



RULES AND REGULATIONS

BOARD OF COAL MINE SAFETY

[25 PA. CODE CH. 208]

Requirements for High-Voltage Continuous Mining Machines

[44 Pa.B. 3962]

[Saturday, June 28, 2014]

The Board of Coal Mine Safety (Board) adds §§ 208.81—208.93 (relating to high-voltage continuous mining machine standards for underground coal mines). The final-form rulemaking, with one exception, conforms Commonwealth regulations to Federal regulations, thereby establishing standards for the use of high-voltage continuous mining machines of up to 2,400 volts in underground bituminous coal mines.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This final-form rulemaking was given under Board order at its meeting of March 11, 2014.

A. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

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C. *Statutory Authority*

The final-form rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grant the Board the authority to adopt regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations

that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

D. Background and Purpose

This final-form rulemaking establishes electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground bituminous coal mines.

On April 6, 2010, the Federal Mine Safety and Health Administration (MSHA) issued a final rulemaking addressing electrical safety standards for the installation, use and maintenance of high-voltage continuous mining machines in underground coal mines. See 75 FR 17529 (April 6, 2010). Previously, the MSHA's standards did not specifically address high-voltage continuous mining machines because those machines were not available when the Federal standards were developed. To use high-voltage equipment in underground mines, the MSHA required mine operators to submit a Petition for Modification (PFM), as provided for under section 101(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(c)). Since 1997, the MSHA has granted 52 PFMs to allow mine operators to use high-voltage continuous mining machines. The final rulemaking issued by the MSHA includes most of the requirements that were granted in the PFMs and new requirements to enhance safety associated with the operation of continuous mining machines, including provisions to protect against fires, explosions and shock hazards. The final rulemaking became effective on June 7, 2010, and superseded all PFMs issued prior to the effective date of the final rulemaking.

In developing the final rulemaking, the MSHA considered the experience of mine operators who had been using high-voltage continuous mining machines in underground coal mines. The MSHA also considered the comments, hearing testimony and its previous experience in reviewing and issuing PFMs in its development of the final rulemaking. The final Federal rulemaking is codified in 30 CFR 75.823—75.834 and 75.1002 and establishes mandatory electrical safety standards for the installation of high-voltage continuous mining machines, electrical and mechanical protection of the equipment, handling of trailing cables and procedures for performing electrical work. In promulgating the final rulemaking, the MSHA attested that the regulatory requirements are technologically and economically feasible and will reduce the potential for electrical-related accidents, thereby offering greater protection for underground coal miners against electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables.

On July 7, 2008, the General Assembly enacted the BCMSA. The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). One of the significant changes made by the BCMSA is the authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate regulations. Under section 106 of the BCMSA, this seven-member board consists of the Secretary of the Department of Environmental Protection (Department) as Chairperson, three members representing the viewpoint of mine workers and three members representing the viewpoint of underground bituminous coal mine operators. Section 106.1(a) of the BCMSA contains broad rulemaking authority to adopt regulations that are necessary or appropriate to implement the requirements of the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines. Moreover, the Board may promulgate

regulations consistent with Federal standards under section 106.1(c) of the BCMSA.

After learning of the revised MSHA standards concerning high-voltage continuous mining machines in underground coal mines, the Board determined it should promulgate an identical requirement with the exception of provisions concerning the mandatory distance between a spliced high voltage trailing cable and a continuous mining machine. Under section 316(d)(6) of the BCMSA (52 P. S. § 690-316(d)(6)), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, 30 CFR 75.830(b)(1) (relating to splicing and repair of trailing cables) prohibits the splicing of high-voltage trailing cables within 35 feet of a continuous mining machine. Because Commonwealth law provides a more protective standard that enhances miner safety, the more stringent State requirement is included in the final-form rulemaking. The Board developed the final-form rulemaking to, among other things, obtain independent authority necessary to implement the Federal regulations.

Revising electrical safety standards for the use, installation and maintenance of high-voltage continuous mining machines plays an important role in enhancing safety protection against fires, explosions and shock hazards in underground bituminous coal mines. In addition, it facilitates the use of advanced equipment designs. By adopting the Federal MSHA regulations, with certain exceptions, the Board believes it will enhance the Department's ability to ensure the safety of miners by reducing the potential or severity of fires, explosions and shock hazards in bituminous coal mines, and allow the Department to have independent authority to enforce the Federal requirements.

E. Summary of Comments and Responses to the Proposed Rulemaking

The Board did not receive comments from the public or from the Independent Regulatory Review Commission (IRRC) on this final-form rulemaking.

F. Summary of Final Regulatory Requirements

The final-form rulemaking adds §§ 208.81—208.93 to establish requirements for the use, installation and maintenance of high-voltage continuous mining machines in underground bituminous coal mines.

Section 208.81 (relating to scope) incorporates by reference 30 CFR 75.823 (relating to scope), which provides that the standard addresses requirements for the use of high-voltage continuous mining machines of up to 2,400 volts in underground coal mines.

Section 208.82 (relating to electrical protection) incorporates by reference 30 CFR 75.824 (relating to electrical protection), which establishes the electrical protection requirements for high-voltage continuous mining machines including requirements associated with the use of an adequate circuit-interrupting device capable of providing short-circuit, overload, ground-fault and under-voltage protection.

Section 208.83 (relating to power centers) incorporates by reference 30 CFR 75.825 (relating to power centers). The Federal provisions set forth the requirements for power centers that supply high-voltage continuous mining machines, including provisions for the disconnecting switches and devices, barriers and covers, interlocks, emergency stop switches, grounding sticks and caution labels.

Section 208.84 (relating to high-voltage trailing cables) incorporates by reference 30 CFR 75.826 (relating to high-voltage trailing cables). The Federal regulation defines the requirements that high-voltage trailing cables must meet, including compliance with existing design requirements in 30 CFR 18.35 (relating to portable (trailing) cables and cords) and the approval requirements of high-voltage continuous mining machines.

Section 208.85 (relating to guarding of trailing cables) incorporates by reference 30 CFR 75.827 (relating to guarding of trailing cables). Section 75.827 of 30 CFR establishes the requirements for guarding trailing cables, including the location where the cables must be guarded, the materials (nonconductive flame-resistant material or grounded metal) to be used in constructing the guarding and the requirements applicable to situations when equipment must cross any portion of the cables.

Section 208.86 (relating to trailing cable pulling) incorporates by reference 30 CFR 75.828 (relating to trailing cable pulling). Section 75.828 of 30 CFR establishes the requirements to be followed when the trailing cables are to be pulled by any equipment other than the continuous mining machine.

Section 208.87 (relating to tramming continuous mining machines in and out of the mine and from section to section) incorporates by reference 30 CFR 75.829 (relating to tramming continuous mining machines in and out of the mine and from section to section). Section 75.829 of 30 CFR includes requirements associated with tramming continuous mining machines in and out of the mine or from one section to another and testing required prior to tramming.

Section 208.88 (relating to splicing and repair of trailing cables) incorporates by reference 30 CFR 75.830 with the exception of requirements in 30 CFR 75.830(b)(1). Section 75.830 of 30 CFR establishes the requirements for performing splices and repairs of trailing cables and the manner in which the trailing cable shall be spliced or repaired to ensure that miners are not exposed to shock and burn hazards. Concerning 30 CFR 75.830 (b)(1), which requires a mandatory distance of 35 feet between a spliced high voltage trailing cable and a continuous mining machine, the Board determined that the Federal requirement was not as protective as requirements established under the BCMSA. Therefore, § 208.88(b)(1) is consistent with the BCMSA and establishes that splicing of high-voltage trailing cables within 50 feet of a continuous mining machine is prohibited.

Section 208.89 (relating to electrical work; troubleshooting and testing) incorporates by reference 30 CFR 75.831 (relating to electrical work; troubleshooting and testing).

Section 208.90 (relating to frequency of examinations; recordkeeping) incorporates by reference 30 CFR 75.832 (relating to frequency of examinations; recordkeeping). Section 75.832 of 30 CFR specifies the frequency of testing certain equipment and circuits and the requirements for creating and maintaining adequate records.

Section 208.91 (relating to handling high-voltage trailing cables) incorporates by reference 30 CFR 75.833 (relating to handling high-voltage trailing cables). Section 75.833 of 30 CFR sets forth the requirements for handling energized trailing cables including provisions that prohibit handling energized trailing cables unless high-voltage insulating gloves or insulating cable handling tools are used.

Section 208.92 (relating to training) incorporates by reference 30 CFR 75.834 (relating to

training). Section 75.834 of 30 CFR requires that miners who perform maintenance on high-voltage continuous mining machines be trained in high-voltage safety, testing and repair, and maintenance procedures. Training provisions are also included for miners who work in the vicinity of high-voltage continuous mining machines or who move the high-voltage equipment or cables.

Section 208.93 (relating to installation of electric equipment and conductors; permissibility) incorporates by reference 30 CFR 75.1002 (relating to installation of electric equipment and conductors; permissibility). Section 75.1002 of 30 CFR addresses requirements for conductors and cables used in or in by the last open crosscut, as well as electrical equipment, conductors and cables used within 150 feet of pillar workings and allows the use of shielded, high-voltage cables that supply power to permissible continuous mining machines in underground coal mines.

G. Benefits and Costs

Benefits

The final-form rulemaking will reduce the potential for electrical-related fatalities and injuries or loss of property when using high-voltage continuous mining machines in underground bituminous coal mine operations in this Commonwealth. The design and work practice requirements included in this final-form rulemaking will result in greater protections for underground bituminous coal mine operators, including measures to reduce electrical shock, cable overheating, fire hazards, unsafe work and repair practices, and back injuries and other sprains caused by handling trailing cables. In addition, the final-form rulemaking facilitates the use of more advanced equipment designs. The final-form rulemaking incorporates, with certain exceptions, the Federal regulations into the Commonwealth's regulations, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.

Compliance Costs

The final-form rulemaking will not add any compliance costs to those already existing, as Federal regulations are already in place in this regard. This final-form rulemaking imposes standards that the MSHA has already imposed and with which underground bituminous coal mines in this Commonwealth shall comply.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the final-form rulemaking and how to comply with it. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The final-form rulemaking will not increase the paperwork that is already generated because of the existing Federal regulations that are already in place.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether they effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 25, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 5819 (October 5, 2013), to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 21, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective May 21, 2014.

J. Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and no comments were submitted.
- (3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 5819.
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble.

K. Order

The Board, acting under the authorizing statutes, orders that:

- (1) The regulations of the Department, 25 Pa. Code Chapter 208, are amended by adding §§ 208.81—208.93 to read as set forth at 43 Pa.B. 5819.
- (2) The Chairperson of the Board shall submit this order and 43 Pa.B. 5819 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(3) The Chairperson of the Board shall submit this order and 43 Pa.B. 5819 to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairperson of the Board shall certify this order and 43 Pa.B. 5819 and deposit them with the Legislative Reference Bureau, as required by law.

(5) This order shall take effect immediately.

E. CHRISTOPHER ABRUZZO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 3470 (June 7, 2014).)

Fiscal Note: Fiscal Note 7-482 remains valid for the final adoption of the subject regulations.

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