

PUBLIC SUBMISSION

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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

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General Comment

How would this law, if implemented as stated, work with other MSHA laws?

This requires a workplace exam be done prior to work being done in the area. What about the logistics of a typical MSHA inspection? How do you avoid an advance notice citation, which you will incur by because the members of the inspection team could not go anywhere, without knowing the exam for that area had already been done.

Will the mine be allowed to tell their workplace examiner "We want to go into that area. Go in there first, and look for hazards". The team starts out, but you can't go into places without them being inspected prior, and you can't inspect prior unless you know where the inspection team is going, so... advance notice?

What does the rest of your operation do, while your examiner is out front of the inspection team? Because, if he's examining for the inspection team, he isn't getting the exams done for the quarry, or the mills, or the electricians, or any of the other work you had planned. Are you required to have a "standby" examiner on hand, just for regulatory inspections and the like?

What if, late in the day, a regulatory inspector arrives, and desires to confirm a sign has been placed in a particular spot in the plant, as requested on previous visit (or, to terminate a citation, or as part of a complaint, or...). This spot is not typically accessed during the working day/week, and has had no planned work there for the day, and is thus, not inspected for hazards this shift.

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The inspector and a representative head for the (remote) location, and... do what? Wait for the assigned competent inspector to arrive from his other duties, to inspect the area prior to their entry? The miner can't enter the area, without it being inspected.

But, what if there is a delay, because the designation workplace examiner is up in the quarry, and it will be thirty minutes or so before he can break away and arrive. Would that generate a citation for impeding an inspection? What if the examiner has gone home for the day? Can there be no entry? Would that generate a citation for impeding an inspection.

While you could let an MSHA inspector into the area to do their job (they are not miners, and exempt from most of the standard/rules), I don't believe you could do that with Cal OSH. Or ATF, or other regulatory agents, and so can we tell them "Sorry, you can't go there, we haven't examined it today, and we don't have an examiner on site."