

# United Mine Workers of America



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December 7, 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 Daily Inspection of Surface Coal Mine: Certified Person; Reports of Inspection.

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*  
(ORP)

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; Daily Inspection of Surface Coal Mine; Certified Person; Reports of  
Inspection (Pertains to Surface Coal Mines)  
December 7, 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 Main Fan Operation and Inspection as follows:

**§ 77.1713 Daily inspection of surface coal mine; certified person; reports of inspections**

- (a) At least once during each working shift, or more often if necessary for safety, each active working area and each active surface installation shall be examined by a certified person designated by the operator to conduct such examinations for hazardous conditions and any hazardous conditions noted during such examinations shall be reported to the operator and shall be corrected by the operator.
- (b) If any hazardous condition noted during an examination conducted in accordance with paragraph (a) of this section creates an imminent danger, the person conducting such examination shall notify the operator and the operator shall withdraw all persons from the area affected, except those persons referred to in section 104(d) of the Act, until the danger is abated.
- (c) After each examination conducted in accordance with the provisions of paragraph (a) of this section, each certified person who conducted all or any part of the examination required shall enter with ink or indelible pencil in a book approved by

the Secretary the date and a report of the condition of the mine or any area of the mine which he has inspected together with a report of the nature and location of any hazardous condition found to be present at the mine. The book in which such entries are made shall be kept in an area at the mine designated by the operator to minimize the danger of destruction by fire or other hazard.

(d) All examination reports recorded in accordance with the provisions of paragraph © of this section shall include a report of the action taken to abate hazardous conditions and shall be signed or countersigned each day by at least one of the following persons:

- (1) The surface mine foreman;
- (2) The assistant superintendent of the mine;
- (3) The superintendent of the mine;
- (4) The person designated by the operator as responsible for health and safety at the mine; or.
- (5) An equivalent mine official.

**Comment -** - This proposal questions the requirement for recording onshift inspections of surface mines. 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 examinations are required inspections of workplaces 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 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. 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.