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Comment from Brian Slobodow, U.S. Silica

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General Comment

On behalf of U.S. Silica, I would like to re-affirm the comments provided by the IMA-NA on the matter at hand. We commend MSHA on embarking on an effort to improve the POV program. However, by not including the criteria for POV in the proposed rule, and eliminating all procedural safeguards against erroneous or arbitrary imposition of POV findings, MSHA has made it impossible for U.S. Silica and fellow IMA-NA members to assess and comment on or support the program as a whole. We request that MSHA re-propose the rule and include the criteria that it plans to use. We also request that MSHA address the concern about the lack of due process that may occur under the rule as proposed. Finally, we request that MSHA re-institute the "proposed" POV under the new rule in order both to clarify the procedure and to allow the mine operator an opportunity to show mitigating circumstances before POV sanctions automatically would go into effect.

- Brian Slobodow, CEO, U.S. Silica

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