

Mine Safety and Health Administration
Docket No. MSHA-2020-0018
RIN 1219-AB93

Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories

RE: Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories.
Rosebud Mining Company
Proposed rule; request for comments

On November 19, 2020 the Mine Safety and Health Administration (MSHA) published the following Proposed Rule; request for comments: Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories. Rosebud Mining Company agrees with the Proposed Rule and offers its comments below.

Underground mining in general is a niche market with underground coal mining being a smaller subsection of this already small market. With a small market share innovation and new technologies are either not occurring in products for us or are very slow to reach us given the limited opportunity for material volumes of sales associated with mining equipment and technologies. This innovation is further inhibited by the testing and evaluation provisions that all equipment must be approved under 30 CFR and associated MSHA testing protocol. Many companies have approved equipment under ANSI or IEC standards that would meet the Hazard rating for underground coal mines that are not able to be used in our mines due to the lack of MSHA approval under 30 CFR. Companies weigh the potential extra sales versus the costs of obtaining this approval and often simply don't do it. If they do it, they charge very high and expensive rates for the device, an example would be Thermo Scientific's CDPM's. They are the only manufacturer who did the testing, have a monopoly on it, and the market is not big enough to justify another manufacturing getting the approval. When the coal industry was producing over 1 billion tons per year, the fear of creating monopolies was non-existent we saw a lot of competition between vendors. With coal production getting cut almost in half, the vendor base has also shrunk by a similar amount.

Another example of is the Powered Air Purifying Respirators (PAPR). Currently there are no available permissible PAPR systems on the market. While once available for use in our coal mines, these PAPR systems have been discontinued by the manufacturer due to the limited market. However, ANSI approved PAPR systems are available which are suited for the mining environment and meet the requisite hazard level. We would love to have them available for our employees use in certain situations but now cannot. These new PAPR systems could be approved in short order under the proposed regulations and will make an immediate safety impact in the nation's mines. This example of PAPR's is just one of many readily available tools that could be approved under the proposed rule and make an immediate impact on the health and safety of the miner.

With acceptance of the VCS (ANSI and IEC standards) a significantly larger amount of equipment and technologies will be available for use in underground mining. These technologies and equipment will be instrumental in modernizing underground coal mining in the United States while furthering the health and safety of the coal miner. We do not want, nor does our regulators want the tools and technologies available to underground mining to be perpetually stuck in the 2000's, the last decade that the mining industry was largely viable. The VCS will provide guidance from developed standards that are vetted by professionals and experts in the field. Many IEC standards have been applied and used internationally in coal mines throughout the world with a proven track record of success.

The incorporation of the VCS will relieve MSHA of the regulatory burden associated with Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories. If the requested approval in question is covered under the VCS MSHA will now be able to approve it under 30 CFR without having to subject it to their own testing, largely duplicative of what the companies have already done with others, as previously required by 30 CFR. This will relieve MSHA of the man power and time constraints that the current regulation imposes. The VCS will also allow MSHA to approve equipment and technologies that previously would have been unlikely to reach our market, not due to inadequate testing or design, but simply due to the limited market and resources companies are willing to commit to underground coal mining.

In summary, underground coal mining in the United States continues to be a vital but shrinking industry, virtually cut in half over the last decade. As with all things in the world coal mining is becoming more and more technologically driven. Given market restraints, requiring companies to perform multiple approval processes that are largely duplicative will result in companies simply not doing it, and coal mining will have little innovation. Right now, in 2020, industry specific approvals and regulations are causing vital technologies to not reach us in the field. The incorporation of the listed VCS within 30 CFR should provide a pathway for mining companies to access new equipment and technology that would not otherwise be possible. The proposed rule will allow for technological advancement within the industry and ultimately benefit the health and safety of the miner.

We appreciate the opportunity to comment on the proposed rule and outline the benefits that it will provide. This is a step forward for the mining community and will certainly help usher in new products that will be valuable for all parties. We applaud MSHA for proposing this regulation and helping the industry improve.

Sincerely,

Scott Troutman
Maintenance
Rosebud Mining Company