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

Comment On: MSHA-2014-0030-0054

Examinations of Working Places in Metal and Nonmetal Mines, Extension of comment period; close of record.

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Comment from anonymous anonymous, NA

Submitter Information

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Organization: NA

General Comment

This is an ill thought out rule change. Safety in our mines should always been our first concern, and I do not see how this proposed rule change will make the mines any safer. I do see that it is too ambiguous, it will cause too many issues with uneven enforcement, and it will put additional strain on miners and companies. The current existing work place exam rules work. They allow miners to find and correct issues.

It will require small operators to put out more expenses than they may be able to afford just to keep up with the record keeping. Larger operations may be able to absorb the costs, but it will hit small operations much harder. What happens with a small operator when the qualified operator is out sick? How does that get addressed?

The record keeping aspect of this proposed rule change is going to be an nightmare. It puts companies, and individuals at a very high danger of exposure to citations for minor transgressions. It seems to put operators at risk of citations, even if they find them and correct them. The purpose of an inspection is to find things, not to find them, correct them, and then document them for a future inspector to cite, even if they were not there, or did not know the situation. It seems like the mine operator is damned if they do damned if they don't in this case. MSHA itself cannot, or will not indicate to industry if these records will be used to cite operators prior to the rule being implemented. It would seem to me that this should have been thought out prior to going out for review.

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9/22/2016

The rule itself is very vague and not a well written rule. It will result in much litigation in the future as it has too many loopholes and issues. There is too much that is open for interpretation, and inspectors in the field will without a doubt cause excessive problems in implementing this rule on the mining operations they are inspecting. It will be a headache for the industry and one that will take years of lawsuits to correct.

I would rather see a more practical solution. There has to be a better way. The current work place exam rules work, and have for some time. Utilize inspectors as a tool rather than a club to work hand in hand with mines and miners to teach and help improve safety. The use of workplace exams and paperwork to find issues is not an effect way of managing safety. Industry and MSHA need to work together to solves these issues rather than an ill thought out rule being applied to the industry and potentially causing chaos that will not improve safety in our nations mining operations.