

**PUBLIC SUBMISSION**

2014 SEP 19 P 3:03

<b>As of:</b> September 19, 2014 <b>Received:</b> September 18, 2014 <b>Status:</b> Posted <b>Posted:</b> September 19, 2014 <b>Tracking No.</b> 1jy-8eft-9o1t <b>Comments Due:</b> December 03, 2014 <b>Submission Type:</b> Web
---

**Docket:** MSHA-2014-0009

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

**Comment On:** MSHA-2014-0009-0001

Criteria and Procedures for Assessment of Civil Penalties

**Document:** MSHA-2014-0009-0029

Comment from Anonymous Anonymous, Private

**Submitter Information****Name:** Anonymous Anonymous**Organization:** Private**General Comment**

## COMMENTS ON PROPOSED PENALTY CHANGES

Good Faith discount Although the proposed 20% discount looks attractive to most it will have its consequences. By not contesting these violations we develop a problem of repeat history of violations that will increase the amount of penalty on these violations. A small dollar amount may look attractive at first but after several months with more repeat violations of the same standard will increase significantly with a bigger dollar amount. Therefore blinding the operator with this increase amount. Still believe that contesting these violations would be still a concept to use because it gives operators a chance to check balances within. Not contesting now could result in much bigger fines in the future..

Under this new regulation it does not address any concerns of any safety matters. My concern under this new provision would be an increase in those violations that would result in companies quickly coming under the POV standard. Under negligence the factors range from Not Negligence and reckless disregard to me this range is already addressed in the previous criteria set out by MSHA and as operators concerns, the mine changes over time in most cases and in very short periods and the operator may not have known about the conditions. So therefore the MSHA inspector would have no choice but to check negligence in the box which would result in an increase of violations ratio and put them more quickly under PVO watch list. Also under this new rule of negligence the operator knew or should have known will this increase the possibility of more 104 (d) citations.

AB72-COMM-6

Gravity with the reduction of persons affected. No persons or one or more, its believed that no citation will be written with less than one affected. The injury section cut to three categories will reasonably likely trigger an 104 (d) or 107 (a) citation believe with the reduced number of categories that S & S citations will tend to increase

Another big concern will MSHA control the commission on proposed and assessed violations.