

MINE SAFETY and HEALTH COMMENTS for the UTAH MINE SAFETY COMMISSION



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Utah Mine Safety Commission Comments



State Programs Utah should consider:

— Mine safety inspection

- *Dependent on state*
- *Kentucky and West Virginia have inspection process*
- *No state has presence or process as MSHA, but some states have effective inspection process*
- *Some state inspections are coordinated with MSHA to prevent overlap*
- *States have joined MSHA for accident prevention initiatives*

Utah Mine Safety Commission Comments



State Programs to consider:

- Mine plan review and approval

- *Most states accept MSHA plans*
- *West Virginia has several of their own plans*
- *Kentucky has roof control plans*
- *Virginia and MSHA jointly approve a single roof control plan*
- *Kentucky and MSHA exploring a joint roof control plan*
- *West Virginia and Pennsylvania have diesel approval programs*

Utah Mine Safety Commission Comments



State Programs to Consider:

Technical requirements, including;

- Roof Control, Ventilation, Communication and Tracking, Rescue Chambers, and Seismic Monitoring

- *Many states accept MSHA approved plans*
- *West Virginia most proactive concerning communication, tracking, and rescue chambers*
- *No states do seismic monitoring*
- *No states have individual ventilation plans, although some have ventilation requirements and mine map requirements*

Utah Mine Safety Commission Comments



State Programs to Consider

– Education and training

- *Utah program provides training similar to other grant programs*
- *Generally, all grant program training focuses on quality training to satisfy the requirements of Parts 46 and 48*
- *Some grant programs provide mine rescue services including Part 49 training*
- *Grantees also provide special emphasis training to support MSHA initiatives and respective state needs*

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State Programs to Consider:

– Mine rescue coordination

- *Kentucky and West Virginia are active in mine rescue participation; team members actually don breathing apparatuses and participate underground*
- *Other states do not have apparatus wearing members*
- *MSHA is currently rulemaking for mine rescue teams and mine rescue equipment; rule due in Dec. 2007 will impact on many state programs.*



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State Programs to Consider:

– Emergency response

- *Every state with mining interests participates and responds in some fashion*
- *West Virginia and Kentucky are active participants, having personnel underground*
- *Some states participate in the mine rescue command center as active participant*
- *Pennsylvania, Alabama, and Illinois have mine rescue stations for teams*
- *Virginia and Indiana provide funding for teams*
- *In Utah, support functions were performed such as transportation, crowd / press control, and logistics.*

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If Utah established state mine safety inspection program, minimum requirements for effective program in the following areas:

– Staffing, Expertise, Training, Budget, Accountability

- *Dependent on involvement state desires*
- *Expertise; mining engineers and/or mining background*
- *MSHA's new inspectors = 21 weeks training at National Mine Academy, online training, and structured OJT at duty stations*
- *Start up and fixed costs necessary; staffing, training, equipment, facilities*
- *Staffing commensurate with mining activity and logistics*
- *Legislation; mining regulations and funding*
- *Accountable to Executive and Legislative branches*



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Experiences in coal states with state mine inspection programs:

- Improving safety; with MSHA, Labor Unions, and mine operators
- *States can impact significantly, depending on staffing and time at the mine*
- *Most inspectors are previous miners, understanding safe mine operation*
- *Other inspectors are mining engineers or engineers in mining related disciplines; electrical, civil, or mechanical*
- *Communication and good working relationships can be developed between inspectors and mine operators*
- *Same goals; states and MSHA working toward reduction of fatalities and accidents*
- *MSHA willing to work with any state agency to achieve this goal*
- *Labor can have effective role in miner safety; MSHA considers Labor's role positive in inspection participation*



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18 STATE MINE INSPECTION AGENCIES: *8 states have violation penalties

- *Alabama
- Arizona
- *California
- Indiana
- Kentucky
- *Missouri
- Montana
- *New Mexico
- North Carolina
- *North Dakota
- Ohio
- *Oklahoma
- Pennsylvania
- Virginia
- West Virginia
- *Wisconsin
- *Wyoming
- Navajo Nation (independent from state authority)

Utah Mine Safety Commission Comments



Are there safety benefits in having the state involved with MSHA in the review and approval of mine operators' emergency response plans?

- *State regulatory bodies could develop laws for specific states. Generally, preferable if states accept, review, and offer plan comments rather than develop their own approval process.*
- *MSHA is working through breathable air and refuge chamber issues with West Virginia, considering state needs to the extent possible.*

What role should state and local government play in the emergency response to a critical incident involving an underground coal mine?

- *Varies by state*
- *MSHA is willing to include states in the rescue process. If states have an inspection force, they could participate in the command center decisions whereas, states without enforcement capabilities such as Utah, would participate in family meetings, communication coordination, media, the use of state and local police, and emergency medical assistance.*

Utah Mine Safety Commission Comments



What are the areas of greatest potential for effective partnerships involving federal, state, and local government in promoting mine safety (e.g., training, inspection, accident prevention, accident response) ?

- *Training and monitoring of training. Agencies should work together to identify potential problems and prevent accidents, injuries, and fatalities.*
- *MSHA coordinates activities with states to assure all mines receive important information.*

What have you learned from the Crandall Canyon Mine incident that would cause you to make recommendations to the State of Utah in the areas of mine safety, accident prevention, and accident response?

- *MSHA has reviewed all mining plans at bump prone coal mines, nationwide*
- *MSHA will wait until the accident investigation and the independent review investigation is complete before commenting on any recommendations.*



Utah Mine Safety Commission Comments

What has MSHA learned thus far in its review of deep underground mining at 1,500 feet and below since the Crandall Canyon Mine incident?

- *MSHA's Technical Support group recently visited bump prone coal mines at depths greater than 1500 feet. When finalized, information can be shared with the Utah Commission.*

Status of MSHA's review and approval of underground tracking and communication devices required in the MINER Act? How does this compare with the implementation of requirements under the West Virginia and Illinois state statutes? What will be the realistic capability of this technology in Utah's mines?

- *The MINER Act requires wireless systems by June 2009. MSHA has observed testing or demonstration of 23 communications and/or tracking systems and met with 61 communications and tracking system companies.*
- *None are considered totally wireless in MSHA's opinion. Some States accepted leaky feeder systems. MSHA hopes a totally wireless system can be developed, capable of tracking miners in Utah or other mines.*

Utah Mine Safety Commission Comments



Comment on the effectiveness of the current inspection system to anticipate ground-control problems of the type that occurred at Crandall Canyon. How does the inspection system work with a continuing retreat-mining scenario? Is it limited to roof-control (bolting and support issues), or does it address the "aggressiveness" of the operation (i.e. how much of the pillar can be safely pulled using the approved roof-control plan)?

- *MSHA uses previous mine history and computer modeling to approve roof control plans, including retreat mining plans*
- *Mine visits are frequently required to evaluate conditions*
- *If MSHA feels a plan is too "aggressive", we ask the operator to revise the plan or MSHA will deny the plan submittal*



Utah Mine Safety Commission Comments

Comment on MSHA's experience in recruiting qualified mine inspectors. Is there a shortage, and what is the outlook? Would a possible state system face the same problem? Would state system compete with MSHA for qualified personnel?

- *MSHA began using job fairs in specific locations where inspectors are needed*
- *In the past 16 months, MSHA hired 273 inspection personnel*
- *Recruits are employed in preferred areas to reduce possibility of future transfers. MSHA has not experienced a shortage in most cases*
- *Incentives needed for some areas, such as pay increase to draw prospective recruits*
- *State system may face same problems depending on location of job and would compete with MSHA for qualified personnel*

Utah Mine Safety Commission Comments



Did you witness anything that Utah State government did during the Crandall Canyon disaster that could be improved? Are there additional state government resources or functions that would benefit MSHA, the mine operator, the rescue efforts, or the families of mine accident victims in future disasters?

- *Utah played a major role in communication coordination*
- *Valuable assistance controlling media access and general public*
- *Important participation with family briefings*
- *MSHA would be receptive if Utah desires greater future participation*

Utah Mine Safety Commission Comments



You stated in your congressional committee testimony that, "Since the purchase of the Grandall Canyon mine by Murray Energy, MSHA has performed five regularly scheduled inspections, two spot inspections, responded to a complaint from a whistleblower, and performed a root control technical inspection." Can you explain how and why these inspections were initiated and the resulting actions from these inspections? Can the state play a role in using the information from such inspections to improve conditions of mine safety, accident prevention, and accident response, and in what ways?

- The Mine Act of 1977 requires at least four annual inspections of every underground coal mine. These mandated inspections accounted for the "regularly scheduled" inspections.
- Spot inspections are conducted for reasons such as seal construction or inspection follow up on a violation issued
- The complaint inspection was conducted as a result of a call to our call center hotline to investigate an allegation of wrongdoing.
- Roof control technical inspection conducted to evaluate the South Barrier section on site.
- MSHA could share inspection results with the state of Utah except the name of the whistleblower must be kept confidential.

Utah Mine Safety Commission Comments



Do you think that barrier pillar coal mining should continue to occur in Utah coal mines?

- *MSHA will continue to research the practice of mining under deep cover, including pillar extraction.*
- *It is not prudent for MSHA to comment further until the accident investigation is completed.*

Are there steps the State of Utah could and should take to understand, monitor, and analyze the so-called "bump" phenomenon to improve mine safety?

- *The University of Utah has an established seismic research program*
- *May be beneficial to establish working relationship or partnership with program.*
- *MSHA looks forward to working with the University of Utah in an attempt to better understand the phenomenon.*



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Explain how MSHA responds to "bump events" (such as the recent SUFCO experience). What triggers MSHA involvement? What is MSHA looking for when they inspect following such an event? What governs whether or not the mining operation is permitted to continue? What operating plans or practices are subject to modification after such an event? How does that modification occur? Is there a role for the state in that process?

- *MSHA must be notified when a bump occurs where mining ceased for one hour*
- *MSHA inspectors typically determine the frequency of bumps occurring*
- *If it appears a frequency increase exists, MSHA may review the roof control plan and require upgrades*
- *A 103(k) Order often issued to protect safety of the miners until an investigation can be conducted*
- *There are times when the plan must be upgraded before the 103(k) Order is terminated*
- *Because provisions are contained in the Federal Mine Act, there is no enforcement role for the states*
- *States could monitor bumps and report to MSHA*

Utah Mine Safety Commission Comments



Could the State of Utah play a role in attempting to streamline and make more effective the current multi-agency regulatory system for underground coal mining?

- *MSHA is discussing ways to improve cooperation and coordination with the Department of Interior*
- *This should increase the needed communication between the agencies and enhance mine safety*



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As you know, Utah coal operations are almost exclusively underground. Much of the underground mining is deeper and involves more overburden than mines in other states. In light of the foregoing, are there steps the state could and should take to improve mine safety under these unique circumstances?

- *It would be premature to answer this question until we have conducted more research and concluded our investigation*
- *It is important to note when approving mining plans, MSHA considers the unique conditions predominant in the deeper mines, such as greater overburden and related ground control issues*

Utah Mine Safety Commission Comments



Our Commission has heard testimony that safety inspectors and regulators too often have an Eastern coal mining perspective and that steps should be taken to ensure that Western coal mining conditions are thoroughly understood and addressed. How do you think that should happen?

- *Each MSHA District presents unique mining challenges.*
- *Through years with MSHA, plus previous industry experience, many MSHA inspectors have localized knowledge of mining anomalies within their current MSHA District.*
- *The majority of personnel in District 9 have extensive western coal mining experience.*
- *The current District Manager worked at a Western coal mine that was considered bump prone.*
- *The roof control supervisor has also almost exclusively worked with western mines.*
- *Most inspectors in the Price field office have worked in the mines in this same geographic area and have a good understanding of western coal mining conditions and problems.*



Utah Mine Safety Commission Comments

Do you think the mine accident investigation system should be reformed to operate independently of MSHA?

- *MSHA feels there are no better mine accident investigators than MSHA personnel*
- *For multiple fatality investigations, MSHA's team is comprised of personnel/experts outside of the district*
- *A review of past MSHA reports would show that no stone is left unturned by MSHA to determine the cause of accident and take appropriate enforcement action*
- *MSHA accident investigations are comprehensive and thorough, utilizing root cause analysis to pinpoint the causal accident factors*
- *Technical input and expertise is utilized as appropriate to identify an accident cause*
- *The Crandall Canyon report will do the same*

Utah Mine Safety Commission Comments



Do you have any specific recommendations for Utah state government that would increase mine safety and help prevent an incident like the Crandall Canyon Mine disaster from ever happening again?

- *It depends on the level of involvement the state is committed to undertake*
- *If the state of Utah becomes interested in creating a Utah state mine inspection program, MSHA suggests consultation with other states in an effort to model the program on those of the prominent coal mining states such as Kentucky, West Virginia, and/or Pennsylvania*

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MSHA has a single source Web page which provides information and documents relative to Crandall Canyon mine at:

www.msha.gov/Genwal/CrandallCanyon.asp

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*Thank You for your interest in the safety
and health of Utah's miners!*

