

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 Escape and Evacuation Plans published in FR 40611 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 (ARP)

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; Escape and Evacuation Plans
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 Escape and Evacuation Plans as follows:

§77.1101 Escape and evacuation; plan.

- (a) Before September 30, 1971, each operator of a mine shall establish and keep current a specific escape and evacuation plan to be followed in the event of a fire.

Comment - This section of the standards requires all mine operators to keep a current escape and evacuation plan to be followed in the event of an emergency. The Mine Improvement and New Emergency Response Act of 2006 (MINER Act) was passed by Congress after a series of mine disasters cost many miners lives. Tragedies such as the September 23, 2001 explosion at Jim Walter Resources No. 5 mine which claimed 13 lives; the January 2, 2006 explosion at Wolf Run Mining Sago Mine which claimed 12 lives; the mine fire at Aracoma Coal, Alma No. 1 on January 19, 2006 which claimed 2 lives and the bounce or mountain bump at Genwal Resources, Crandall Canyon Mine on August 6, 2007 which claimed 9 lives are what prompted Congress to act regarding mine rescue and escape readiness. The UMWA cannot comprehend how MSHA could ask "if such information would have practical utility" or "if the collection of this information is necessary for the proper performance of the functions of the agency" so soon after Congress directed that emergency response plan and procedures be upgraded to protect against such tragedies in the future. This

information is necessary to make sure people understand what to do in the event of an emergency; to make sure that mine rescue teams are at the site ready to respond; and that miners are properly trained to respond and escape in an emergency. Therefore, the UMWMA insist this standard remain unchanged.

§77.1101 Escape and evacuation; plan.

- (b) All employees shall be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

Comment - This section of the standards requires that all miners be trained and kept current on escape and evacuation plans, fire alarm signals and procedures to respond to a fire. This information is very important to ensure that all miners are kept up to date on emergency escape procedures and how to respond in the event of a fire or other emergency. This information has practical utility and will not burden the industry in any way to make sure these plans and miners are kept current and well informed. Plan information and escapeway maps continually change as the mine develops therefore, it is important that it be kept up to date and that all affected are informed of these changes. Two miners lost their lives at the Alma Mine because they could not find their way out. Mine management had forged the records, indicating that these miners had been trained in evacuation procedures, when in fact they had not received training. They lost their way in the smoke-filled escapeway and perished. MSHA should not question these requirements and no change should be made to them. The updates and changes to these plans must be served on all involved parties and reviewed with those affected, so they should not be transmitted electronically. Many miners do not have computers or e-mail addresses. Even for the ones that do, these important documents should not be submitted electronically. Miner's could easily mistake the transmission as junk mail and delete them without ever seeing them. Technology in this case will cause harm and many will be uninformed. Rather than taking a step backwards to a time where miners were left in the dark on information, the UMWA again insist that the method of submitting these plans remain unchanged.

§77.1101 Escape and evacuation; plan.

- (c) Plans for escape and evacuation shall include the designation and proper maintenance of adequate means for exit from all areas where persons are required to work or travel including buildings and equipment and in areas where persons normally congregate during the work shift.

Comment - This section of the standard specifies the information that must be included in the escape and evacuation plans. The UMWA reiterates the same comments stated in the above sections and for the same reasons. This standard should not change and transmission of the plan should continue as in the current practice. Miners have died and fought long and hard for better training and to be kept abreast of any new information that could save their lives and/or increase their chances of escape in the event of an emergency. The current

techniques aren't without flaws but it has proven to work for those operators and MSHA District personnel that insist information is continually updated and shared with the miners.

On behalf of the United Mine Workers of America and its members, we thank you and hope that we have been able to point out the importance of maintaining the current standard as in place. It is our hope that history will not be ignored nor will we create more disasters where miners have to die in vain to have protective standards put in place. To put it best, we will remind you of MSHA's mission statement;

"The mission of the Mine Safety and Health Administration (MSHA) is to administer the provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended by the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and to enforce compliance with mandatory safety and health standards as a means to eliminate fatal accidents; to reduce the frequency and severity of nonfatal accidents; to minimize health hazards; and to promote improved safety and health conditions in the Nation's mines"