



Illinois Coal Association
212 S. Second Street
Springfield, IL 62701
(217)528-2092 phone / (217)523-5191 fax
www.ilcoalassn.com

November 28, 2011

2011 NOV 29 A 10:19

Ms. Roslyn Fontaine, Acting Director
Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
1100 Wilson Boulevard, Room 2350
Arlington, VA 22209-3939

Re: RIN 1219-AB65; Comments on MSHA Proposed Rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

Dear Ms. Fontaine:

The following comments regarding the above-referenced proposed rule ("Proposed Rule") are submitted by the Illinois Coal Association ("ICA"), a professional trade association responsible for the promotion of the Illinois coal industry. The ICA represents 22 coal producers and coal reserve owners who employ 3,500 workers and are responsible for an additional 24,500 related jobs that provide an annual impact of about \$1 billion to the State of Illinois' economy. The Proposed Rule will have an impact on the 14 underground mines, using a total of 64 continuous mining machines, currently in operation in Illinois.

Over many years, ICA members have demonstrated their commitment to ensure a safe and healthy working environment for all miners. The underground mines in Illinois are large, well-run operations with excellent safety records. The ICA supports the development of proximity detection technology and its eventual deployment and use in underground mining operations. However, we have concerns with the Proposed Rule which are detailed by section below.

75.1732 (a) Machines covered

The compliance date published in the Federal Register for machines manufactured after August 31, 2011 has almost expired and will be impossible to make it. The preamble mentions a compliance date of 3 months after the publication of the final rule. This will also be impossible to make.

In order for manufacturers to have sufficient reliable systems available to install on continuous miners manufactured after August 31, 2011, the ICA recommends an 18 month time frame be set in the Rule to obtain systems and have them installed on miners (some of which are already in operation). Similarly, we recommend a 36 month time frame to retrofit all the machines manufactured before August 31st. The systems will have to be tested for reliability for different makes and models this will take at least 36 months.

75.1732 (b) Requirements for proximity detection systems

Subpart (1) states that the machine must “stop no closer than 3 feet from a miner”. As a practical matter this should not be a specific distance but a performance standard with no specific distance required. Accordingly, the ICA recommends that the distance standard be deleted. The machine should de-energize before contacting a miner. This provision would achieve the NIOSH stated goal of “a proximity detection system should be to prevent machine actions or situations that injure workers while not placing restrictions on how the workers do their jobs.”

Also, we recommend that a third exception to Subpart (1) be added as follows: **“or, (iii) a miner(s) located in an intersection where the pivot radius of the tail or cutter boom cannot contact the miner(s).”** This provision would be consistent with the current inspection practices that recognize that a miner in this particular location is not in the RED ZONE.

Similarly, we recommend that the identical language recommended above for Subpart (1) be added to Subpart (2) as follows: **“(iii) a miner(s) located in an intersection where the pivot radius of the tail or cutter boom cannot contact the miner(s).”**

We request that the last sentence in Proposed Subpart (4) be stricken, which currently reads: “Such movement is permitted only for purposes of relocating the machine from an unsafe location for repair;”. This sentence should be replaced by the following: **“The continuous mining machine may be operated for up to 24 hours to trouble shoot obtain parts and repair the system. This provision will be in effect for 18 months for mining machines manufactured after August 31, 2011 or 36 months for machines manufactured before August 31, 2011, after the effective date of this Rule. This will only be in effect provided that the Safety Precautions for Extended Cut Remote Controlled Mining (Red Zone provisions) are implemented. The proximity detection system must be restored to full operational capacity prior to the continuous mining machine being placed into operation after the 24 hour period.”**

75.1732 (c) Examination and checking

Proposed Subpart (3) requires an examination of the proximity detection system at least every 7 days. The ICA recommends that this be changed to weekly to be consistent with the examinations required by Sec. 75.512 and the frequency of examinations as detailed in Sec. 75.512-2.

Also in Subpart (3), the ICA recommends that the last sentence be stricken. That sentence currently reads: “Defects in the proximity detection system must be corrected before the machine is returned to service.” This sentence should take effect only after 18

months for machines manufactured after August 31, 2011 or 36 months for machines manufactured before August 31, 2011 after the effective date of this Rule.

75.1732 (d) Certification and records

Electrical components are inspected weekly already as required by permissibility regulations. Recording that a visual inspection made will insure the inspections are made at the start of each. Maintaining separate records for weekly inspections is redundant to records already being maintained.

Electrical training and retraining records are also already being maintained. Additional records specifically for proximity detection systems are unnecessary and a record keeping burden without adding any additional safety for the miners.

75.1732 (e) New technology

New technology must be accepted if it meets current permissibility requirements and performs the same function as already approved systems without undue delay from MSHA.

We close with a comment on extended cuts. If MSHA wants an immediate impact on enhancing miner safety, then it should approve the many extended cut plans submitted by ICA members. Mines limited to a 20 foot or less cut roof control and ventilation plan are required to clean up and move the continuous miner twice as much as a mine with a 40 foot cut plan. Ventilation studies have shown little benefit to a 20 foot ventilation plan. Tech support studies indicate 35 to 40 foot plan ventilation that fairs just as well or better at times. A 20 foot plan has the curtain lying on the continuous miners which is approximate 29 feet long. The increase number of moves could have contributed to the recent increase in pinch point accidents and cable damage, cable handling accidents. Extended cuts mean miner safety, and MSHA needs to approve extended cut plans on a timely basis.

The ICA appreciates MSHA's granting our request to schedule a hearing on these Proposed Rules in the Illinois Basin. In addition, we also appreciate the two week extension of the comment period. On behalf of the members of the ICA, I request that you give serious consideration to our comments.

Sincerely,

A handwritten signature in cursive script, reading "Phillip M. Gonet".

Phillip M. Gonet
President