

# United Mine Workers of America



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February 2, 2010

Mr. John Rowlett, Director  
Management Services Division  
Mine Safety and Health Administration  
1100 Wilson Boulevard, Room 2134  
Arlington, VA 22209-3939

Dear Mr. Rowlett:

Attached are the comments of the United Mine Workers of America on the Proposed Information Collection Request for Emergency Mine Evacuation, published in FR 63794 Vol. 74, No. 232, December 4, 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, 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; Emergency Mine Evacuation  
February 2, 2010**

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 Emergency Mine Evacuation as follows:

**§ 48.3 Training Plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors**

(a) Except as provided in paragraphs (o) and (p) of this section, each operator of an underground mine shall have an MSHA approved plan containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:

- (1) In the case of an underground mine which is operating on the effective date of this subpart A, the operator of the mine shall submit such plan for approval within 90 days after the effective date of this subpart A.
- (2) Within 50 days after the operator submits the plan for approval, unless extended by MSHA, the operator shall have an approved plan for the mine.

(3) In the case of a new underground mine which is to be opened or a mine which is to be reopened or reactivated after the effective date of this subpart A, the operator shall have an approved plan prior to opening the new mine, or reopening or reactivating the mine.

(b) The training plan shall be filed with the District Manager for the area in which the mine is located.

(c) Each operator shall submit to the District Manager the following information:

(1) The company name, mine name, and MSHA identification number of the mine.

(2) The name and position of the person designated by the operator who is responsible for health and safety training at the mine. This person may be the operator.

(3) A list of MSHA approved instructors with whom the operator proposes to make arrangements to teach the courses, and the courses each instructor is qualified to teach.

(4) The location where training will be given for each course.

(5) A description of the teaching methods and the course materials which are to be used in training.

(6) The approximate number of miners employed at the mine and the maximum number who will attend each session of training.

(7) The predicted time or periods of time when regularly scheduled refresher training will be given. This schedule shall include the titles of courses to be taught, the total number of instruction hours for each course, and the predicted time and length of each session of training.

(8) For the purposes of §48.7 (New task training of miners) of this subpart A, the operator shall submit:

(i) A complete list of task assignments to correspond with the definition of "task" in §48.2(f) of this subpart A.

(ii) The titles of personnel conducting the training for this section.

(iii) The outline of training procedures used in training miners in those work assignments listed according to paragraph (c)(8)(i) of this section.

(iv) The evaluation procedures used to determine the effectiveness of training under §48.7 of this subpart A.

(d) The operator shall furnish to the representative of the miners a copy of the training plan two weeks prior to its submission to the District Manager. Where a miners' representative is not designated, a copy of the plan shall be posted on the mine bulletin board 2 weeks prior to its submission to the District Manager. Written comments received by the operator from miners or their representatives shall be submitted to the District Manager. Miners or their representatives may submit written comments directly to the District Manager.

(e) All training required by the training plan submitted to and approved by the District Manager as required by this subpart A shall be subject to evaluation by the District Manager to determine the effectiveness of the training programs. If it is deemed necessary, the District Manager may require changes in, or additions to, programs. Upon request from the District Manager the operator shall make available for evaluation the instructional materials, handouts, visual aids and other teaching accessories used or to be used in the training programs. Upon request from the District Manager the operator shall provide information concerning the schedules of upcoming training.

(f) The operator shall make a copy of the MSHA approved training plan available at the mine site for MSHA inspection and for examination by the miners and their representatives.

(g) Except as provided in §48.7 (New task training of miners) and §48.11 (Hazard training) of this subpart A, all courses shall be conducted by MSHA approved instructors.

(h) Instructors shall be approved by the District Manager in one or more of the following ways:

(1) Instructors shall take an instructor's training course conducted by the District Manager or given by persons designated by the District Manager to give such instruction; and instructors shall have satisfactorily completed a program of instruction approved by the Office of Educational Policy and Development, MSHA, in the subject matter to be taught.

(2) Instructors may be designated by MSHA as approved instructors to teach specific courses based on written evidence of the instructors' qualifications and teaching experience.

(3) At the discretion of the District Manager, instructors may be designated by MSHA as approved instructors to teach specific courses based on the performance of the instructors while teaching classes monitored by MSHA. Operators shall indicate in the training plans submitted for approval whether they want to have instructors approved based on monitored performance. The District Manager shall consider such factors as the size of the mine, the number of employees, the mine safety record and remoteness from a training facility when determining whether instructor approval based on monitored performance is appropriate.

(4) On the effective date of this subpart A, cooperative instructors who have been designated by MSHA to teach MSHA approved courses and who have taught such courses within the 24 months prior to the effective date of this subpart shall be considered approved instructors for such courses.

(i) Instructors may have their approval revoked by MSHA for good cause which may include not teaching a course at least once every 24 months. Before any revocation is effective, the District Manager must send written reasons for revocation to the instructor and the instructor shall be given an opportunity to demonstrate or achieve compliance before the District Manager on the matter. A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Non-metal Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939. Such an appeal shall be submitted to the Administrator within 5 days of notification of the District Manager's decision. Upon revocation of an instructor's approval, the District Manager shall immediately notify operators who use the instructor for training.

(j) The District Manager for the area in which the mine is located shall notify the operator and the miners' representative, in writing, within 60 days from the date on which the training plan is filed, of the approval or status of the approval of the training programs.

(1) If revisions are required for approval, or to retain approval thereafter, the revisions required shall be specified to the operator and the miners' representative and the operator and the miners' representative shall be afforded an opportunity to discuss the revisions with the District Manager, or to propose alternate revisions or changes. The District Manager, in consultation with the operator and the representative of the miners, shall fix a time within which the discussion will be held, or alternate revisions or changes submitted, before final approval is made.

(2) The District Manager may approve separate programs of the training plan and withhold approval of other programs, pending discussion of revisions or submission of alternate revisions or changes.

(k) Except as provided under §48.8(c) (Annual refresher training of miners) of this subpart A, the operator shall commence training of miners within 60 days after approval of the training plan, or approved programs of the training plan.

(l) The operator shall notify the District Manager of the area in which the mine is located, and the miners' representative of any changes or modifications the operator proposes to make in the approved training plan. The operator shall obtain the approval of the District Manager for such changes or modifications.

(m) In the event the District Manager disapproves a training plan or a proposed modification of a training plan or requires changes in a training plan or modification, the District Manager shall notify the operator and the miners' representative in writing of:

(1) The specific changes or items of deficiency.

(2) The action necessary to effect the changes or bring the disapproved training plan or modification into compliance.

(3) The deadline for completion of remedial action to effect compliance, which shall serve to suspend punitive action under the provisions of sections 104 and 110 of the Act and other related regulations until that established deadline date, except that no such suspension shall take place in imminent danger situations.

(n) The operator shall post on the mine bulletin board, and provide to the miners' representative, a copy of all MSHA revisions and decisions which concern the training plan at the mine and which are issued by the District Manager

(o) Each operator engaged in shaft or slope construction shall have an MSHA-approved training plan, as outlined in this section, containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:

(1) In the case of an operator engaged in shaft or slope construction on December 30, 2005, the operator shall submit a plan for approval by May 1, 2006, unless extended by MSHA.

(2) In the case of a new shaft or slope construction operator after June 28, 2006, the operator shall have an approved plan prior to commencing shaft or slope construction.

(p) Each underground coal operator, who is required to submit a revised program of instruction for 30 CFR 75.1502, shall also submit a revised training plan under this part 48.

#### **Comment**

This section of the standard sets forth the requirements for the submission and approval of training plans. The standard sets forth specific information that must be included in the training plan including the topics to be covered, location of training, trainer's identity, etc. Under the standard, the mine operator must provide a copy of the training plan to the miners' representative two weeks before submission to provide opportunity for their comments. If there is no miners' representative, the plan must be posted on the mine bulletin board. The information contained in training plans is essential and does have practical utility. Further, it is not information that should be transferred through electronic or other technological collection techniques. The mine bulletin board is one of the central information centers at the mine, usually located in the lamp house or other common area where miners gather. The mine bulletin board is the major source for keeping miners informed about things going on at the mine and a place they all look for information about their mine. The posting of plans is a common requirement and one that should continue in order that miners on all shifts have access to such important information regarding things going on at their operation.

#### **§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.

(c) Instruction plan. The approved program shall include a specific plan designed to instruct miners on all shifts on the following:

(1) Procedures for--

(i) Evacuating the mine for mine emergencies that present an imminent danger to miners due to fire, explosion, or gas or water inundation;

(ii) Evacuating all miners not required for a mine emergency response; and

(iii) The rapid assembly and transportation of necessary miners, fire suppression equipment, and rescue apparatus to the scene of the mine emergency.

(2) The use, care, and maintenance of self-rescue devices, including hands-on training in the complete donning and transferring of all types of self-rescue devices used at the mine.

(3) The deployment, use, and maintenance of refuge alternatives.

(4) Scenarios requiring a discussion of options and a decision as to the best option for evacuation under each of the various mine emergencies (fires, explosions, or gas or water inundations). These options shall include:

(i) Encountering conditions in the mine or circumstances that require immediate donning of self-rescue devices.

(ii) Using continuous directional lifelines or equivalent devices, tethers, and doors;

(iii) Traversing undercasts or overcasts;

(iv) Switching escapeways, as applicable;

(v) Negotiating any other unique escapeway conditions; and

(vi) Using refuge alternatives.

(5) Location and use of the fire suppression and firefighting equipment and materials available in the mine.

(6) Location of the escapeways, exits, routes of travel to the surface, including the location of continuous directional lifelines or equivalent devices.

(7) Location, quantity, types, and use of stored SCSRs, as applicable.

(8) A review of the mine map; the escapeway system; the escape, firefighting, and emergency evacuation plan in effect at the mine; and the locations of refuge alternatives and abandoned areas.

(9) A description of how miners will receive annual expectations training that includes practical experience in donning and transferring SCSRs in smoke, simulated smoke, or an equivalent environment and breathing through a realistic SCSR training unit or device that provides the sensation of SCSR airflow resistance and heat.

(10) A summary of the procedures related to deploying refuge alternatives.

(11) A summary of the construction methods for 15 psi stoppings constructed prior to an event.

(12) A summary of the procedures related to refuge alternative use.

(d) *Instructors.* (1) The mine operator shall designate a person who has the ability, training, knowledge, or experience to conduct the mine emergency evacuation instruction and drills in his or her area of expertise.

(2) Persons conducting SCSR donning and transferring training shall be able to effectively train and evaluate whether miners can successfully don the SCSR and transfer to additional SCSR devices.

#### **Comment**

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 and training 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 UWMA insist this standard remain unchanged.

#### **§ 75.1504 Mine emergency evacuation training and drills.**

Each operator of an underground coal mine shall conduct mine emergency evacuation training and drills and require all miners to participate.

(a) *Schedule of training and drills.* Each miner shall participate in a mine emergency evacuation training and drill once each quarter. Quarters shall be based on a calendar year (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec). In addition--

(1) A newly hired miner, who has not participated in a mine emergency evacuation training and drill at the mine within the previous 3 months, shall participate in the next applicable mine emergency evacuation training and drill.

(2) Prior to assuming duties on a section or outby work location, a foreman shall travel both escapeways in their entirety.

(b) *Content of quarterly training and drill.* Each quarterly evacuation training and drill shall include the following:

(1) Hands-on training on all types of self-rescue devices used at the mine, which includes--

(i) Instruction and demonstration in the use, care, and maintenance of self-rescue devices;

(ii) The complete donning of the SCSR by assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip;



and

(iii) Transferring between all applicable self-rescue devices.

(2) Training that emphasizes the importance of--

(i) Recognizing when the SCSR is not functioning properly and demonstrating how to initiate and reinitiate the starting sequence;

(ii) Not removing the mouthpiece, even to communicate, until the miner reaches fresh air; and

(iii) Proper use of the SCSR by controlling breathing and physical exertion.

(3) A realistic escapeway drill that is initiated and conducted with a different approved scenario each quarter and during which each miner--

(i) Travels the primary or alternate escapeway in its entirety, alternating escapeways each quarter;

(ii) Physically locates and practices using the continuous directional lifelines or equivalent devices and tethers, and physically locates the stored SCSRs and refuge alternatives;

(iii) Traverses undercasts or overcasts and doors;

(iv) Switches escapeways, as applicable; and

(v) Negotiates any other unique escapeway conditions.

(4) A review of the mine and escapeway maps, the firefighting plan, and the mine emergency evacuation plan in effect at the mine, which shall include:

(i) Informing miners of the locations of fire doors, check curtains, changes in the routes of travel, and plans for diverting smoke from escapeways.

(ii) Locating escapeways, exits, routes of travel to the surface, abandoned areas, and refuge alternatives.

(5) Operation of the fire suppression equipment available in the mine and the location and use of firefighting equipment and materials.

(6) Reviewing the procedures for deploying refuge alternatives and components.

(7) For miners who will be constructing the 15 psi stoppings prior to an event, reviewing the procedures for constructing them.

(8) Reviewing the procedures for use of the refuge alternatives and components.

(9) Task training in proper transportation of the refuge alternatives and components.

(c) *Annual expectations training.* Over the course of each year, each miner shall participate in expectations training that includes the following:

(1) Donning and transferring SCSRs in smoke, simulated smoke, or an equivalent environment.

(2) Breathing through a realistic SCSR training unit that provides the sensation of SCSR airflow resistance and heat.

(3) Deployment and use of refuge alternatives similar to those in use at the mine, including--

(i) Deployment and operation of component systems; and

(ii) Instruction on when to use refuge alternatives during a mine emergency, emphasizing that it is the last resort when escape is impossible.

(4) A miner shall participate in expectations training within one quarter of being employed at the mine.

(d) *Certification of training and drills.* At the completion of each training or drill required in this section, the operator shall certify by signature and date that the training or drill was held in accordance with the requirements of this section.

(1) This certification shall include the names of the miners participating in the training or drill. For each miner, this certification shall list the content of the training or drill component completed, including the escapeway traveled and scenario used, as required in paragraphs (b) and (c) of this section.

(2) Certifications shall be kept at the mine for one year.

(3) Upon request, the certifications shall be made available to an authorized representative of the Secretary and the representative of the miners.

(4) Upon request, a copy of the certification that shows his or her own training shall be provided to the participating miner.

#### **Comment**

This standard governs emergency mine evacuation training and drills which include active participation of the miners to exhibit their knowledge of the escapeways, escape procedures, etc. The only recordkeeping requirement is the certification that these drills and training has been conducted. The standard requires that these certifications be made available to MSHA and the representative of the miners upon request. These records must be retained for one year. These records are a simple acknowledgement that the required training and drills have been conducted. The collection of this information is necessary for the proper performance of the functions of the agency in that it certifies to MSHA that the necessary training and drills have been conducted. For this reason, the requirement of recordkeeping for these drills must be continued. However, being that this record is merely a reference check for MSHA or the miners' representative to confirm that these drills were conducted, they possibly

could be retained electronically, but it would be necessary that the records be readily available to the interested parties when requested.

#### **§ 75.1505 Escapeway maps.**

(a) Content and accessibility. An escapeway map shall show the designated escapeways from the working sections or the miners' work stations to the surface or the exits at the bottom of the shaft or slope, refuge alternatives, and SCSR storage locations. The escapeway map shall be posted or readily accessible for all miners--

(1) In each working section;

(2) In each area where mechanized mining equipment is being installed or removed;

(3) At the refuge alternative; and

(4) At a surface location of the mine where miners congregate, such as at the mine bulletin board, bathhouse, or waiting room.

(b) Keeping maps current. All maps shall be kept up-to-date and any change in route of travel, location of doors, location of refuge alternatives, or direction of airflow shall be shown on the maps by the end of the shift on which the change is made.

(c) Informing affected miners. Miners underground on a shift when any such change is made shall be notified immediately of the change and other affected miners shall be informed of the change before entering the underground areas of the mine.

#### **Comment**

This section of the standard specifies the information that must be included in the escape and evacuation maps. The UMW reiterates the same comments stated in the above sections and for the same reasons. This standard should not change and escapeway maps 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. In most mines the escapeway map is located in the dinner hole where miners eat their lunch. This gives the miner the opportunity to look at the mine or to keep themselves informed of any changes to their escapeway. Doing so gives the miners a chance to become familiar with their escape route out of the mine, therefore we would recommend no change to the methods this map is maintained or displayed.

#### **§ 75.1714-3 Self-rescue devices; inspection, testing, maintenance, repair, and recordkeeping.**

(a) Each operator shall provide for proper inspection, testing, maintenance, and repair of self-rescue devices by a person trained to perform such functions.

(b) After each time a self-rescue device is worn or carried by a person, the device shall be inspected for damage and for the integrity of its seal by a person trained to perform this function. Self-rescue devices with broken seals or which are damaged so that the device will not function properly shall be removed from service.

(c) All FSRs approved by MSHA and NIOSH under 42 CFR part 84, except devices using vacuum containers as the only method of sealing, shall be tested at intervals not exceeding 90 days by weighing each device on a scale or balance accurate to within +1 gram. A device that weighs more than 10 grams over its original weight shall be removed from service.

(d) All SCSRs approved by MSHA and NIOSH under 42 CFR part 84 shall be tested in accordance with instructions approved by MSHA and NIOSH. Any device which does not meet the specified test requirements shall be removed from service.

(e) At the completion of each test required by paragraphs (c) and (d) of this section the person making the tests shall certify by signature and date that the tests were done. This person shall make a record of all corrective action taken. Certifications and records shall be kept at the mine and made available on request to an authorized representative of the Secretary.

(f) Self-rescue devices removed from service shall be repaired for return to service only by a person trained to perform such work and only in accordance with the manufacturer's instructions.

#### **Comment**

This standard governs the required inspection, testing and maintenance of self rescue devices. It further requires that necessary repairs be made and recorded. These records are necessary for the agency to assure that necessary testing, maintenance and repairs are being conducted on self rescue devices, otherwise there would be no method to confirm that the necessary checks and maintenance on these devices have been conducted. The collection of this information is necessary for the proper performance of the functions of the agency in that it certifies to MSHA that the necessary training and drills have been conducted. For this reason, the requirement of recordkeeping for this testing and maintenance must be continued. However, being that this record is merely a reference check for MSHA or the miners' representative to confirm that these test and maintenance were conducted, they possibly could be retained electronically, but it would be necessary that the records be readily available to the interested parties when requested.

#### **§ 75.1714-5 Map locations of Self-Contained Self-Rescuers.**

The mine operator shall indicate the locations of all stored SCSRs on the mine maps required by § 75.1200 and § 75.1505 of this part.

#### **Comment**

This section of the standard requires that the location of all stored SCSR be recorded on the mine map. As pointed out above, this information is also included on the mine escapeway map which is usually located in the dinner hole on the working section. It is important that this information be kept in

an area where miners can easily locate it in the event of an emergency. The dinner hole is the usual gathering place for miners on the working section and is the logical place to locate such information. Because this information is plotted on a map, there would be no other reasonable means to store this information. Therefore, we recommend that this standard remain unchanged and the requirement for locations of stored SCSRs be continued to be kept on the mine maps.

#### **§75.1714-8 Reporting SCSR inventory and malfunctions; retention of SCSRs.**

- (a) SCSRs inventory. A mine operator shall submit to MSHA a complete inventory of all SCSRs at each mine. New mines shall submit the inventory within 3 months of beginning operation.
  - (1) The inventory shall include-
    - (i) Mine name, MSHA mine ID number, and mine location; and
    - (ii) For each SCSR unit, the manufacturer, the model type, the date of manufacture, and the serial number.
  - (2) In the event that a change in the inventory occurs, a mine operator shall report the change to MSHA within the quarter that the change occurs (Jan - Mar, Apr-June, Jul-Sept, Oct-Dec).
- (b) Reporting SCSR problems. A mine operator shall report to MSHA any defect, performance problem, or malfunction with the use of an SCSR. The report shall include a detailed description of the problem and, for each SCSR involved, the information required by paragraph (a)(1) of this section.
- (c) Retention of problem SCSRs. The mine operator shall preserve and retain each SCSR reported under paragraph (b) of this section for 60 days after reporting the problem to MSHA.

#### **Comment**

This section of the code requires the mine operator to maintain a record of the SCSR inventory at the mine and to report any change to MSHA quarterly. It also requires the mine operator to report any problems associated with the SCSR's and to preserve and retain each problem SCSR for 60 days after reporting the problem to MSHA. It is important to keep such records of the number and location of SCSRs in order that all interested persons have access to these records and can assure that a sufficient number of SCSRs are available to miners and visitors to the mine and to identify their storage location. The Union would prefer that these records be maintained in written form as currently done. Maintaining such records electronically could present a problem at the mine in retrieving such information. Not all coal miners may be familiar with computers (especially older miners) nor would they feel confident in trying to locate such records on a computer. The rule additionally requires that any problem SCSR be preserved and retained for 60 days after reporting it to MSHA. This is a good idea and gives the Agency and the manufacturer the opportunity to examine the SCSR to determine the particulars as to why it failed. This in turn could bring to light a defect that should be examined industry wide.

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"