

# United Mine Workers of America



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UNITED MINE WORKERS' HEADQUARTERS  
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22172-1779

June 21, 2013

Sheila McConnell, Deputy Director  
MSHA, Office of Standards, Regulations, and Variances  
1100 Wilson Boulevard, 21st floor, Room 2350  
Arlington, VA 22209-3939.

Re: OMB 1219-0144

Dear Ms. McConnell,

Attached are the comments of the United Mine Workers of America on the Proposed Information Collection Request for Coal Mine Rescue Teams; Arrangements for Emergency Medical Assistance; Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements.

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; Coal Mine Rescue Teams; Arrangements for Emergency  
Medical Assistance; Transportation for Injured Persons; Agreements; Reporting  
Requirements; Posting Requirements**

**June 21, 2013**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

30 CFR Part 49, Mine Rescue Teams, Subpart B—Mine Rescue Teams for Underground Coal Mines, sets standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for mine rescue team members and alternates; and experience and training requirements for team members and alternates. This package covers the following requirements for coal mines.

Section 49.12 requires each operator of an underground coal mine to send the District Manager a statement describing the mine's method of compliance with this standard.

Section 49.13 provides that operators of small and remote mines may submit an application for alternative mine rescue capability to MSHA for approval.

Section 49.16 requires that a person trained in the use and care of a breathing apparatus must inspect and test the apparatus at intervals not exceeding 30 days and must certify by signature and date that the required inspections and tests were done, and record any corrective action taken.

Section 49.17 requires that each member of a mine rescue team be examined annually by a physician who must certify that each person is physically fit to perform mine rescue and recovery work.

Section 49.18 requires that a record of the training received by each mine rescue team member be made and kept on file at the mine rescue station for a period of one year. The operator must provide the District Manager information concerning the schedule of upcoming training when requested.

Section 49.19 requires that each mine have a mine rescue notification plan outlining the procedures to be followed in notifying the mine rescue teams when there is an emergency that requires their services.

Section 49.50 requires underground coal mine operators to certify that each designated coal mine rescue team meets the requirements of 30 CFR part 49 subpart B. Sections 75.1713-1 and 77.1702 require operators to make arrangements for 24-hour emergency medical assistance and transportation for injured persons and to post this information at appropriate places at the mine, including the names, titles, addresses, and telephone numbers of all persons or services currently available under those arrangements.

## **II. Desired Focus of Comments**

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Coal Mine Rescue Teams; Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Agreements; Reporting Requirements; Posting Requirements. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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 submission of responses.

The United Mine Workers comments on this proposal are as follows:

Desired Focus of Comments

### **Current Actions**

Under 30 CFR part 49, Mine Rescue Teams, the regulations set standards related to the availability of mine rescue teams; alternate mine rescue capability for small and remote mines and mines with special mining conditions; inspection and maintenance records of mine rescue equipment and apparatus; physical requirements for mine rescue team members and alternates; and experience and training requirements for team members and alternates. Parts 75 and 77 requires that coal mine operators make arrangements with a

licensed physician, medical service, medical clinic, or hospital and with an ambulance service to provide 24-hour emergency medical assistance and transportation. That information is to be posted at the mine.

**Comment:** The Union continues to support the above requirements and insist that they continue to be enforced. The MINER Act includes provisions to improve mine emergency response time, improve mine rescue team effectiveness and increase the quantity and quality of mine rescue team training. All rescue teams must meet the minimum criteria to be used in a rescue or recovery operation, including the training requirements, MSHA certification, preparation and rescue contests and others. The purpose of the MINER Act was to ensure miners that past events where under-experienced, under trained and unqualified mine rescue teams never occur again. Recent events we've seen have demonstrated that simply having a team arrive on the mine property does not facilitate rescue and recoverable operation. Every mine, whether large or small, should have employees at the mine that are mine rescue trained and familiar with the mine. Everyone in this industry has recognized that the key to a safe, efficient operation is training, training, training. The best insurance policy a mine can have is a well-trained workforce. This includes having their own trained mine rescue team onsite. Whether it is a mine with 36 employees or 500 employees, each and every one of their lives are precious, and they deserve the same level of protection. This is a small investment with a large payoff if the time comes where there is a need to call on these mine rescue team members. This ability to respond immediately may mean the difference of saving a life or property, or not. The Union cannot imagine that the cost of maintaining a mine rescue team would put such financial burden on any mine operation when the investment far outweighs the added protection miners deserve in the event of a catastrophic event. And if it is, then maybe those operations shouldn't be in the business. We have to change our attitude where safety comes before production, where protecting our employees comes before protecting our profit margins. Because we have experienced lengthy rescue and recovery events in the past, it is important that mine rescue team members be of good health and be trained for endurance therefore there is a need for physical requirements for mine rescue team members and alternates. History has also given us cases that prove the importance of having mine operators make arrangements with a licensed physician, medical service, medical clinic, or hospital and with an ambulance service to provide 24-hour emergency medical assistance and transportation. The most recent example that gained National attention showing the importance of this was at Sago. The lone survivor was able to receive immediate medical attention and because of this he is alive today.

**Record keeping: Sec. 49.6** states that rescue apparatus and equipment shall be maintained and that a person trained in the use and care of breathing apparatus shall inspect and test the apparatus at least every 30 days and shall certify by signature and date that the inspections and tests were done. The certification and the record of corrective action taken, if any, shall be maintained at the mine rescue station for a period of one year. Sec. 49.7 requires that each team member and alternate be examined within 60 days of the beginning of the initial training, and annually thereafter by a physician

who shall certify the physical fitness of the team member to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The operator shall have MSHA Form 5000-3 on file for each team member. These forms shall be kept on file at either the mine or the mine rescue station for a period of one year. Sec. 49.8 requires that prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction and all team members are required to receive 40 hours of refresher training annually. A record of the training received by each mine rescue team member is required to be on file at the mine rescue station for a period of one year.

**Comment:** The Union continues to support the above requirements and insist that they continue to be enforced. So that mine rescue teams can carry out their duties in the event of a catastrophic event, rescue apparatus and equipment must be maintained and that a person trained in the use and care of breathing apparatus must inspect and test the apparatus at least every 30 days and shall certify by signature and date that the inspections and tests were done. To assure that this is being done the certification and the record of corrective action taken, if any, shall be maintained at the mine rescue station for a period of one year and be made available to all interested parties. As stated in the previous comments, to assure that miners who serve on mine rescue teams are physically able to step in and perform when called upon, each team member and alternate must be examined within 60 days of the beginning of the initial training, and annually thereafter by a physician who shall certify the physical fitness of the team member to perform mine rescue and recovery work for prolonged periods under strenuous conditions. To further assure that these individuals are prepared and we are not faced with another mine rescue event where miners are not prepared to respond, prior to serving on a mine rescue team, each member must complete an initial 20-hour course of instruction and all team members are required to receive 40 hours of refresher training annually. As a check and balance to assure that operators are complying with this requirement, the operator must have the MSHA Form 5000-3 on file for each team member and these forms must be kept on file at either the mine or the mine rescue station for a period of one year and made available to all interested parties. It is important to remember that these requirements were not put into place without cause or reason. Every law that is written in this industry is by the blood of a lost miner. It is the Agencies priority to protect and enforce regulations that were adopted by Congress so that miners can go home to their families safely at the end of the day.