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**From:** E-Rulemaking - MSHA  
**Subject:** Proposed Workplace Exam Rule

**From:** Linda Ottesen [<mailto:kuklinda@gmail.com>]  
**Sent:** Sunday, July 31, 2016 9:44 AM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Subject:** RE:Docket ID: MSHA-2014-0030 - Proposed Workplace Exam Rule

AUG 01 2016

In regards to new ideas coming from MSHA:

We train our workers to observe and be alert for safety every minute they are on the job site. WE CALL IT HAZARD ASSESSMENT!

Whether they are driving to the site or on the site, the terrain can and does change constantly. To be alerted to this is what we train for. But to have to have this change in writing is asking a little too much. Can you honestly tell me that if the truck ahead of you gets hit with a wind gust and results in an item being blown off due to a truck turning over as being predictable? And should it have been in writing that morning when the employee came to work????

To be able to hold the person who does the initial inspection in the mine to be responsible for unknown circumstances is way beyond the natural capacity unless they are clairvoyant. It is also hard to hold in compliance what Mother Natural can do, but again the best we can do is to alert every possible scenario we can to alert the workers to what could happen.

Yet accidents continue to happen, and even MSHA CAN NOT PREVENT THIS.

Holding the individual ONLY and not the mine owner responsible if the individual is solely found to have done an irresponsible act is possible a consideration and makes the worker more accountable for their acts. Having the competent person in charge for that shift to be alert to the fact that all of the workers on the site are in good condition mind and body to do the work, is also a good idea, but to try to have something that may change during the course of the day in writing is nearly an impossible task, but should not be liable solely on 100% of HIND SIGHT>

In an ideal world no accidents would happen, because we all should be aware that accidents do happen and will happen especially if we do not follow the proven rules to live by. However, the fact that accidents remain is truly even out of MSHA's hands, and only in God's.

All the rules and regulations and citations is not going to stop death.

Stop trying .

Stop making it impossible to do our jobs and work by placing unreasonable standards that no one can live up to.

If those who have the power to decide on these rules would really spend time at each site and really work, they then might understand that these new ideas from MSHA will not work. Circumstances happen that are out of anyone's concern. We do not live in a mechanical robot controlled world. And we can not brainwash our workers.

Also allowing the fellow workers to do what they are expected to do in event an accident does happen, and not have to worry about having to try to call MSHA within 15 minutes is an unreasonable ruling. OSHA has 24 hours.

CHANGE THIS.

I agree that MSHA has to be alerted and know what is going on. I can assure you that if a death has happened on a site, the local authorities will be there immediately and it seems to me that the only reason why MSHA has such an extreme time line on this is so that the uppers in MSHA can just make another alert and sit in their chairs and make it unreasonable for the actual people who do the work.

Safety is reasonable practices that make sense at the time. MSHA does only hind sight and really still has no idea what happened.

MSHA inspectors are human as well. They should be following the rulings that are written, but they should not be GOD or have the sole power to shut down a mine or to issue things out to the mine due to the fact THEY ARE HUMAN AND DECIDE THEY ARE HAVING A BAD DAY AND TAKE IT OUT ON EVERYONE THEY COME INTO CONTACT WITH? Who monitors them each morning to assure that their drive to the site has resulted them into being in a bad mood???? After all they have not been trained to overcome human emotions.

So before making these rulings become so stringent that no one can comply, try to go to the actual field and see what is a SOUND PRACTICAL SENSE OF WHAT TO DO, BEFORE YOU JUST WRITE IT UP.

In Belief of Sound Practical Sense

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