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Comment from Robert Flowers, NA

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General Comment

I see that MSHA is going to make changes to several of the components that make a citation S&S or Non S&S. It has been my experience in the past few weeks that Inspectors are issuing citations as Non S&S but make them fatal. Example The outer jacket insulation was damaged, no exposed bare wires, unlikely, no lost work days but Fatal. As the new rules changes for assessments the fines would go up. I think the inspectors see this as a way to issue citations and still stick it to the operator. and possible get them on a pattern of violations because of the history. MSHA can check this out by going back over the citations issued this quarter to see how many were marked Non S&S with Fatal Injuries. Plus Inspectors are citing the wrong Standard and are not willing to change it when at the close out conference. I think the National Stone and Sand and Gravel should also check this out and address it with the Stake Holders. As the Act States every one has the right to file a complaint even if its against an Inspector for Threatening or Harassing Mine employees or Operators