

# PUBLIC SUBMISSION

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Criteria and Procedures for Assessment of Civil Penalties, 30 CFR Part 100

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Criteria and Procedures for Assessment of Civil Penalties

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Comment from Mark Longpre, NA

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## General Comment

I don't want to get lost in the weeds on this one, so here are a few high points. Parts of this proposal are philosophically flawed.

I understand one of the stated purposes is to reduce the number of citations being contested. Well, when the new assessments come due for payment, expect to see an increase in contestations. I am sure that there are a few mine operators that contest citations because they can; it is like their Mount Everest. I am sure that a few citations are contested because it is as a result of a serious event and there are significant fiscal concerns. Both of those reasons I tend to classify as strategic reasons. I believe that the vast majority of citations are contested because mine operators do not agree with how the violation is described, classified, or even if a violation exist. Those are contested as a matter of principle. The solution to decreasing contesting is to decrease not-credible citations through balanced inspector training, inspector accountability to the training, and sensible field and division management; not this proposal.

This proposal will punish the operators that are really trying. Let's say Operator A is working real hard to improve miner safety and putting real resources to it. And that being said, Operator

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A receives a violation categorized as low negligence. Now on the other hand Operator B is not working toward improving miner safety. And Operator B receives a violation categorized as high negligence. Under this proposal both violations are to be considered only "negligent" and are viewed the same. Is that the result that is desired; punishing, and most likely demotivating, the operators that are trying to improve things? "Why try, we are all treated the same anyway."

One goal of the proposal is to increase inspector citation consistency. One way this proposal attempts to do this is by reducing the number of levels of negligence. From the current categories of none, low, medium, high, and reckless disregard, to the proposed levels of none, negligent, and reckless disregard. That is akin to saying Baskin Robbins wants a greater proportion of their customers to order vanilla ice cream or stated differently, that Baskin Robbins wants a greater 'consistency' in customers ordering ice cream. So, we have a solution! Instead of 31 flavors we will now offer 3 flavors; bubble gum, tutti frutti, and vanilla. And now the majority of Baskin Robbins customers will now order vanilla. Brilliant. The real solution for citation consistency is balanced inspector training, inspector accountability to the training, and sensible field and division management; not this proposal.