

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-2014-0030-0037

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Submitter Information

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General Comment

My fear: this is a HUGE "GOTCHA" law

MSHA wants operators to find conditions that may affect safety and health of workers, sign and date the record, document findings and corrective actions, notify employees of these conditions and make records available to MSHA and miners. If MSHA wants all this documentation provided openly, for the purposes of creating a safer workplace and preventing injuries, then MSHA needs to provide protections to operators such that doing so does not result in "preparing the case against them" for purposes of issuing citations. Good faith efforts should be encouraged, not punished, yet current law does not allow for this protection. Instead, industry fears that inspectors will simply mine the information provided, and write citations based on it alone. These fears are what prevents many industries from using near miss reportings and lessons learned teachings, as MSHA can (AND HAS) written citations based simply on the information provided in these valuable learning tools.

And while these fears may seem petty, they come from experience. We are an industry that pays hundreds of thousands of dollars in citation costs for items like the following:

Being cited for having only one light in a 2' x 3' standard passenger elevator that was designed and operational for 50 years with only one light.

Being cited for not having a hose pin in a " air hose that was not attached to any lines, and was

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coiled up and on a hanger.

Being cited for using Clorox to clean kitchen counters and coffee machines. "Toxic materials and chemicals are being stored in the kitchen and the Mine Managers Office at the mine. A bottle of Clorox bleach was stored against the coffee pot in the Mine Managers Office and a stain remover (GooGone) and a box of insect foggers were stored under the sink area adjacent to the refrigerator in the kitchen area of the scale house. These areas are accessed daily by mine personnel. This exposes the miner to the hazard of inadvertently ingesting toxic materials which could result in injuries." Per the inspector's words, surfaces or items cleaned with Clorox could never be used for food preparation again.

Being cited for using the Company name instead of the mine name on 5 annual refresher training records reviewed for the site.

Being cited for running out of cups at a water cooler: "no single service drinking cups provided at the potable water cooler in the shop building. Three full water bottle containers were available for the water cooler. Maintenance is conducted in the shop as needed to work on mobile equipment and the plant equipment. The hazard is not preventing water deficiency related illness."

Cited a standard pick up truck because it had a small, commercially purchased 3.5# fire extinguisher inside the cab. No fire extinguisher was actually required, but because the one they had was not a "legal" fire extinguisher, it was cited and ordered removed, leaving NO fire extinguishing capability.

Cited a company when they filled out a an accident/incident report form using the name "Troy Mine, Genesis Inc.", instead of "Genesis Inc., Troy Mine" as required by MSHA. This resulted in a safety violation citation.

Cited a 60 watt desk lamp (commonly purchased at any office supply store) for failing to have a cage or guard around the bulb.

Cited a miner for not being trained while "exposed to the hazards of mining" on mine site. This "miner" had been assigned by a contractor to drive a replacement worker to the mine site at noon, to replace a worker already on the mine site who was feeling sick, and wanted to go home. The "miner" arrived, drove to the company work area, and dropped off the replacement miner, and was sitting in the pickup awaiting the sick worker to finish packing his tools when an MSHA inspector told the driver to "step out of the vehicle, please". The driver complied, and the inspector asked to see his safety training records. The driver said 'I don't have any, I am just a driver, come to get XXXX, because he's sick". The inspector cited the company for failure to provide 24 hours of new miner training prior to exposing the driver to the "hazards of mining", to which he was only exposed because the inspector demanded he exit a safe vehicle.

So, our fear is very real that an inspector can/will simply ask for a year's worth of examinations, and begin writing citations based on every missed tittle and jot in the package.