

# PUBLIC SUBMISSION

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**Docket:** MSHA-2014-0030

Examinations of Working Places in Metal and Nonmetal Mines. 30 CFR Parts 56 and 57

**Comment On:** MSHA-2014-0030-0001

Examinations of Working Places in Metal and Nonmetal Mines

**Document:** MSHA-2014-0030-0034

Comment from concerned operator , NA

## Submitter Information

**Name:** concerned operator

**Organization:** NA

## General Comment

I am very concerned that this new recordkeeping on exams will simply become a mining opportunity for inspectors to get citable offenses, and cite the company without any true increase in safety.

How would MSHA best proposed mine operators do Recordkeeping of hazards abated: Examiner finds a pile of material encroaching a walkway. Typically, they would notify an area crew to clean the pile/remove it. Perhaps the crew can achieve that later in the afternoon, or early the next day. Who then records the completion/abatement of the hazard on the workplace exam form? The laborer who cleaned up the pile? their supervisor?

I'd rather have the laborer move on and clean up another pile, rather than come into the office, hunt down the inspection form, and note "cleaned up" on it. What if the inspection form hasn't been "turned in" yet? (Remember, MSHA requires we "communicate" the hazard, and that communication might be enough to set remedial actions into play). Now, I waste laborer (or supervisor) time hunting down the miner/examiner who initiated the response, to find their form (Oh, it's still in my truck). Now, I have a laborer waiting at the office, on a welder, who has to drive in from the field, so the laborer can sign off on the welder's inspection form. Now, my welder isn't fixing safety issues, and my laborer isn't fixing safety issues, because they are doing paperwork.

And, if they try to be "efficient", and say "I'll sign it tomorrow", we violate the law, perhaps,

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and get a citation, because the inspector comes along, sees the exam in the welder's truck, we go see the area, it's fixed/abated, and instead of being told "good job" by MSHA, the inspector decides "well, you fixed it, but you didn't do the required paperwork, here's your citation."

What about this example? Light out in rarely used building, one of four lights, so the priority to replace is low. Two weeks go by, and the light is replaced. Who updates the workplace exam with the abatement time/notations? The electrician? His supervisor? Do they go through two weeks worth of workplace exams, to find the original one denoting the light? What if it was continuously written (Light's still out), while awaiting parts to fix it? Do they have to update every exam? Heaven forbid they miss updating one, because if an inspector finds ONE out of thirty that didn't get updated, that's a citation.

Or, how about a hazard reported on multiple people's exams? Say, ten people walking past the mill notice the conduit is damaged. They all report it. And, the electrician's fix it. Now, the electrician has to go figure out how many reports might have been made about it, and when, so he can update them all. Once again, the system did well, people saw hazards, reported them, and they were corrected. But, because MSHA inspectors can be zealous in their desires to write citations and punish companies, the one exam that the electrician missed updating is a citation.

The miners and the company will feel like they were punished for TRYING to do the right thing. Safety was achieved, but the plant was still cited. It's hard to explain that to the rank and file.