

PUBLIC SUBMISSION

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

Comment On: MSHA-2014-0009-0082

Criteria and Procedures for Assessment of Civil Penalties

Document: MSHA-2014-0009-0092

Comment from Derek Steadman, NA

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General Comment

I disagree with MSHA's proposed change in rating a citation's negligence. Changing from five (5) categories

to three (3) lessens the opportunity for the inspector to rationally consider mitigating circumstances surrounding the cited infraction. Many inspectors visiting our property have stated that they would never issue a citation with a negligence rating of "none" because every citable condition could have been prevented by an operator. Such an interpretation by MSHA inspectors coupled with the proposed rule change in effect reduces the proposed negligence categories to two; negligent or reckless disregard.

Also, after observing a number of MSHA inspectors visiting our property I have noticed that the higher the inspector rates the negligence the more likely it is that the inspector will also determine that the citation is S & S. I wonder if the proposed change will also increase the number of citations being categorized as S & S due to the reduction of negligence choices to either "negligent" or "reckless disregard".

I also disagree with MSHA's proposal to limit the Federal Mine Safety and Health Review Commission's ability to exercise independent judgement. I believe that the Commission's independence is necessary for the continuation of a transparent, fair, and honest process.

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Thank you for the opportunity to comment.