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September 2, 2025

Jessica D. Senk
Acting Director Standards, Regulations, and Variances
Mine Safety and Health Administration
U.S Department of Labor
Room C3522
200 Constitution Avenue NW
Washington, DC 20210

Re: Electronic Surveying Equipment in Underground Mines, 90 Fed. Reg. 28,454 (July 1, 2025); RIN 1219-AB89; Docket No. MSHA-2025-0087.

Dear Ms. Senk,

The National Mining Association (NMA) appreciates the opportunity to submit these comments in support of the Mine Safety and Health Administration's (MSHA) proposal to allow the use of electronic surveying equipment in high-hazard areas of underground coal mines, if the equipment meets certain technical specifications and is operated under specific conditions. This proposed rule would codify technical specifications and working conditions in MSHA standards to allow the use of electronic surveying equipment in underground gassy mines. The NMA applauds the goals of the proposed rule: to reduce burdens on underground coal mine operators by eliminating the need to submit a petition for modification to use non-permissible electronic surveying equipment and to allow the use of the best and most current technology available while not reducing miner safety.

The NMA is the only national trade organization that serves as the voice of the U.S. mining industry and the hundreds of thousands of American workers it employs before Congress, the federal agencies, the judiciary and the media, advocating for public policies that will help America fully and responsibly utilize its vast natural resources. The NMA has a membership of more than 250

companies and organizations involved in every aspect of mining, from producers and equipment manufacturers to service providers. We work to ensure America has secure and reliable supply chains, abundant and affordable energy, and the American-sourced materials necessary for U.S. manufacturing, national security and economic security, all delivered under world-leading environmental, safety and labor standards. America's mining industry supplies the essential materials necessary for nearly every sector of our economy – from technology and healthcare to energy, transportation, infrastructure and national security.

The NMA is pleased that MSHA has prioritized this rulemaking, which has languished for nearly a decade. A number of NMA members own and operate underground coal mines that would benefit from the proposed rule. As MSHA estimates, the proposal eliminates the need for 111 petitions over the next five years, reducing burdens on both the industry and the agency. As explained below, however, we request further refinements and clarifications to ensure the proposal's objectives are met.

- **Limits on Covered Equipment, Service Life and Battery Voltage Need Modernization** (Proposed §§75.1801 and 75.1802)

The proposed rule defines "electronic surveying equipment" as "battery-powered equipment essential for surveying" and further limits the scope to two essential types of instruments, total stations and theodolites. This limitation arbitrarily excludes data collection/logging equipment used to gather and analyze the surveying data – a standard in modern surveying. Inclusion of data collectors as permissible equipment will reduce risks in underground mines by promoting accurate logging of information and shorter timeframes for use of surveying equipment.

The proposal also mandates service lives of five years for theodolites and ten years for total stations. These restrictions in §75.1802(b) are not risk-based and lack technical justification. A uniform 10-year standard is supported, based on durability and consistent performance metrics. Concerns regarding the age of the equipment can be addressed through inspection of outward seals as part of the mandated inspection process outlined in §75.1803(a).

Another primary concern is the rule's battery voltage cap under §75.1802(a), which limits usage to less than 8 volts. While MSHA indicates that all petitions for modification granted since September 2018 listed surveying equipment with less than an 8-volt operating voltage range, this limit seems arbitrary and may limit use of new and equally safe battery-operated technology. The NMA recommends raising the limit to 10 volts to accommodate contemporary surveying equipment while maintaining safety.

- **Air Quantity Measurement and Communication Equipment Requirements Require Clarification** (Proposed §75.1803)

As proposed in §75.1803(b), surveyors must measure air quantity immediately before taking surveying equipment into an area with a required minimum air quantity. This provision is redundant with existing requirements for measurement of air quantities by certified individuals several times per production shift and should be eliminated.

The NMA is also concerned that proposed §75.1803(e), requiring surveyors to be able to effectively communicate with the section foreman and miners on the working section, could be interpreted to require two additional intrinsically safe radios per survey crew. Availability of such MSHA approved devices is critically limited. This vague language should be clarified to allow notification of the foreman of surveyor presence and work routes, ensuring safety without creating confusion.

- **Continuous Monitoring Requirements Merit Refinement** (Proposed §75.1804)

The proposal mandates continuous methane monitoring using two detectors. The two detectors standard is not justified, and exceeds standards applied to higher-risk equipment and higher risk areas – such as working faces. The standard should be refined to require only a single detector.

- **Additional Refinements Are Needed for Requirements on Use Related to a Mechanized Mining Unit Where Production Activities Are Occurring** (Proposed §75.1805)

Proposed changes related to ventilation must be specified in greater detail. For example, actions like curtain movements and regulator adjustments should be clearly defined, along with criteria for when airflow changes trigger methane testing or require supervisory approval.

Further, the requirement that surveyors refrain from using equipment within the same split of air as mechanized mining units should be deleted. The term “split” is not defined and this provision is unsupported by risk assessments, especially since surveyors typically work outside of high-risk zones. Similarly, the separate requirement barring surveying equipment for use within 150 feet of production areas should also be removed. Petitions for modification received approval without inclusion of this restriction. This restriction could obstruct essential work and disrupt mining operations. Restrictions on battery handling and underground charging also conflict with current practices and should be revised or eliminated for consistency.

- **Transition Plan and Petition Conflicts Remain Unclear**

The preamble to the proposed rule indicates that “operators with petitions granted would decide between complying with the terms of their Proposed Decision and Order or complying with the requirements proposed in this rule and dismissing their petitions.” The NMA recommends this language be codified as a grandfather clause that establishes a clear pathway for those electing to remain under approved petitions.

- **Safety Reform Should Be Clear and Practical**

Industry representatives maintain that meaningful reform must prioritize clarity, consistency and practicality. By refining the rule to reflect operational realities and proven technologies, MSHA can uphold its commitment to miner safety while fostering innovation and eliminating unnecessary regulatory burdens.

The proposal is part of MSHA’s broader review of 19 rulemakings designed to improve and eliminate regulations that are outdated or impose unnecessary regulatory burdens. The NMA appreciates these efforts but respectfully requests that MSHA undertake a review of the following additional regulations that equally require updates or refinements.

- MSHA Part 50 governs reporting of mining-related accidents, injuries, and illnesses to enhance safety and transparency across the industry. Many of the current procedures are outdated and must be reviewed to ensure they address evolving risks, streamline compliance, and align reporting standards with today’s technological and operational realities.
- MSHA’s approach to approvals under 30 C.F.R. Part 18 of new technologies, such as electric motor-driven mine equipment in gassy mines, hinders the adoption of modern technologies. MSHA’s final 2024 rule, Testing, Evaluation, and Approval of Electric Motor-Driven Mine Equipment and Accessories, fell short in promoting innovative technologies. 89 Fed. Reg. 99,085 (Dec. 10, 2025). MSHA should make further refinements to embrace international standards, streamline approvals, and clear the backlog to accelerate innovation and protect U.S. miners.¹

We appreciate the opportunity to provide input on this proposed rule and look forward to working with MSHA on its deregulatory agenda and other

¹ See NMA’s Comments submitted on [Dec. 21, 2020], available at <https://arlweb.msha.gov/regs/comments/2020-1219b/AB93%20Comm-13.pdf>

efforts that align its regulations with the President's clear direction to unleash American energy and once again make America the world's premier mineral producer.

Sincerely,

A handwritten signature in cursive script that reads "Paul Krivokuca".

Paul Krivokuca
Vice President, Health and Safety