



MURRAY AMERICAN ENERGY

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BRIAN HOUGH
Corporate Safety Manager

September 22, 2017

Mr. Joel Watts
Health and Safety Administrator
Bldg 3, Ste 824
1900 Kanawha Blvd
Charleston, WV 25305

Dear Mr. Watts,

In response to your letter requesting comments on rules under Title 36. Please see the attached comments submitted by Murray American Energy Corporation.

Should you have any questions please contact me at 304-406-8412.

Sincerely,

Brian Hough
Corporate Safety Manager

Murray Energy Corporation – Title 36 Comments

General Certification Comment - Reciprocity with certifications- All certifications that are equivalent should share reciprocity among all states.

Title 36 Series 1 - Approval and permits, explosives and ventilation for the construction of shaft and/or slope operations. MSHA requires a ground control and ventilation plan would be adequate to cover all sections of Title 36 Series 1 other than 36-1-2.1 – Surface Distributed Reclamation Bond.

Title 36 Series 2 –Emergency Communications requirements for shaft and/or slope operations arrangements for emergency medical assistance and transporting for injured persons; reporting requirements; posting requirements at shaft and/or slope operations. Covered by MSHA regulation.

Title 36 Series 3 – Certification and statutory duties of shaft and/or slope superintendent examiner-foreman and examiner-foreman. All applicable certifications from other states should be honored by WV.

Title 36 Series 4 – Movement of mining equipment within coal mines in the state of West Virginia. WV needs to adopt the MSHA regulations concerning the moving of equipment.

Title 36 Series 5 – Telephone service or communication facilities. Covered by MSHA regulation.

Title 36 Series 6-4 – Longwall Mining– Plans for longwall mining should not be required. All items in this section are covered in the MSHA approved Roof control and Ventilation Plan.

Title 36 Series 6 – 8.2 – Methane Examinations - An examination every 2 hours should not be required. A preshift and onshift examination would be adequate per MSHA regulation.

Title 36 Series 7 – Shortwall Mining - No Comment

Title 36 Series 8 – The right of a miner to refuse to operate alleged unsafe equipment. No Comment

Title 36 Series 9 – Electrical Provisions in shaft and/or slope construction operations. Covered by MSHA regulation.

Title 36 Series 10 – Roof Control - Covered by MSHA regulation.

Title 36 Series 11 – When underground mine foreman-fireboss required; assistants; certification; reopening of abandoned mines and deenergization of self propelled electric coal feeders; performance requirements - Refer to general comment on certifications.

Title 36 Series 12 – Electrical provisions for underground mining - Covered by MSHA regulation.

Title 36 Series 13 – Authority, accountability and responsibility of underground mine foreman; responsibility of operator notification in relation to mine foreman; and regulatory review procedures-
No Comment

Title 36 Series 14.5 – Electrical equipment in mines; required examinations - Cutting and Welding in mines – State regulation is more stringent than MSHA regulation. MSHA does not require a follow up check within 2 hours or sooner than 30 minutes.

Title 36 Series 15- Ventilation by use of mechanically operated fans - Covered by MSHA regulation.

Title 36 Series 16 – The blocking of equipment in mines; required examinations -Covered by MSHA regulation.

Title 36 Series 17 – Unused and abandoned parts of the mine - This series is covered by MSHA approved Seal plan and WV code 22A-2-5.

Title 36 Series 18 -3 – Responsibility for the care and maintenance of equipment -Recommend that the definition of “Unsafe equipment” is removed from this series.

Title 36 Series 18-5- Responsibility for the care and maintenance of equipment -This section is much more stringent than MSHA requirements.

Title 36 Series 18-6 - Responsibility for the care and maintenance of equipment This section is much more stringent than MSHA requirements. MSHA has no requirements for transportation or sufficient capacity to accommodate the number persons reasonably likely to be on the section.

Title 36 Series 19 -3.2 (7) – Written Reports of Accidents - This section is more stringent than MSHA but is covered under 22A-2-66.

Title 36 Series 19 -4.2 – Written Reports of Accidents MSHA has no requirement for a written notification within 24 hours.

Title 36 Series 19 – 4.3 – Written Reports of Accidents MSHA requires the submittal of 7000-1 document which reports the same required information as the state form.

Title 36 Series 20 – Independent Contractors - No Comment

Title 36 Series 21 – Instruction of employees and supervision of apprentices; annual examination of persons using flame safety lamps; records of examinations; maintenance of methane detectors - 4.1 state more stringent than MSHA requirements. Remove any regulation on flame safety lamps due to the fact that they are no longer used.

Title 36 Series 22 – No act permitted endangering security of mine; search for intoxicants, matches etc. -No Comment

Title 36 Series 23 – Surface construction operations within coal mining industry -No Comment

Title 36 Series 24 – Record keeping of all certified persons employed in all mines - No Comment MSHA more stringent.

Title 36 Series 25 – Operation of Track Haulage Locomotives - No Comment

Title 36 Series 26 – Construction and rehabilitation operations in underground mines -Eliminate the on shift exam during the third and fifth hour of the shift.

Title 36 Series 27 – Surface areas on mine property and limitations on mining adjacent to gas facilities - More stringent than MSHA. This section is similar to safeguards issued from specific fatalities. Eliminate 36-27-5 precautions for stockpiles needs removed.

Title 36 Series 28 – Coal and rock outbursts - No Comment

Title 36 Series 29 – Coupling and uncoupling of mine cars - No comment

Title 36 Series 30 – Operation of section haulage equipment - State more stringent than MSHA requirements. Eliminate 36-30-4.

Title 36 Series 31 – Prevention of injuries due to handling materials - No Comment

Title 36 Series 32 – Housekeeping practices in underground mines and surface of underground mines. State is more stringent. MSHA has no specific regulation. MSHA cites under 75.400 for accumulations.

Title 36 Series 33-4 - Underground mine car loading point – “Eliminate statement about in a shelter hole or crosscut and keep get into an area of safety”.

Title 36 Series 34 – Underground mining equipment to conform with height of seam - No Comment

Title 36 Series 35 – Auger – type continuous mining machines - No Comment

Title 36 Series 36 – Trolley pole swing limiters - No Comment

Title 36 Series 37 – Rulemaking procedures for the board of coal mine health and safety - No Comment

Title 36 Series 38 –Personal protective equipment - No Comment

Title 36 Series 39 – Car dropping -No Comment

Title 36 Series 40 – The use of lifting jacks -Eliminate regulation – MSHA has no requirement

Title 36 Series 41 – Sheathed explosive units -No Comment

Title 36 Series 42 – Sealing permanently closed or abandoned mines - No Comment

Title 36 Series 43 –Remote controlled extended or deep cut mining operations - Eliminate – MSHA has requirements in approved roof control and ventilation plans

Title 36 Series 44 – Mine rescue requirements for the office of miners health, safety and training - No Comment

Title 36 Series 45 – Use of solid triangular tow bar to transport disabled underground rubber tired mining equipment -Eliminate regulation and put general statement about moving disabled equipment by safe means.

Title 36 Series 46 – Safety of persons employed in and around river loadouts - No Comment

Title 36 Series 47 – High voltage longwalls - No Comment

Title 36 Series 48 – High Voltage Continuous Miners -No Comment

Title 36 Series 53 – Hoisting machinery; telephones; safety devices; hoisting engineers and drum runners in underground coal mines - No Comment equal to MSHA

Title 36 Series 54 – 3.4 – Machine mounted methane monitors in underground coal mines - State requires methane monitor to be calibrated every 15 days and MSHA requires calibration every 31 days.

Title 36 Series 54–3.7 - Machine mounted methane monitors in underground coal mines State is more stringent requiring that equipment is de energized at 1.5% methane compared to 2.0% methane.

Title 36 Series 55 – Reporting of failed substance pre-employment screening and tests and approval of rehabilitation programs by the board of appeals - No Comment

Title 36 Series 56 – Arrangements for emergency medical assistance and transportation for injured persons - No Comment

Title 36 Series 57 – Proximity detection systems and haulage safety generally - Remove 36-57-6 Requirements for section haulage equipment. No Requirement for MSHA.

Title 36 Series 58 – Impoundment safety procedures - No Comment