United Mine Workers of America

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June 13, 2012

Mr. Greg Moxness, Chief
Economic Analysis Division
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, VA 22209-3939

Re: OMB Control Number 1219-0004

Dear Mr. Moxness:

Attached are the comments of the United Mine Workers of America on the above-named Proposed Extension of Existing Information Collection; Roof Control Plans for 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,

Dennis O'Dell

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

United Mine Workers of America
Comments
on the
Mine Safety and Health Administration's
Proposed Information Collection Request;
Submitted for Public Comment and Recommendations;
Roof Control Plan

The United Mine Workers of America (UMWA or Union) is pleased to have the opportunity to offer these comments on the Mine Safety and Health Administration's (MSHA or Agency) Proposed Information Collection Request;
Submitted for Public Comment and Recommendations; Roof Control Plan. The Union will attempt to place its comments on the record in a manner that corresponds to the Agency's writing of the Proposed Information Collection Request, as reported in the Federal Register/ Vol.77, No. 82/Friday, April 27, 2012.

Section 302(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 846, requires that a roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine be first approved by the Secretary of Labor (Secretary) before implementation by the operator.

Under 30 CFR 75.221, the information required to be submitted and approved in the roof control plan includes the following: (1) The name and address of the company; (2) the name, address, mine identification number, and location of the mine; (3) the name and title of the company official responsible for the plan; (4) a description of the mine strata; (5) a description and drawings of the sequence of installation and spacing of supports for each method of mining used; (6) the maximum distance that an ATRS system is to be set beyond the last row of permanent support (if appropriate); (7) specifications and installation procedures for liners or arches (if appropriate); (8) drawings indicating the planned width of openings, size of pillars, method of pillar recovery, and the sequence of mining pillars; (9) a list of all support materials required to be used in the roof, face and rib control system; (10) the intervals at which test holes will be drilled (if appropriate); and (11) a description of the methods to be used for the protection of persons. Under 30 CFR 75.215, the roof control plan for each longwall mining section is required to specify the methods that will be used to maintain a safe travelway out of the section through the tailgate side of the longwall and the procedures that will be followed if a ground failure prevents travel out of the section through the tailgate side of the longwall.

The Union would like to point out that in conjunction with the language of the Federal Mine Safety and Health Act of 1977 (Mine Act), CFR part 75.200, was written as enforcement measures to be used by mine inspectors during inspections as well as operators and miners for the necessary requirements in controlling the mines roof, ribs, and face. Even with the language of these regulations, as well as the Federal Mine Safety and Health Act of 1977 (Mine Act), miners today continue to be injured and killed by

roof and rib falls. But by saying that, it is also to important to acknowledge that because these regulations are in place, many miners lives have been saved. That is why it is important to continue to collect and share the information as is being done by MSHA's current practice.

Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to Roof Control Plans. MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;

The Union would like to offer the following comment. Over the past three decades, because of regulatory reform to create rules with a means to enforce them, there has been a dramatic drop in the rate of the types of accidents caused by roof and rib falls. Prior to the implementation of the Mine Act and 30 CFR, the rate of fatal injuries was more than twice that in other advanced coal producing countries. But after the passage of the Mine Act, the rate of fatal injuries dropped every year for the next decade. Roof Control plans and the information provided in them can be considered a contributing factor to this success. Without this collection of information, it would make it impossible to have the data and knowledge to control and monitor the constant changing conditions to the mine roof, ribs and floor that occur during the daily routine mining cycles as well as future mining developments. Inspectors as well as miners rely on this information as a part of their daily routines. Miners will tell you that during inspections, MSHA inspectors will often carry with them a copy of the roof control plan. This is done not only for a reference document to check compliance, but in the event a problem is discovered during the inspection, it is a valuable document to refer to as a tool to correct the problem before the condition worsens to the point that it may cause an accident. Inspectors and miners use these plans as a reference to make sure the roof bolt pattern is being followed. These plans clearly identify how miners should be bolting the top to prevent roof and or rib falls that could lead to serious accidents or even death.

Mining coal safely requires a sound roof control plan in all underground coal mines. For example, in deep mines of the west where dynamic failure (bumps, bounces, etc.) are common, the importance of having a wealth of information in these plans is a necessity. Recent trends in MSHA reportable bumping of deep western coal mines have been increasing. We have become more aware of this with the recent disaster that occurred at the Crandall Canyon mine. Controlling these hazards depends on a full understanding of the mines geologic conditions and what necessary means have to be applied to control and maintain the roof and ribs. These are vital pieces of information that is included in the roof control plan submissions to the MSHA District Manager and their Roof Control Specialist Inspectors. The more information that can be provided to miners and inspectors, the better chance we have of preventing future mining deaths caused by roof and rib falls. The Union unequivocally supports the collection of information and

believes it is important information for the Agency, as well as all miners who are exposed to mine conditions.

- Suggest methods to enhance the quality, utility, and clarity of the information to be collected;

The Union would like to point out that it is important to have this information as detailed and available to miners as possible. Diagrams are very useful when showing the bolting and or cribbing/post patterns for the various mining applications. It is also important that MSHA employ and maintain roof control specialists in their Districts to review these plans daily. This is not now being done because these specialists are being taken away from their duties so that they can help the agency complete their regular inspections. MSHA needs to do more routine inspections at the mine that concentrate on roof, rib, and face conditions. To further enhance the quality, utility, and clarity, MSHA should regularly talk to miners at the workplace that actually use/install the various means of roof, rib, and face controls to see if what is being applied is adequate. Ask miners if other changes or improvements need to be made to enhance the safety of the roof control plan. Falls of roof, ribs and face continue to be a cause of injuries and deaths in underground mines. Rather than a (6) six month review, MHSA should consider a (90) ninety day review. Any changes in these plans should be posted on the mine bulletin boards for all interested parties. Safety meetings with miners should be held more often to review current plans and point out if any changes or revisions are made.

The Agency also invites comments on whether the roof control plan should include procedures to follow should the tailgate of a longwall become blocked. Section 75.215 requires that the roof control plan for each longwall mining section specify the methods that will be used to maintain a safe travelway out of the section through the tailgate side of the longwall and the procedures that will be followed if a ground failure prevents travel out of the section through the tailgate side. The Union cannot understand why MSHA would propose taking this information out of the roof control plan. This provision was likely incorporated into the regulations after the Wilberg Mine Disaster on December 19, 1984. Twenty-seven miners were trapped and died because the tailgate of their section was blocked by a roof fall. When a fire erupted and consumed the headgate entries of the longwall section, the miners were trapped without an escape route due to the roof fall in the tailgate. All twenty-seven died. How soon the Agency forgets such tragedies. Miners need to know what escape alternatives are available to them should there be a roof fall in the tailgate. Extra precautions must be taken when the tailgate is blocked to assure the only passage way out through the headgate is protected from fires, falls or other potential hazards. Again, the Union feels this information should continue to be required in the roof control plan and be reviewed with the miners periodically.

MSHA lastly invites comments to:

- Address 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) to

minimize the burden of the collection of information on those who are to respond.

The Union does not object to allowing Mine Operators to file for changes to their roof control plan by electronic means, however when those changes are first proposed, copies of such revisions must be provided to the miners' representative and posted on the mine bulletin board. It would be unethical for the company and MSHA to make changes to any mine plan without providing copies to the miners' representative and asking for their input. If the approval process is done electronically, this could very well happen. Therefore, the Union would not object to permitting revisions to roof control plans being submitted electronically as long as the miners' representative is included and simultaneously served with a copy of those revisions.

In sum, the Union does not believe it necessary to remove any information currently required in the roof control plan. Most of the information required is basic information necessary to understand the requirements for supporting the mine roof. Consequently, the UMWA does not recommend the removal of any reporting requirements for the roof control plan.