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MSHA to publish two notices on refuge alternatives in *Federal Register*

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration announced today it will publish two notices on Aug. 8 in the *Federal Register* on refuge alternatives in underground coal mines. In the first, MSHA is requesting data, comments and information on issues and options relevant to miners' escape and refuge during underground coal mine emergencies. MSHA also announced a limited reopening of the record of the refuge alternative final rule published on Dec. 31, 2008. The 60-day comment period for both closes on Oct. 7.

“Responses to the broad Request for Information will assist MSHA in determining if changes to existing practices and regulations would improve the overall strategy for survivability, escape and training to protect miners in an emergency,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “MSHA will review the comments to determine what further actions, if any, the agency will take.”

Additionally, on Oct. 26, 2010, the D.C. Circuit Court of Appeals issued a decision on the refuge alternative rule, holding that the secretary of labor had not adequately explained the basis for requiring motor task (hands-on), decision-making, and expectations training only annually, rather than quarterly. The court remanded the training provision and ordered MSHA to either “provide an explanation ...or ...reopen the record, and afford interested parties an opportunity to comment.” [United Mine Workers v. MSHA, 626 F.3d 84, 86, and 90-94 (D.C. Cir. 2010)]

Section 13 of the Mine Improvement and New Emergency Response Act of 2006 directed the National Institute for Occupational Safety and Health to conduct research and tests concerning the use of refuge chambers in underground coal mines, and to report the results to Congress and the secretary of labor. In its report, NIOSH concluded that refuge alternatives have the potential for saving lives of miners if they are part of a comprehensive escape and rescue plan, and if appropriate training is provided.

There are two types of refuge alternatives: in-place shelters and mobile chambers. Since the refuge alternatives rule became effective on March 2, 2009, refuge alternatives have been placed in underground coal mines across the country.

“Over the past five years, the mining community – operators and miners – has gained a great deal of experience with this technology and survival strategy,” said Main. “We welcome the opportunity to hear from them on improvements we can make to better protect miners during mine emergencies and enhance their training experiences.”

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