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

Comment On: MSHA-2014-0030-0054
Examinations of Working Places in Metal and Nonmetal Mines, Extension of comment period; close of record.

Document: MSHA-2014-0030-0075
Comment from Craig Ross, Barrick Gold

Submitter Information

Name: Craig Ross
Organization: Barrick Gold

General Comment

See attached comments

Attachments

Barrick comments MSHA PR Examinations of Working Places 2016

AB87-COMM-51

BARRICK

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(September 22, 2016)

Re: Docket No. MSHA–2014–0030

Barrick comments regarding MSHA proposed rule for Examinations of Working Places in Metal and Nonmetal Mines – 30 CFR Parts 56 and 57 published in the Federal register June 8, 2016.

On behalf of Barrick, we first want to state that we are supportive of MSHAs desire for improving examinations of working paces to ensure the safety and health of our miners. As requested, below are comments regarding the proposed rule changes related to examination of working places.

1. 56/57.18002(a) A competent person designated by the operator shall examine each working place at least once each shift, before miners begin work in that place, for conditions that may adversely affect safety or health.

   Comments:

   a. At Barrick we support change in regulatory language to perform examinations of working places before work begins.
   b. MSHA requested comments regarding a competent person's minimum level of experience or particular training or knowledge to identify workplace hazards. We provide training as required by part 48 for new miner and task training. Training is provided to ensure miners are competent with respect to health and safety aspects and the safe operating procedures related to the assigned tasks, including information about the physical and health hazards of chemicals in the miner's work area and the protective measures a miner can take against these hazards. We believe, at the completion of this training and when the miner has demonstrated his ability to perform examinations of their workplace, the miner can be designated as competent to perform examinations of their assigned work areas.

2. 56/57.18002(a) (1) The operator shall promptly notify miners in any affected areas of any adverse conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.

   Comments:

   a. We do not see the need to communicate conditions found, if such conditions were corrected immediately by the competent person conducting the examination. Only the communication of conditions that cannot or have not been corrected should be required under this requirement. If the hazard has been corrected, there is no benefit requiring notification of affected miners.
   b. We are concerned with MSHA interpretation of "promptly notify". Since the requirement to perform the examinations are before work begins, then notification to the affected miners should be prior to performing work. This removes the "promptly notify" and changes to a more realistic approach to protect miners. There may be situations where addition workers are assigned to a work area later in the shift that was previously in an entirely different work area and was not notified at the time the other miners working the area were notified. The

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best practice would be to ensure newly assigned workers are notified prior to beginning work in the affected area. This can be address by stating "prior to performing work" vs "promptly notify".

c. The requirement that the "operator" shall promptly notify miners is unnecessary and is requiring such notifications to be performed by a supervisory type person. The requirement should be that affected miners shall be notified prior to performing work. Who, performs such notifications should not be a part of this requirement. The competent person can perform such notifications verbally, r with signage or other methods to make such notifications.

3. 56/57.18002(a) (2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

   Comments:

   a. No comment as this remains essentially unchanged under the proposed rule.

4. 56/57.18002(b) A record of each examination shall be made and the person conducting the examination shall sign and date the record before the end of the shift for which the examination was made.

   Comments:

   a. Requiring a signature is not necessary. Only the name and date should be required. With current technology most examinations will be accomplished with a digital device which often is not cable of accepting a signature, but will provide name of person logged onto the device.

5. 56/57.18002(b) (1) The record shall include the locations of all areas examined and a description of each condition found that may adversely affect the safety or health of miners.

   Comments:

   a. Providing a description of each condition found, when such conditions are corrected immediately by the competent person conducting the examination should not be required. Requiring a description of every condition found when it has been immediately corrected by the competent person performing examination is burdensome requirement and does not provide any benefit to other miners. Only the conditions that cannot or have not been corrected should be required to be documented as these could affect miners. This would also provide incentive to immediately correct adverse conditions when possible to do so.

6. 56/57.18002(b) (2) The record also shall include:

   (i) A description of the corrective action taken,
   (ii) The date that the corrective action was taken, and

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(iii) The name of the person who made the record of the corrective action and the date the record of the corrective action was made.
Comments: (i) The requirement to provide a description of the corrective action is unnecessary. This just adds unnecessary paperwork to the hazard recognition and mitigation process. A name, date and record that the condition was corrected is all that is necessary.

7. 56/57.18002(b) (3) The operator shall maintain the examination records for at least one year; shall make the records available for inspection by authorized representatives of the Secretary and the representatives of miners; and shall provide these representatives a copy on request.

   Comments: Why one year? 6 months would be adequate. With growing size and complexity of the mining industry, maintaining records unnecessarily for an extend length of time does not serve any useful purpose. An MSHA inspection of a surface mine is required twice a year and 6 months would allow for review of records since last inspection.

Sincerely,
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