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Criteria and Procedures for Assessment of Civil Penalties

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Comment from Glenn Pladsen, NA

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General Comment

I am an employee of Knife River Corporation which has aggregate mining operations in a number of states in the western half of the US. While reading the proposed changes to the Civil Penalties guidelines, there are a number of aspects that I support and others that I question.

I support the overall goal of making the violation assessment process simpler and therefore more consistent across individual inspectors. As I review citations from the various locations across our organizations, there is definitely a lack of consistency as to what is considered a violation and the dollar value of the penalty assessed based on the individual inspector.

It appears that MSHA is taking the simplification of assigning violation points as an opportunity to raise the average penalty dollar value as the penalty point system is tightening at the bottom of the scale. If I think of this in non-agency terms, it appears to be an effort to re-bundle the services in order to raise prices for the same violation. I'm not necessarily against this if the violations are legitimate but I would like MSHA to be more forthcoming that one of the goals of these proposed changes is to increase revenue.

The portion of this policy change I do not agree with is eliminating the authority of the Federal

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Mine Safety and Health Review Commission. Having an avenue to appeal a citation is critical to maintaining the checks and balances of our mine safety system. If the Commission's authority is removed or significantly reduced, mining companies will be left at the mercy of individual inspectors which MSHA has admitted are not consistent in their citation writing or penalty assessment processes.