

**Executive Summary**  
**Final Rulemaking**  
**Chapter 208 Underground Coal Mine Safety**  
**Requirements for High-Voltage Continuous Mining Machines**  
**(25 Pa Code Chapter 208)**

This rulemaking is initiated by the Board of Coal Mine Safety (Board) to address underground coal mine safety under the authority of the Bituminous Coal Mine Safety Act (BCMSA) (52 P.S. §§ 690-101-690-708). The Board is a seven-member entity that consists of the Secretary of the Department of Environmental Protection (DEP) as Chair, three members nominated by the United Mine Workers of America to represent the viewpoints of miners, and three members nominated by the Pennsylvania Coal Alliance to represent the viewpoints of underground bituminous coal mine operators.

At the national level, the Mine Safety and Health Administration (MSHA) regulates mine safety under the authority of the Federal Mine Safety and Health Act of 1977 (Mine Safety Act) (30 U.S.C.A. §§ 801 – 965). The MSHA regulations are found in 30 CFR parts 1 through 199. The operating requirements for underground coal mines are found in 30 CFR Part 75 *supra*.

By this final rulemaking, the Board proposes to amend DEP's regulations by adding sections 208.72 – 208.84 (relating to High-Voltage Continuous Mining Machine Standards for Underground Coal Mines) to 25 Pa Code Chapter 208. The final rulemaking incorporates, with one exception, federal MSHA electrical safety standards for the installation, use, and maintenance of high-voltage continuous mining machines in underground bituminous coal mines as well as design requirements for approval of these mining machines.

On April 6, 2010, MSHA issued a final rule addressing electrical safety standards for the installation, use, and maintenance of high-voltage continuous mining machines in underground coal mines (75 Fed. Reg. 17529). MSHA's existing standards did not specifically address high-voltage continuous mining machines because those machines were not available when the federal standards were developed. In order to use high-voltage equipment in underground mines, MSHA required mine operators to submit a Petition for Modification (PFM). Since 1997, MSHA has granted 52 PFMs to allow mine operators to use high-voltage continuous mining machines. The final rulemaking issued by 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 rulemaking.

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. There was a 30-day comment period, in which the Board did not receive any comments from the public or IRRC on the proposed rulemaking.

Under BCMSA, at §316(d)(6), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, federal requirements at 30 CFR 75.830(b)(1) prohibits the splicing of high-voltage trailing cables within 35 feet of a continuous mining machine. Pennsylvania law provides a more protective standard that enhances miner safety; therefore, the more stringent state requirement is included in the rulemaking. The Board developed the final rulemaking to, among other things; obtain independent authority necessary to implement the federal regulations.

The Board believes promulgation of this final rulemaking will facilitate the use of more advanced equipment designs, while at the same time provide greater protection for miners from electrical shock, cable overheating, fire hazards, back injuries and other sprains caused by handling trailing cables. The final rulemaking is supported by both mine operators and mine workers, and would generate benefits that would far outweigh any nominal costs of compliance.