
From: Beth Botsis <bbotsis@imcc.isa.us>
Sent: Friday, June 19, 2015 1:41 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB85
Attachments: MSHA RFI Comment Letter RIN 1219-AB85.pdf; State Responses MSHA RIN 1219-AB85.docx

JUN 19 2015

RIN 1219-AB85

Attached please find two documents: 1) comments of the Interstate Mining Compact Commission (IMCC) to RIN 1219-AB85; 2) a separate document which serves as an attachment to the comment letter and consists of a compilation of IMCC state responses to RIN 1219-AB85 specifically regarding section G questions related to certifications, decertifications and recertifications. If you have any questions about the comments or the attachment, please contact IMCC.

Sincerely,

Beth Botsis

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June 19, 2015

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Comments Re. RIN 1219-AB85

This letter and the attachment are sent on behalf of the member states of the Interstate Mining Compact Commission (IMCC) in response to the Request for Information (RFI) published by the Mine Safety and Health Administration (MSHA) on February 26, 2015 at 80 Fed. Reg. 10436. We appreciate the opportunity to submit these comments and request that you give them your serious consideration. IMCC is a multi-state governmental organization representing the interests of our 26 member states, many of whom regulate the safety and health of our Nation's miners.

IMCC's comments are primarily in response to questions posed in section G of the RFI concerning criteria and procedures for certification, recertification, and decertification of certified persons. Over the years, IMCC has engaged in substantive discussions with MSHA concerning the importance of this matter given the primary role that many states exercise with respect to the certification of miners. MSHA has in fact relied on the states to take the lead on this aspect of miner health and safety and, as recently as 2013, the states provided information to MSHA concerning the status of their respective certification programs. The responses in the attachment to this letter reflect an update to that information.

As an overarching comment, the states continue to assert that they are in the best position to implement miner certification programs under the Mine Safety and Health Act of 1977, as amended. Our years of experience running these programs and our knowledge of the people and the conditions in our mines position us well to establish the qualifications and testing for key positions requiring certification. This is confirmed by the responses to the RFI questions presented in the attachment. We therefore believe it is essential that the states continue to take the lead in implementing these programs.

"Serving the States for Over 40 Years"

With respect to the potential for uniform criteria and procedures for certification, recertification and decertification, we could support such an approach to the extent that the criteria and procedures are based on existing state standards and allow for states to be more stringent than any minimum national standards. There is frankly more merit to considering such criteria and procedures with respect to recertification and decertification. If coupled with the potential for a national database or tracking system for decertified miners, both MSHA and the states would be well served. While the states make every effort to share information about decertified miners, having a central location for this information that is easily accessed and updated will be helpful in monitoring the situation. A similar mechanism is utilized by the Office of Surface Mining within the U.S. Department of the Interior to track violators under the Surface Mining Control and Reclamation Act of 1977. Known as the Applicant/Violator System (or AVS), this has been a valuable tool in blocking permits to those who have outstanding violations or penalties.

Should you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Botsis", with a stylized flourish at the end.

Beth A. Botsis
Deputy Executive Director