
From: Sal Dicembre <sdicembre@gernatt.com>
Sent: Tuesday, April 25, 2017 2:36 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB87

RE: RIN 1219-AB87

To whom it may concern,

In Vol. 82, No. 13 of the Federal Register, MSHA gave the following reasoning for the proposed rule change:

“C. Background Information

Mining continues to be one of the nation’s most hazardous occupations. Mining operations have dynamic work environments where working conditions can change rapidly and without warning. For this rulemaking, MSHA reviewed accident investigation reports from January 2010 through mid- December 2015. During this period 122 miners were killed in 110 accidents at MNM mines. MSHA conducted investigations into each of these 110 fatal accidents of which 16 accidents (18 fatalities) citations were issued to mine operators for unwarrantable failure to comply for purposes of Section 104(d) of the Mine Act. Because unwarrantable failures involve serious conditions that the operator should have known about, MSHA believes that for these 16 accidents, had the person making the examination recorded these adverse conditions, the records may have alerted operators to take prompt corrective action thus preventing the accidents.”

The existing rule, 30 CFR 56.18002 (a), (b) and (c), already requires the examiner to record the examination, initiate prompt corrective action and to notify miners of adverse conditions. If the operations involved in the above referenced 16 accidents had followed the existing rule, these accidents may have been prevented. These operators were cited for unwarrantable failure to comply with existing rules. Adding additional requirements merely adds an additional burden on those operators already complying adequately with the existing rules and does nothing to address the issue of operators failing to follow the existing rules.

The existing rule clearly states:

“(a) A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.” (Emphasis mine).

I am not in favor of this proposed change in the law. It’s not right to put the entire class in detention for the acts of a few.

Thank you.

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