

United Mine Workers of America



TELEPHONE
(703) 291 2400

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200

Triangle, VA

22172-1779

© 1998 UMW 10-3

August 12, 2013

Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: OMB Control Number 1219-0041

Dear Sir/Madam:

Attached are the comments of the United Mine Workers of America on the above-named Proposed Collection; Comment Request; Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines). I ask that you forward a copy of our comments to the appropriate persons in your Agency for consideration.

Should you have any questions concerning this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dennis O'Dell".

Dennis O'Dell, Administrator
Department of Occupational Health & Safety

**Comments of the United Mine Workers of America
On the Proposed Information Collection Request Submitted for Public Comment and
Recommendations;
Program To Prevent Smoking Underground and in Hazardous Surface Areas
(Pertains to Underground Coal Mines)
August 12, 2013**

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 following standards:

75.1702 Smoking; prohibition

No person shall smoke, carry smoking materials, matches, or lighters underground, or smoke in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator shall institute a program, approved by the Secretary, to insure that any person entering the underground area of the mine does not carry smoking materials, matches, or lighters.

Comments:

This standard requires mine operators to submit and maintain a plan/program for searching miners to prevent the carrying of smoking articles underground. The smoking program is one of the many pieces to the safe operation of a coal mine. Like the mine ventilation plan, roof control plan, etc. the smoking plan provides guidance for searching miners for smoking materials before entering the mine. Because this issue could easily lead to controversy it is best that a plan be in place to provide guidance to those involved in carrying out the requirements of this plan. As pointed out by MSHA, once these plans are approved rarely are they revised unless there is a change in ownership at the mine or if the plan proves to be ineffective in preventing smoking materials being taken underground. Consequently, the maintenance of this plan would not be a "paperwork burden" to the mine operator. The smoking program is necessary for the safe operation of a mine and must not be changed. The UMWA would not oppose the use of electronic means to submit such a plan or the maintenance of it as long as it is readily available to any interested party when asked to view it, including the miners' representative.

75.1702-1 Smoking Programs

Programs required under §75.1702 shall be submitted to the Coal Mine Safety District Manager for approval on or before May 30, 1970.

Comments:

This standard requires the smoking program to be submitted to the MSHA District Manager for approval. The comments above would apply to this standard likewise.