
From: Dana Bennett <dana@nevadaming.org>
Sent: Wednesday, April 26, 2017 12:26 AM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: RIN 1219-AB87 or Docket No. MSHA-2014-0030

Sheila A. McConnell, Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration (MSHA)
201 12th Street South, Suite 4E401
Arlington, Virginia 22202-5452

RE: RIN 1219-AB87 or Docket No. MSHA-2014-0030

Dear Director McConnell:

The Nevada Mining Association is a trade organization that represents the depth and breadth of Nevada's mining industry. Founded in 1913 as an association of mine operators interested in providing comments about proposed laws and rules governing mine safety and miners' health, the Nevada Mining Association has grown over the past 100 years to encompass businesses all along the mining supply chain and to engage on all policy matters that may affect this state's foundational industry. The Nevada Mining Association's current membership includes the vast majority of Nevada's metal and mineral mines and over 300 businesses that provide goods and services to minesites in this state.

Because safety is the number one priority for our members, the Nevada Mining Association (NvMA) submits the following comments regarding the proposed extension of the implementation date for RIN 1219-AB87, known as the "Examinations of Working Places in Metal and Nonmetal Mines" final rule.

NvMA supports an extension of the effective date for the implementation of this new workplace examinations rule. In this docket, MSHA has proposed an extension of that date from the original effective date of May 23, 2017, to a new effective date of July 24, 2017. While we believe that the new date is a positive step in the right direction, which we support, the docket also asks "whether this extension offers an appropriate length of time for MSHA to provide stakeholders training and compliance assistance." We would respectfully suggest that it does not. In the brief amount of time since the final rule was published on January 23, 2017, MSHA's educational and informational efforts have been hampered by severe weather events. This winter has been a record-setter in Nevada, resulting in more rain and more snow than any previous winter. These storms have shut down mining operations and washed out roads, making it impossible to reach mine sites and difficult to schedule informational meetings in nearby towns. In addition, MSHA's leadership continues to be in transition, which has adversely impacted its delivery of necessary information in a timely and coherent manner. With 144 active and 72 intermittent mines in Nevada, and with each mine subject to multiple mandatory inspections each year, there is a substantial workload involved with adequately implementing this new rule.

Thus, we propose an extension of 120 days—until September 20, 2017—to allow MSHA sufficient time to fully inform and educate Nevada's mine operators with online materials and stakeholder education sessions. This extra time period would also allow mine operators and contractors to implement new systems that are necessary to properly manage the additional paperwork, including the adjustment of examination forms and to fully comply with the additional data retention guidelines. No doubt, some of the larger mining companies will be able to enhance their systems quickly, but many of Nevada's mines are small with few administrative staff. They will need time to ensure that their systems are in compliance. An extension period of 120 days is, we believe, "an appropriate length of time for MSHA to provide stakeholders training and compliance assistance." The extended period will greatly benefit MSHA by providing sufficient time to guide mine operators properly to a successful implementation of the final rule.

I would be happy to answer any questions. Thank you for your consideration of our comments.

With regards,
Dana



Dana R. Bennett, PhD
President

201 W. Liberty Street, Suite 300 | Reno, Nevada 89501
[775.829.2121](tel:775.829.2121) | [vCard](#) | [website](#) | [email](#)

Champion of Nevada's 21st-century mining industry