

MSHA

Items Withdrawn from Agenda

<i>Reg. ID #</i>	<i>Title of Rule</i>	<i>Added to Agenda</i>	<i>Withdrawn from Agenda</i>	<i>Added Because</i>	<i>Withdrawn Because</i>
1219-AB01	Electrical Grounding Standards for Metal and Non-metal mines	Nov. 1996	Dec. 2001	<p>“Electricity is used widely in the mining industry to power mining equipment, transport material and people, and for other purposes. Our records show that accidents occur from inadequate or improper equipment grounding. We are considering rulemaking to specify the proper equipment grounding.”</p> <p>[Unified Agenda, Oct. 2000]</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>
1219-AB02	Training and Retraining of Miners	<p>Nov. 1996</p> <p>[Review with potential for rulemaking]</p>	Dec. 2001	<p>“Our current regulations require all mine operators to have approved plans for training of their miners. We reviewed these requirements as part of our Regulatory Flexibility Review to determine if changes were appropriate. We are considering developing a proposed rule to reflect a more flexible approach. In response to public comments we are considering increasing the number of hours of annual refresher training for supervisors from 8 hours to 12 hours. The training needs of supervisors are broader in scope than those of miners. We believe that better trained, more knowledgeable supervisors will contribute to their own safety and that of miners under their supervision.”</p> <p>[Unified Agenda, Oct. 2000]</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>
1219-AB08	Occupational Exposure to Coal Mine Dust	Oct. 1998	Sep. 2002	<p>“Respirable coal mine dust levels in this country are significantly lower than they were over two decades ago. Despite this progress, there continues to be concern about the respirable coal mine dust sampling program and its effectiveness in presenting an accurate picture of exposure levels in mines. Coal workers exposed after the implementation of the current PEL continue to</p>	<p>“MSHA is currently developing regulatory alternatives to issues relating to respirable coal mine dust. Therefore, we are withdrawing this item at this time.”</p> <p>[Unified Agenda, Fall 2002]</p>

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				<p>develop pneumoconiosis. In response to this concern, MSHA undertook an extensive review of the Agency's respirable coal mine dust program. The MSHA Coal Mine Respirable Dust Task Group, which issued its report in June 1992, found that vulnerabilities exist which could impact miner health protection and made recommendations for improving the monitoring program. The Advisory Committee also addressed this issue and made recommendations.</p> <p style="text-align: center;">“The Agency has carefully reviewed the NIOSH Criteria Document Occupational Exposure to Respirable Coal Mine Dust and the recommendations of the Advisory Committee on Elimination of Pneumoconiosis among Coal Mine Workers. MSHA finds that there remains unacceptable risk to miners' health at the current exposure limit for dust in coal mines. Therefore, the Agency is in the preliminary rulemaking process for seeking information to lower this risk.”</p> <p>[Unified Agenda, Oct. 1998]</p>	
1219-AB12	Respirable Crystalline Silica Standard	April 1998	Dec. 2001	<p>“Our current regulations set limits for respirable coal dust when crystalline silica is present. We are also aware of many conditions that result in worker overexposure to silica. This overexposure will result in the development of silicosis in some workers. Therefore, we are currently evaluating recommendations of the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers to determine which one, or combination of recommendations, will most effectively reduce worker overexposure to silica. We are considering</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>

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				rulemaking to implement relevant recommendations.” [Unified Agenda, Oct. 2000]	
1219-AB19	Self-Contained Self-Rescue Devices	July 1999	Dec. 2001	“Self-contained self-rescuers (SCSR) are closed circuit breathing apparatuses that provide a source of oxygen and greatly increase a miner's chance of surviving a mine emergency involving an irrespirable atmosphere. The mining industry has had recent experiences with SCSRs which did not function properly or were not donned properly, rendering them ineffective. We are considering a rule to limit the service life of the devices, address the appropriate inspection of SCSRs and the adequacy of training. In addition, we may propose to apply SCSR standards to metal and nonmetal mines.” [Unified Agenda, Oct. 2000]	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.” [Unified Agenda, Dec. 2001]
1219-AB20	Mine Rescue Teams	Oct. 1999	Sep. 2002	“We are assessing our current regulations to identify areas where we might increase flexibility and encourage underground mine operators to provide mine rescue and recovery capability at their mines. We hope to increase the number of mine rescue teams available to assist miners in life threatening emergencies.” [Unified Agenda, April 2001]	“MSHA is withdrawing this item and plans to evaluate nonregulatory alternatives.” [Unified Agenda, Fall 2002]
1219-AB21	Verification of Surface Coal Miner Dust Control Plans	Oct. 2000	Dec. 2001	“MSHA recognizes that the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Workers made	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”

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				<p>several recommendations that also impact surface coal mine workers. These surface coal mine issues will be addressed by the agency in a separate rulemaking which is currently underway. The scope of that rulemaking will include many issues that are addressed in the underground rule including requirements for dust control plans, verification of dust control plans prior to approval, on shift examination of dust control measures, and the elimination of operator sampling for compliance purposes.”</p> <p>[Unified Agenda, Oct. 2000]</p>	[Unified Agenda, Dec. 2001]
1219-AB22	Surge and Storage Piles	Oct. 2000	Dec. 2001	<p>“MSHA has documented a number of accidents involving miners operating vehicles and equipment on surge piles. The current standard only prohibits persons from walking or standing on or around surge or storage piles where a hazard may exist. We are considering rulemaking to expand the existing standard to address vehicles and equipment.”</p> <p>[Unified Agenda, Oct. 2000]</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>
1219-AB23	Escapeways and Refuges	Oct. 2000	Dec. 2001	<p>“This standard would revise and clarify an existing standard that requires underground metal and nonmetal mines to have at least two separate exits to the surface. Because of the physical limits in underground mines, fire, massive ground fall, methane ignition, inundation, for example, could result in multiple entrapment deaths. A second escapeway increases the likelihood that miners will not be trapped underground during an emergency if one escape route is cut off.”</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>

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				[Unified Agenda, Oct. 2000]	
1219-AB27	Continuous Monitoring of Respirable Coal Mine Dust in Underground Coal Mines	April 2001	Dec. 2001	<p>“Based on available technology, MSHA’s current regulations to control underground coal miners’ exposure to respirable coal mine dust employ periodic inspector and operator sampling for overexposures. MSHA recognizes that continuous respirable dust monitors, under development, would allow mine operators and miners to be aware of the actual dust conditions at all times, thereby enabling immediate action to avert overexposures. The ability to monitor dust exposures continuously during each workshift, predict end-of-work-shift cumulative exposures, and to display the actual end-of-work-shift exposures would be far more effective in controlling exposures to respirable coal mine dust than the current system. Continuous monitors when used effectively could greatly reduce coal miners’ occupational lifetime exposures to respirable coal mine dust and the associated risks for developing occupational lung disease. For operators who would use continuous monitoring, we would solicit comments on proposed modifications to the current dust control regulations. Moreover, for operators who would not use continuous monitors, we would identify how the current periodic dust monitoring sampling program could be improved, to increase protection of miners from occupational exposure to respirable coal mine dust.”</p> <p>[Unified Agenda, April 2001]</p>	<p>“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.”</p> <p>[Unified Agenda, Dec. 2001]</p>
1219-AB30	MSHA Focused Inspections	Fall 2002	Aug. 2003	<p>“Compliance history and safety and health performance are factors that provide an objective means for focusing MSHA resources. MSHA seeks comment on how best to maximize the</p>	<p>“MSHA has withdrawn this item and will address this issue through non-regulatory means.”</p>

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				effectiveness of resources and to further develop inspection procedures based upon experience. MSHA will evaluate current guidelines and practices for conducting inspections and determine how to best balance the complimentary objectives of protecting miners while focusing inspection resources on the greatest safety and health needs within each mine.” [Unified Agenda, Fall 2002]	[Unified Agenda, Fall 2003]
1219-AA48	Air Quality, Chemical Substances, and Respiratory Standards	July 1983 [Notice of Availability of Pre-proposal Draft (48 Fed. Reg. 31,171)]	Sep. 2002	“Our current regulations for exposure to hazardous airborne contaminants are over 25 years old. They do not fully protect today’s miners, who are potentially exposed to an array of toxic chemicals, and other hazards. Examples of these include lead, cyanide, arsenic benzene, asbestos and other well-documented hazards. We will propose provisions of the air quality rule in phases based on our assessment of priority needs.” [Unified Agenda, October 2000]	“MSHA plans to withdraw this item.” [Unified Agenda, Fall 2002]
1219-AA54	Confined Spaces	Dec. 1991	Dec. 2001	“Storage bins, hoppers, tanks, stockpiles, and other confined spaces at mining operations create hazards to miners. These hazards include entrapment by shifting piles of loose materials, falling into materials, and being struck by overhanging materials. Additionally, miners are exposed to toxic and physical hazards in these confined spaces. We will explore both regulatory and non-regulatory ways to eliminate or reduce these hazards.” [Unified Agenda, Oct. 2000]	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.” [Unified Agenda, Dec. 2001]
1219-AA83	Metal / Non-metal Impoundments	April 1994	Dec. 2001	“Water, sediment, and slurry impoundments for metal and nonmetal mining and milling operations	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety

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				are located throughout the country. Some are within flood range of homes and well-traveled roads. Impoundment failures could endanger lives and cause property damage. The proposed rule will address proper design, construction, and other safety issues.” [Unified Agenda, Oct. 2000]	and health regulatory priorities.” [Unified Agenda, Dec. 2001]
1219-AA92	Requirements for Approval of Flame-Resistant Conveyor Belts	Dec. 1992	July 2002	“Our current regulations require conveyor belts used in underground coal mines to be flame-resistant. The rule, as proposed, would set new procedures and requirements for testing and approval of these belts to evaluate their resistance to fire ignition and propagation. The proposal would also require purchase of the improved belts after one year.” [Unified Agenda, Oct. 2000]	“MSHA has withdrawn this item.” [Unified Agenda, Fall 2002]
1219-AA93	Surface Haulage	July 1998	Dec. 2001	“Approximately thirty percent of the fatal surface mining accidents which occurred during the past 4 years involved large haulage vehicles, over-the-road trucks, front-end loaders, and similar equipment. The proposed rule will set safety requirements for restraint systems, lighting, and blind areas for this equipment for both coal and metal and nonmetal surface mines and surface areas of underground mines.” [Unified Agenda, Oct. 2000]	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.” [Unified Agenda, Dec. 2001]
1219-AA96	Safety Standard Revisions for Underground Anthracite Mines	Nov. 1995	Dec. 2001	“Our current regulations for coal mines do not adequately address anthracite coal mining because of the significant differences in conditions and hazards in those mines. Mining methods in anthracite mines include minimal use of mechanized equipment and a slow rate of advance into the coal seam. In addition, anthracite coal is	“MSHA is withdrawing this entry from the agenda in light of resource constraints and changing safety and health regulatory priorities.” [Unified Agenda, Dec. 2001]

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				<p>found in pitched, undulating seams. Mine operators currently must petition us for a modification of the existing regulations for certain mining situations. The proposed rule would address the specific conditions of the anthracite mining industry and eliminate the need for a modification of existing safety requirements.”</p> <p>[Unified Agenda, Oct. 2000]</p>	