

# Comments of the Independent Regulatory Review Commission



## Board of Coal Mine Safety Regulation #7-527 (IRRC #3165)

### Sensitive Ground Fault

May 17, 2017

We submit for your consideration the following comments on the proposed rulemaking published in the March 18, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Board of Coal Mine Safety (Board) to respond to all comments received from us or any other source.

**1. Section 208.600. Sensitive ground fault. – Reasonableness; Protection of the public health, safety and welfare and the effect on this Commonwealth’s natural resources.**

This section of the rulemaking requires bituminous mine operators to equip certain circuits with sensitive ground fault protection. Paragraph (2) of this section requires new and rebuilt load centers that operate in by the last open crosscut of the mine to include sensitive ground fault protective devices from the date the rulemaking is adopted. This paragraph also provides mine operators 60 months after the adoption of the rulemaking to install sensitive ground fault protective devices on existing load centers.

We have two concerns. First, if existing load centers operating under the existing regulations present a potential hazard, is a 60-month phase-in of the new regulations in the best interest of miners? In the Preamble to the final-form rulemaking, we ask the Board to explain its rationale for the 60 month phase-in period for existing load centers and how this provision adequately protects the safety of miners.

Second, load centers that are rebuilt at new mines would have to comply with the new regulation when it becomes effective. The regulation is silent on rebuilt load centers at existing mines. In order to enhance the safety of miners, we recommend that this requirement be applicable to load centers rebuilt at existing mines as well.

**2. Miscellaneous clarity.**

Under the new definition of “working section” found under § 208.1, should the term “face” be changed to the defined term “working face”?