
Subject:

Docket No. MSHA-2014-0030

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From: John O'Hara [mailto:JOhara@evmat.com]
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To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: Docket No. MSHA-2014-0030

In regards to the above mentioned proposed rule for work place exams, I have the following comments.

The current practice of conducting workplace exams is satisfactory in identifying hazard development and protecting against accident or injury arising from those hazards. We think that our accident and injury rate is evidence of the success of the current system of workplace exams.

The condition of the work place is not the paramount factor that we are focused on in our efforts to prevent accidents. The behavior of every employee at all levels is more important than the hazards that may arise throughout the course of or between a work shift. While hazard recognition is important in avoiding accidents and identifying trends of the sources of hazards, it is more the mentality and behavior of the individual that will determine the success of a safe work place. We stress the importance of mindfulness of ones surroundings, the need to take the necessary time and effort to prepare and maintain a safe work place before and during a task, and stopping the progression of a hazard. We have seen that even in work places that are safe, the behavior of individuals is the leading cause of accidents. This will not improve with additional rules for workplace exams, rather only distract the efforts of those who can implement the processes of slowing down and performing a task correctly and safely.

Any requirement of the timing of a workplace exam is ill-advised. The ones performing the duties of any given process can best perform the inspection of an area as is appropriate for that specific work area or task. For example: At the beginning of a shift and prior to performing any work, a walkway and stairs may be inspected and deemed safe before starting a crusher but after the crusher and conveyor belts are started, built up material deposited from the previous shift that had dried since the equipment had been shut down may fall and accumulate on stairways, creating a tripping hazard. An experienced operator would know this and wait to conduct the examination of these travel ways after the crusher and conveyor belts are started and before work began in these areas.

Extra documentation of hazards recognized and causes of hazards does not make a work place any safer. The actual management of the hazards is what is important. Requiring more documentation will burden the plant operators with paperwork. We are a small operation without the availability of clerical staff to maintain this paper trail to satisfy an inspector's checklist. The real meaning of a safe work place is safe behavior, acting on visual observations of changing conditions, taking the time to make repairs to guards in a safe manner, not paper.

Any requirement for the personnel authorized to conduct work place exams is also counterproductive to making meaningful steps towards a safer work place. A miner with minimal experience may have the ability to see a situation with a fresh perspective and be able to make observations that a more experience miner who could have been drawn into complacency or may not have noticed a slow gradual change in conditions. It is better for the mine operators to recognize the abilities within their organizations and assign the tasks as they deem suitable, rather than an agency with no knowledge of the personnel they are supposed to be helping.

I hope that changes in the regulations of our operation is carefully considered with the impacts to real people in the forefront of your motivations. The people who work in the mining and processing operations should benefit from any rule imposed. Thank you for accepting feedback in the process of considering new rules and I hope we can continue forward with meaningful progress towards a safer work place for the people who we value so much.

John J. O'Hara
Everist Materials
Operations Manager
970-468-3691 office
970-485-5762 mobile
johara@evmat.com