

MAR 31 2015

From: Michael Herges <mherges@Graniterock.com>
Sent: Tuesday, March 31, 2015 11:53 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: Docket No. MSHA-2014-0009 - Comment on Proposed Part 100 Rule

Dear Sir/Madame,

I am opposed the proposed part 100 rule for many of the same reasons presented by others who have commented. As a member of the CalCIMA Health & Safety Committee, I agree with the comments submitted by the CalCIMA.

Most recently after hearing other mine safety associates describe their experience with calculating the differences in penalties between the current and proposed rule, I took the time to apply the proposed rule penalty formula to the last three assessments my company received following recent inspections. I was shocked to see that the penalties at all three mines increased significantly. I found that the assessments would increase the penalty amounts by 86%, 350% and +1100% under the proposed rule. I would be happy to share those results with MSHA, if requested.

If MSHA elects to move forward with this rule change, a significant amount of testing should be done to test the new penalty formula. In one case, the penalty amount for a non S&S violation under the current penalty structure escalated from \$100 to \$1260 under the proposed rule. I doubt this was the intent of the proposed rule. Once again, the proposed penalty formula should be thoroughly investigated and amended to keep penalties at or near current levels.

Thank you for the opportunity to comment on this proposed rule.

Sincerely,

Michael Herges
Director of Safety & Health
Granite Rock Company