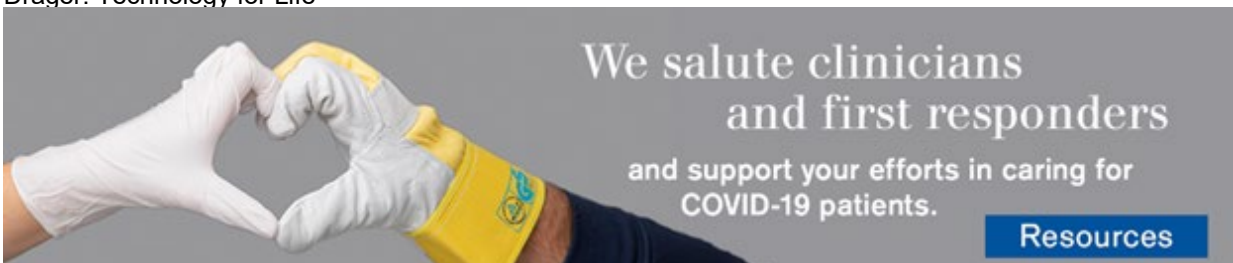
Best wishes for a Happy Holiday Season

Best Regards,

Mike Kelhart  
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**Docket Nr. MSHA-2020-0018**

December 16, 2020

To whom it may concern,

Dräger, a global leader in the design and manufacture of health and safety equipment for the mining industry, welcomes the opportunity to provide comment on Docket Nr. MSHA-2020-0018. We would like to express our support with the proposal to replace approval requirements in MSHA's regulations and to accept voluntary consensus standards (VCS) that are deemed to be suitable for gassy mining environments and provide protection against fire or explosion dangers.

Dräger products are currently in use in coal mining operations throughout the world. All of which recognize the proposed VCS. We are unaware of a product-related incident due to a gap in the protection stipulated by these standards. Aside from the mining industry, our products are commonly used in several hazardous applications in both the industrial and firefighting fields of application. Individual Dräger products have received not only MSHA approval but also many international approvals according to the VCS indicated in the proposal.

Due to the nature of our products' use and their approval requirements, we have gained extensive experience with different types of explosion protection including intrinsic safety. This experience has a direct impact on the design and engineering of our products. Based on this experience, we agree with the assessment that the VCS offer an equal level of safety and protection. Since the VCS undergo regular revision cycles in which findings and knowledge can be incorporated as well

as new requirements based on technological advancements, this would also enable continuous innovation while maintaining a clear set of rules for safe implementation.

Moreover, we would like to propose for your consideration the application of VCS for the measurement performance certification of gas detectors according to IEC 60079-29-1 instead of the proprietary MSHA Part 22 requirements. This standard is recognized in several mining approvals and contains specific requirements for Gas Group I i.e. atmospheres containing firedamp as well as additional safety-relevant parameters.

Within the MSHA approval process itself, we currently experience significant delays as well as a duplication of efforts. Upon submission, it can take up to 7 months before an approval engineer is available to review our product documentation. If applicable, we also supply IEC or ATEX test reports as part of this documentation with the hope this material will help to reduce the amount of work required by MSHA staff. If the original documentation does not satisfy MSHA requirements, we are issued a discrepancy letter. In such a case, Dräger should make changes to documentation or provide rebuttals to items that have been identified. Unfortunately, the discrepancy period is only 6 days long, which can be difficult due to the complexity of the products as well as the documentation control process for MSHA as well as other approvals. This is often repeated several times during which new items can be added that had not been identified beforehand. For this reason, we often create specialized documents for the MSHA approval. If MSHA accepted the test reports and standards of other recognized approvals, it would greatly reduce review time, documentation changes and repeat discrepancy letters.

We would also like to mention that the proposed change will have an impact on Dräger's product offering to the United States mining industry. Currently due to the additional cost and effort described above, only a preselected portion of our portfolio is submitted for approval based on our understanding of industry requirements. By simplifying the MSHA approval process, our complete portfolio with the applicable VCS would be accessible to the industry in less time and with significantly reduced effort required. As a result, products for new or niche applications could be made available to address specific challenges in the industry without the cost and time for the approval process making the feasibility less attractive.

In addition, technological advancements in other industries with a similar risk profile and an emphasis on risk mitigation strategies such as the oil and gas industry would have an easier adaption in the mining field. This, we believe, would further foster innovation and increase safety.

The proposal would also help us to simplify the technical requirements for our products and therefore provide significant time advantages during our development process, but also during the approval process itself after product development has concluded. Currently we face a replication of efforts to support similar approvals with similar objectives yet differing technical implementation. This will further assist us in our goal to provide innovative solutions to improve the overall safety and protection of mining employees and facilities.

Furthermore, over the last decade, the life cycle of procured electronic components has shortened. The replacement of these critical components requires the same lengthy effort to reapprove existing product, thereby risking a shortage in supply or even product availability for mining companies depending on the product in question.

In conclusion, we see great benefits for the US mining industry with this proposal: shortening the time to market for innovative products, further enabling the modernization of the mining industry, providing the industry access to a line of product choices and reinforcing competition among the equipment suppliers. All the while, maintaining an equally high level of safety and protection for the mine worker, mines rescue teams and the mine site.

On behalf of Dräger, I would like to state our appreciation and thank you in advance for your consideration.

Kind regards,



Thomas Treptow  
Approval Officer  
Product Qualification  
Research & Development



Michael Kelhart  
Director of Quality  
North American Region  
Dräger, Inc.