

MSHA'S PROPOSED RULE ON PROXIMITY DETECTION

Differing opinions on viability put stakeholders on a collision course

BY ERIK DULLEA



On September 2, the Mine Safety and Health Administration (MSHA) promulgated a proposed rule requiring proximity detection systems (PDS) for mobile machines in underground mines. MSHA's proposed rule is intended to address the risks miners face who work near coal hauling machines and scoops from injuries caused by pinning, crushing and striking accidents.

Unfortunately, there is a wide difference of opinions regarding the proposed rule's feasibility and implementation schedule.

Although the original deadline for comments had been December 1, MSHA extended that deadline an additional two weeks to December 15. Forty-six individuals and organizations submitted comments, including industry representatives, the United Mine Workers of America (UMWA) and private citizens.

After MSHA has reviewed the comments, the agency will publish the final rule, which will include the date that the regulations go into effect. It is unlikely that MSHA will publish the final rule before the second quarter of 2016. At that time, the implementation schedule for any changes or modifications to equipment would begin to run.

MSHA intends for the rule to be comparable to the existing regulations for PDS on continuous mining machines (CMM), to take advantage of "existing proven technology" to minimize the burden on mine operators and to allow for future advances in this technology.

If implemented in its current form, the rule would require PDS devices to be installed on coal haulage equipment and scoops in the working sections of underground coal mines, except for longwall working sections. MSHA elected to exclude longwall working sections from the requirement because coal hauling machines and scoops are not routinely used there, but MSHA asked for information from the public whether longwall working sections should be included in the PDS requirement. Similarly, MSHA solicited comments as to whether the PDS requirement should be applied to additional mobile equipment beyond coal haulage machines and scoops, and whether the requirement should apply to equipment operated away from working sections.

Each PDS consists of machine-mounted components, and if applicable, components worn by miners. Mine operators would be responsible for not only installing the PDS machine-mounted components and providing miners with the miner-wearable components, but also maintaining the components. Currently, MSHA has only approved four systems under existing permissibility regulations.

The rule would require one of two implementation deadlines to install PDS on mobile haulage equipment, depending on the manufacturing date of the mobile equipment, and the ability to safely modify the equipment while it is underground.

An eight-month implementation timeline applies to coal haulage equipment and scoops that were manufactured after the effective date of the final rule; or already equipped with an earlier PDS variant, and that PDS variant can be safely modified underground.

A 36-month implementation timeline applies to coal haulage equipment and scoops that were manufactured before the effective date of the final rule; or already equipped with an earlier PDS variant, and that PDS variant cannot be safely modified underground, or the variant must be replaced with a new system to comply with the final rule.

Mine operators will also be required to administer additional task training to their miners. This additional task training is expected to cover safety issues arising during the phase-in and transition between PDS-equipped and non-equipped mobile equipment; safe operating procedures; new work positions; machine movements; and new visual/auditory signals. Conversely, industry stakeholders are concerned with the lack of certainty that existing PDS technologies will reliably work when implemented across the full spectrum of equipment and activities covered by the rule.

Although PDS exists on CMM, the industry noted that this technology is not universal or one-size-fits-all. Stakeholders skepticism regarding a smooth technological handoff from CMM applications to mine-wide applications is bolstered by the National Institute for Occupational Safety and Health's (NIOSH) comments to the rule. NIOSH is currently researching how to implement PDS on various underground coal mining equipment including mobile haulage, loading machines and roof bolters.

Industry stakeholders are also concerned with the rule's implementation timeline. MSHA's stated desire is to take advantage of "existing proven technology" from the CMM regulations to minimize the burden on operators. This is why MSHA proposed eight and 36-month implementation timelines to mimic the implementation schedules for CMMs. But CMM rebuild timelines are shorter than the rebuild schedules for mobile haulage equipment and scoops. By imposing an unnecessary maintenance burden on operators, the rule will have the opposite effect of MSHA's intent.

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