



KLTD Mining Business Division

120 Liberty Street
Franklin, PA 16323, United States
Phone: +01 814 432 1597
Mobile: +01 814 428 1302
Email: izak.venter@mining.komatsu

Izak Venter

Manager, Product Safety and Regulatory Compliance
Joy Product Line

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Ms. Roslyn B. Fontaine, Deputy Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
201 12th Street South
Suite 4E401
Arlington, VA 22202-5452

Dear Ms. Fontaine:

Re: Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories, Proposed Rule, RIN 1219-AB93, Docket No. MSHA-2020-0018, Federal Register, Vol. 85, No. 224, November 19, 2020

Komatsu offers the following comments to the Mine Safety and Health Administration (MSHA) concerning its proposed rule (PR) on “Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories,” 85 Fed. Reg. 73656, November 19, 2020. This letter details our comments.

Introduction

Komatsu would like to thank MSHA for the opportunity to review and consider the recommendations to 30CFR Parts 18 and 74. Komatsu agrees with MSHA that the adoption of voluntary consensus standards (VCS), “...will promote the use of innovative and advanced technologies that lead to improvements in mine safety and health,” and that, “...the use of VCS may also provide applicants and manufacturers [*for permissible equipment approval and certification*] access to other markets for products and equipment they currently only sell to the U.S. mining industry.”

Approved voluntary consensus standards

Komatsu would like to propose extending the adoption of the 60079-1 standard for flameproof enclosures to include equipment “db,” suitable for zone 1. This equipment is used safely in coal mines globally and not accepting this equipment will reduce the use of innovative and advanced technologies that lead to improvements in mine safety and health. With only catalytic convertors accepted in zone 0, all flameproof equipment globally, that is not catalytic convertors, will fall into the level of protection “db” or “dc.” Flameproof equipment currently approved to MSHA standards would also not meet the criteria to operate in a zone 0, so

accepting level of protection “db” would not be compromising on safety compared to what is currently enforced. 30CFR §27.24 requires that all equipment shutdown at a methane concentration of 2.0 volume percent and at all higher concentrations of methane. This effectively ensures that equipment will not be operating in a zone 0 environment with methane present for an extended period of time.

Recommendation is to reword paragraph as below:

§ 18.102 Approved voluntary consensus standards.

(a) MSHA has determined that the provisions associated with Group I and Levels of Protection suitable for Zone 0 and Zone 1 provisions of the voluntary consensus standards listed in paragraph (b) of this section are suitable for gassy mining environments and will provide the protection for against fire or explosion if used in their entirety and without modification to replace the requirements in subparts B through E of this part.

Future consideration to adopt IEC 60079-7 and UL 60079-7 dealing with equipment protection by increased safety “e” is also recommended.

Clarification of process

The future process to be followed is not clear in the proposal as currently written. For example, it is not clear whether MSHA will accept a certificate from a laboratory that can demonstrate its independence and that is accredited by a laboratory accreditation organization, or whether MSHA will still require its own full evaluation, and possibly testing, to the new VCS standards. Komatsu proposes that a certificate from an accredited, independent laboratory be accepted, with MSHA then issuing an MSHA certification number based on this certificate. In the future, when more confidence is obtained in the IECEx scheme, it would be good if acceptance of the IECEx mark can be considered, removing the need for additional MSHA marking.

Suggested wording for paragraph as below:

§ 18.15 Changes after approval or certification.

* * * * *

(c) An application for a formal extension of approval or certification must have a list of new or revised drawings, specifications, and information related to the changes to be added to those already on file for the original approval or certification or a certificate from an accredited, independent laboratory. MSHA will issue a formal extension of approval or certification to a completely assembled electrical machine or accessory, if each component of such electrical machine or accessory:

- (1) Meets the requirements applied to the last approval, certification, or extension thereof; or
- (2) Meets voluntary consensus standard requirements listed in this part that apply to those components if the applicant chooses to use the requirements of the voluntary consensus standards.

Komatsu would like to thank MSHA for the opportunity to comment. Should there be any questions related to the above comments, please do not hesitate to contact me.

Sincerely,



Izak Venter
Manager, Product Safety and Regulatory Compliance