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Comments for RIN 1219-AB75.

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AB75-COMM-22

## Comments on Proposed Rulemaking for Workplace Examinations

MSHA is proposing to revise its requirement for preshift, supplemental, on-shift, and weekly examinations of underground coal mines. The proposed rule would require operators to identify violations of mandatory health or safety standards. The proposal would also require that the mine operator record and correct violations and review with the mine examiners on a quarterly basis all citations and orders issued in areas where preshift, supplemental, on-shift, and weekly examinations are required.

The existing standard only requires a record for hazardous conditions.

- This proposal has been made in the past and was not incorporated into the law.
- MSHA's statement included in the Federal Register is as follows:
  - MSHA does not intend that the proposal would significantly change the general scope of examinations under the existing standards. Examiners would not be required to perform additional measurements, or open and examine equipment or boxes. In accordance with the proposed rule, mine examiners would have to note violations and record them in the examination records and the operator would have to assure they are corrected. The top 10 standards cited by MSHA inspectors are the types of violations that well trained and qualified examiners can observe while conducting effective examinations.

### COMMENTS

- If the intent of the proposed change is to concentrate on the top 10 standards cited by MSHA at that particular mine, then why does the new proposal not state this fact?
- The pre-shift examination as defined by law can last no longer than 3 hours, the proposed regulation will significantly change the effectiveness of communicating conditions to the oncoming shift that may cause serious injury or harm. The communication may be so diluted with non S&S type citable conditions that the original intent of the existing regulation is impossible to achieve.

- A mine with a history of a low percentage of S&S type citations will possibly create so much unnecessary identification and paperwork that the Safety of the miners is actually reduced.
- MSHA makes the statement that this new proposal would not significantly change the general scope of examinations under the existing standards. If this statement is true then why does it normally take an MSHA authorized representative days to complete an examination of a single section of an underground coal mine. The new proposal is asking a mine examiner to complete this same task in less than 3 hours.
- The mining industry has already seen MSHA's use of the violations for "inadequate" examination and this new proposal will drastically increase the use of this type citation.
- If the new proposed regulation substituted the words "S&S type" citable condition for "hazardous condition" in the original regulation, this could possibly improve the effectiveness of the examinations.
- By changing the regulations in this way MSHA is creating hardships on those operators who are doing a good job of complying with the regulations as they exist. There is no penalty for those operators creating the perceived need for additional regulations.
- Does MSHA really believe this proposal is consistent with the Federal Mine Safety & Health Act of 1977:
  - Sec. 2. Congress declares that- (a) the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource-the miner: