

**Comments of the United Mine Workers of America  
On the Proposed Information Collection Request Submitted for Public Comment  
and Recommendations; Fire Protection (Underground Coal Mines)  
November 19, 2012**

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30CFR Sections 75.1100-3, 75.1103-5(a)(2)(ii), 75.1103-8 (b) and (c), 75.1103-11, 75.1501(a)(3), 75.1502 (a) and (b); Fire Protection (Underground Coal Mines) and Mine Emergency Evacuation. The Agency points out that the – *The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95)[44U.S.C. 3506(c)(2)(A)]*. The Agency states that it seeks 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 is soliciting comments on five standards from 30CFR. The requirement of each of those standards and the UMWA's comments on each is as follows:

**75.1100-3 Condition and examination of firefighting equipment.**

All firefighting equipment shall be maintained in a useable and operative condition. Chemical extinguishers shall be examined every 6 months and the date of the examination shall be written on a permanent tag attached to the extinguisher.

**Comment** – This section requires an examination of fire extinguishers once every 6 months and a permanent record (tag) to be attached to the extinguisher to verify that this examination was completed and that the fire extinguisher is in proper working order. Requiring a bi-annual examination of fire extinguishers is a standard practice throughout all industries, not just in mining. Whenever you pick up a fire extinguisher at any business, factory, etc. the first thing you look for is the tag to verify that it has been inspected and is in proper working order. This is a standard practice in all industries and should not be changed because it is a common accepted practice to verify that fire extinguishers are in proper working order. The information does have practical utility because it is common recordkeeping practice for all fire extinguishers. Further there is no manner in which this recordkeeping practice could be clarified; automated; or

submitted electronically. Therefore, the recordkeeping practice of tagging a fire extinguisher after examination must be retained and continued.

**75.1103-5(a)(2)(ii) Automatic fire warning devices; actions and response.**

- (a) When the carbon monoxide level reaches 10 parts per million above the established ambient level at any sensor location, automatic fire sensor and warning device systems shall provide an effective warning signal at the following locations:
  - (2) At a manned surface location where personnel have an assigned post of duty. The manned surface location must have:
    - (ii) A map or schematic that shows the locations of sensors, and the intended air flow direction at these locations. This map or schematic must be updated within 24 hours of any change in this information.

**Comment** – This standard governs the requirement for a map of the fire sensor locations and air flow direction at these sensors. This is a vital part of the recordkeeping for the carbon monoxide and fire monitoring systems. These are essential records and must be continued. Coal miners, inspectors and management all make reference to these documents when there is a question concerning the specifics of any fire sensor. These are basic recordkeeping practices for the industry and a vital part of the overall function of the mine. These are not records that could be eliminated, are not burdensome and are a necessary part of the operation of the mine. Consequently, the UMW recommends that no change be made to this rule.

**75.1103-8 Automatic fire sensor and warning device systems; inspection and test requirements.**

- (a) Automatic fire sensor and warning device systems shall be examined at least once each shift when belts are operated as part of a production shift. A functional test of the warning signals shall be made at least once every seven days. Examination and maintenance of such systems shall be by a qualified person.
- (b) A record of the annual functional test conducted in accordance with paragraph (a) of this section shall be maintained by the operator and kept for a period of one year.
- (c) Sensors shall be calibrated in accordance with the manufacturer's calibration instructions at intervals not to exceed 31 days. A record of the sensor calibrations shall be maintained by the operator and kept for a period of one year.

**Comment** – Conducting a functional test of automatic fire sensor and warning device systems is a standard practice to periodically check to see if the system is functional. In addition a weekly examination of the system is conducted and results recorded and maintained. This has been the historical practice for recordkeeping of these examinations and the expected place miners look to see if these tests have been conducted. Because this is a well- established method of recordkeeping for the fire warning systems and one that the industry is familiar with, it should not be changed. These records must be maintained near the system itself so inspectors, safety committeemen; mine management and other interested persons can have direct access to

determine whether these checks have been made and that the system is functioning properly. The maintenance of these records do have practical utility and should not be a burden on the industry due to the fact that this has been the established system for checks and recordkeeping for years. The recordkeeping practice could not be done through electronic means being that the record of the weekly examination is kept underground near the belt drive. It would not be practical to keep these records electronically. For these reasons, the UMWA recommends that these tests for the automatic fire sensor and warning device system be conducted as in the past and those records maintained where miners, inspectors and other interested parties have direct access to them.

#### **75.1103-11 Tests of fire hydrants and fire hose; record of tests.**

Each fire hydrant shall be tested by opening to insure that it is in operating condition, and each fire hose shall be tested, at intervals not exceeding 1 year. A record of these tests shall be maintained at an appropriate location.

**Comment –** Testing of fire hydrants to check operating condition is one of the most important fire tests to be conducted. In the event of a fire, a reliable source of water is the most important tool available to fight a fire. A simple test to open the hydrant to insure that it is in operating condition is not a burden on the industry and is a standard safeguard that must be continued. The record keeping requirements for these tests are standard procedure which has been practiced for many years. The Employer generally has a belt man or mine examiner who is assigned these duties as part of their standard job to make and record these tests. These are standard practices which have been a part of the mining communities' practices and should not be changed. It is of vital importance that miners know they can count on their fire protection in the event of an emergency, therefore the benefit of these tests far outweigh any record keeping burden they may create. These records do have practical utility; does not create a burden. Further, it would be impractical to store these records electronically. Therefore, we recommend that the record keeping practices currently in place be continued.

#### **75.1501(a)(3) Emergency evacuations.**

(a)(3) The operator shall certify by signature and date after each responsible person has completed training and keep the certification at the mine for 1 year.

**Comment –** The Agency questions whether records should be maintained to verify that each responsible person has completed training. Those records are required to be maintained for one year. There should be no question as to whether the maintenance of training records "will have practical utility." The fire at Aracoma Coal Co.'s Alma No. 1 Mine on January 19, 2006 should provide proof enough that these records must be maintained. The failure of mine management to conduct fire drills was a direct contribution to this disaster. Don Bragg and Ellery Hatfield were killed because they were separated from the rest of their section crew and were unable to find their way out of the mine through the smoke. The importance of mine escape drills is exemplified by their deaths. It is unquestionable that the records of fire drills must be

maintained. This information does have practical utility, is not a burden to the industry and must be continued. Conducting and recording fire drills is a practice that the coal industry has conducted for many years, is not a burden and must be continued.

**75.1502 Mine emergency evacuation and firefighting program of instruction**

Each operator of an underground coal mine shall adopt and follow a mine emergency evacuation and firefighting program that instructs all miners in the proper procedures they must follow if a mine emergency occurs.

- (a) Program approval. The operator shall submit this program of instruction, and any revisions, for approval to the District Manager of the Coal Mine Safety and Health district in which the mine is located. Within 30 days of approval, the operator shall conduct training in accordance with the revised program.
- (b) New or revised provisions. Before implementing any new or revised approved provision in the program of instruction, the operator shall instruct miners in the change.

**Comment** - This is probably the most important provision of the fire protection rules. This rule sets forth the requirements for firefighting and evacuation plans to address emergencies. It further requires training of miners regarding the mine emergency evacuation fire-fighting plan for all emergencies. It is of critical importance that miners are well trained and know what to do in the event of an emergency. At Aracoma Coal Alma No. 1, the employer had falsified records indicating the mine escape drills had been conducted. Because these mine evacuation drills had not been done and miners were not familiar with escape routes, two miners died. Two miners were separated from the rest of the crew on their way out of the mine. In the fire and confusion they both went different directions and died. If they were familiar with their escape routes this may not have happened. Therefore, it is very important that the requirements of this rule continue to provide training and plans for evacuation in the event of an emergency. The record keeping requirements is not a burden to the industry and provides information as to whether miners are prepared to respond to a mine emergency. For that reason, we recommend that the standard remain as current.