



Pennsylvania
Department of
Environmental Protection

February 9, 2026

U.S. Department of Labor
Mine Safety and Health Administration
201 12th St S Suite 401
Arlington, VA 22202

via electronic transmission

Attention: Docket ID Nos. MSHA-2025-0422, MSHA-2025-0423, MSHA-2025-0424, MSHA -
2025-0425, MSHA-2025-0426, MSHA-2025-0427, MSHA-2025-0428, MSHA-2025-0429, and
MSHA-2025-0430

Re: Petitions requesting modification of the existing standards under 30 CFR 75.500(d), 30 CFR
75.507-1(a), and 30 CFR 75.1002(a)

Dear Acting Director Senk,

The Pennsylvania Department of Environmental Protection (DEP) appreciates the opportunity to provide comments on the proposed Section 101(c) (30 U.S.C.A. § 811(c)) petitions to allow the use of non-permissible battery powered diagnostic equipment in or inby the last open crosscut. While DEP fully appreciates the need to use various diagnostic equipment in hazardous areas of Pennsylvania coal mines, the equipment listed by the petitioner has potential unwarranted risks. The listed equipment has not been evaluated for use in hazardous areas containing dangerous mixtures of methane and air. As the petitioner admits, this equipment will be used while mining work is being done, increasing the likelihood of endangering the health and safety of our miners.

Pennsylvania has had a long-standing goal of limiting the potential of a mine disaster stemming from the use of faulty or non-permissible electrical equipment inby. Pennsylvania's Bituminous Coal Mine Safety Act of 2008 prohibits the use of non-permissible equipment in hazardous areas, in or inby the last open crosscut. 52 P.S. § 690-316(e).

As mentioned above, DEP acknowledges the need to use such equipment inby while mining work is performed. However, DEP recommends that the equipment used, if not MSHA approved as permissible, be evaluated by a nationally recognized institution for safe use in such areas.

Of particular concern is the use of lithium-ion batteries on such equipment, such as laptop computers. Lithium-ion battery powered hand-held tools and equipment that are not approved by MSHA as permissible are prohibited for use inby by a mutual agreement between DEP and the petitioner. Diagnostic equipment including laptop computers that have been evaluated and certified by MSHA as "intrinsically safe" or for use in hazardous methane/air environments are tested to ensure they won't ignite explosive methane/air mixtures. The use of non-certified types of diagnostic equipment, primarily lithium-ion and similar powered machines, places an unwarranted increased risk to the safety of Pennsylvania miners.

DEP thanks MSHA for the opportunity to comment on the proposed rule.

Sincerely,

Jessica Shirley
Secretary