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ALL REGISTERED MANAGERS ALL UNDERGROUND MINES

GENERAL EXEMPTION FROM MINES SAFETY AND INSPECTION REGULATION 10.55 (Opacity of Exhaust Emission)

In accordance with the provisions of MRA Regulation 1.5, I have decided to issue a general exemption to the industry from compliance with Regulation 10.55 (Opacity of Exhaust Emission).

The exemption is issued on the grounds of impracticability, in complying with the regulation using current information and equipment, and under prevailing ambient conditions. The reasons are further detailed below.

The following conditions apply to application of the exemption:

1. The Manager of an underground mine must ensure that any diesel unit used underground in the mine is maintained according to the manufacturer's requirements to ensure that emissions from the engine are kept as low as reasonably practicable.
2. The Manager of an underground mine must ensure that any diesel unit used underground in the mine, which emits excessive quantities of black smoke, is immediately removed from service.

Difficulties were identified in carrying out exhaust opacity determinations during the first two years of the Act and Regulations taking effect.

Moreover, there have been a number of further redevelopments, which have impacted adversely on the application of the regulation.

- The Society of Automotive Engineers in the US has released the final version of J1667, which is the procedure for doing a snap acceleration test. The regulation was based on a draft document and the final version has highlighted that results must be adjusted for ambient conditions using a complex set of formulae, which have shown to be inaccurate in testing in Western Australia.
- With the release of J1667, the Australian Design Rules (ADR) approval for one model of opacity meter is in use in Western Australia was withdrawn, as it does not conform to the design requirements. Also a sampling meter was approved and it was found in testing that a conversion factor is needed between this type and the end-of-line type currently in use.

In order for the Department to resolve these issues it would have to undertake an extensive testing program in Western Australia using both types of meters under all possible ambient conditions.

This would be time consuming and costly and may not result in a workable solution in any case.

The decision is therefore to apply a general exemption and examine alternative means of reducing exposure of underground employees to diesel particulates, which is the original intent of Regulation 10.55.

The matter has been referred to MOSHAB through the Occupational Safety and Health Standing Committee.

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