

# PUBLIC SUBMISSION

<b>As of:</b> 7/25/16 2:19 PM <b>Received:</b> July 21, 2016 <b>Status:</b> Posted <b>Posted:</b> July 25, 2016 <b>Tracking No.</b> 1k0-8qvr-kzrw <b>Comments Due:</b> September 06, 2016 <b>Submission Type:</b> Web
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**Docket:** MSHA-2014-0030

Examinations of Working Places in Metal and Nonmetal Mines. 30 CFR Parts 56 and 57

**Comment On:** MSHA-2014-0030-0001

Examinations of Working Places in Metal and Nonmetal Mines

**Document:** MSHA-2014-0030-0031

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## Submitter Information

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## General Comment

Comments and submissions towards MSHA's Proposed changes to Workplace Inspections IN 1219-AB87 or Docket No. MSHA-2014-0030

In promulgating their newly proposed rule changes to the workplace examination standard, MSHA creates several questionable assumptions:

MSHA states "As evidenced by the 122 deaths in the six year period of 2010-2015 at MNM mines, greater actions by mine operators are needed to meet the Mine Act Objective." However, no objective evidence is offered to support this conclusion. How much practical evidence is there to support the "conclusion" that the majority of these deaths would have been prevented by the proposed changes to the workplace examination regulation? While this is admittedly difficult to quantify, if this is the entire reason for this regulatory change, some evidence should be provided to prove that it is necessary and will achieve the actual benefits claimed, as a counterbalance to the cost needed to comply, both in terms of dollars and time.

MSHA later states that "These accidents support that miners would benefit from rigorous workplace examinations...to better identify hazards so they can be addressed before miners get injured or killed." However, even later in their proposal, MSHA states that it "cannot quantify the benefits because it cannot determine with certainty what injuries, illnesses, or deaths will be prevented." These two statements seem to be in conflict with each other. MSHA cannot state with certainty what injuries will be prevented, yet it states with certainty that rigorous workplace exams will prevent miners from getting injured or killed. Thus, it appears that MSHA is making an unfounded assumption about the benefit of more rigorous workplace

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exams without being about to conclusively state that this would have prevented the accidents cited.

MSHA trots out the tired old saw that "Mining is a dangerous occupation". Mining is NOT as dangerous an activity as MSHA continuously paints it to be. It routinely falls below six, eight or ten other industries (depending on the statistics used), including retail clerking, warehousing, and Veterinarians in severity and fatality numbers. In many studies, mining doesn't even make the top 10. So far in 2016, 9 Metal/Non Metal miners have died across the US. In 2014, 9 California REALTORS died while on the job, resulting in workplace fatalities. Also in 2014, 9 teachers died in work related accidents. That's one state, not an entire nation. Metal/Non metal Mining across the US is less hazardous than being a Realtor and/or a Teacher in California. On average, 20 miners a year die in Metal/Non Metal mines across the US. 2014 was a horrible year for mining fatalities, and 29 Metal/Non Metal miners lost their lives across the 50 states. Almost as many landscapers died in California (28) in 2014, as an example. In California ALONE.

Every year in the US, 200 people are killed by deer. By deer. That's four to five times the total number of mining related fatalities in an average year. Your chances of being killed by a deer are five times greater than being killed while mining.

MSHA would be better served focusing on promulgating the outstanding ideas generated in the mining industry, and serving as educators and consultants, than trotting out the tired old saw that mining is so deadly, that only the thin hi-vis line of MSHA is all that stands between a miner and death.