

United Mine Workers of America



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October 12, 2009

Mr. John Rowlett, Director
Management Services Division
Mine Safety and Health Administration
1100 Wilson Boulevard, Room 2350
Arlington, VA 22309-3939

Dear Mr. Rowlett:

Attached are the comments of the United Mine Workers of America on the Proposed Information Collection Request for Records of Preshift and Onshift Inspections of Slope and Shaft Areas published in FR 40612 Vol. 74, No. 154, August 12, 2009.

The UMWA appreciates the opportunity to participate in this important rulemaking and asks that you forward our comments to the appropriate person(s) for consideration.

Sincerely,

Dennis O'Dell (RRP)

Dennis O'Dell, Administrator
UMWA Department of Occupational
Health and Safety

Comments of the United Mine Workers of America
On the Proposed Information Collection Request Submitted for Public Comment and
Recommendations; Records of Preshift and Onshift Inspections of Slope and Shaft Areas
October 13, 2009

MSHA indicates that this proposal is part of the Department of Labor's continuing effort to reduce paperwork and respondent burden in accordance with the requirements of the Paperwork Reduction Act of 1995. This proposal provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information to ensure that requested data can be provided in the desired format, reporting burden is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. MSHA indicates it is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

This proposal concerns the Records of Preshift and Onshift Inspections of Slope and Shaft Areas as follows:

§77.1901 Preshift and onshift inspections; reports

- (a) Examinations of slope and shaft areas shall be made by a certified person for hazardous conditions, including tests for methane and oxygen deficiency:
 - (1) Within 90 minutes before each shift;
 - (2) At least once on any shift during which men are employed inside any slope or shaft during development; and
 - (3) Both before and after blasting
- (b) The surface area surrounding each slope and shaft shall be inspected by a certified person and all hazards in the vicinity shall be corrected before men are permitted to enter the excavation.
- (c) All hazards found during any preshift or onshift inspection shall be corrected before men are allowed to enter, or continue to work in such slope or shaft. If hazardous conditions cannot be corrected, or excessive methane concentrations cannot be diluted, the excavation shall be vacated and no person shall be permitted to reenter the slope or shaft to continue excavation operations until the hazardous condition has been abated.

- (d) No work shall be performed in any slope or shaft, no drilling equipment shall be started, and no electrical equipment shall be energized if the methane content in such slope or shaft is 1.0 volume per centum, or more.
- (e) Nothing in this §77.1901 shall prevent the specific assignment of men in the slope or shaft for purposes of abating excessive methane concentrations or any other hazardous condition.
- (f) The results of all inspections conducted in accordance with the provisions of paragraph (a) of this section shall be recorded in a book approved by the Secretary.

Comment - This proposal questions the requirement for recording preshift and onshift inspections of slope and shaft areas. The UMWA maintains that these records are vital to the safety of the mine; are necessary for the functions of the agency and do have practical utility. The preshift and onshift examinations are required inspections prior to miners entering their workplaces and during the working shift. The certified mine examiner inspects the workplace for hazards, including tests for methane and oxygen deficiency. The hazardous conditions found in these examinations are required to be corrected before the miners enter the area to work. These records and examinations are vital to the health and safety of the miners. Further, when MSHA or the state inspection agencies inspect the mine, one of the first records they review is the preshift and onshift examination books to see what the mine examiner found and recorded. The MSHA inspector will look to see if these conditions are being corrected or could be the result of a larger problem (such as a ventilation problem in the mine). These records have historically been kept at a central location at the mine where the examiner from each shift can record their findings and any inspection agency, safety committee or interested party can examine them. These records have historically been in written form in a ledger or book. It is possible that these records could be kept electronically, but only if they are protected and made available to those interested. It would probably not be feasible since most coal mine supervisors do not have typing skills and would be handicapped in recording their finding on a computer. Further, if these records are stored on a computer, the records would have to be backed up to prevent their loss. They would also have to be made readily available in an easy to read format for those wishing to examine the records. For these reasons, we feel it would be more practical to retain the current practice of entering the examination results in a written form.