
From: Karen Hubacz-Kiley <karenhubacz@bondsandandgravel.com>
Sent: Wednesday, April 12, 2017 12:39 PM
To: zzMSHA-Standards - Comments to Fed Reg Group
Subject: workplace exams rule comments
Attachments: scan0020.pdf

Karen Hubacz-Kiley
Chief Operating Officer

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April 12, 2017

Office of Regulations, Variances and Standards
Mine Safety and Health Administration
201 12th Street, South
Arlington, VA 22202-5450

Re: MSHA's Rule on Workplace Examinations / RIN 1219-AB87

Dear Madame/Sir:

In regard to MSHA's rule on workplace exams, for which there is an effective date of May 23, our company, Bond Construction Corporation, respectfully requests an indefinite extension in the effective date, until the rule's legal status is finalized. We understand the rule has been challenged in court.

We strongly oppose the rule, because it will bureaucratize the process of managing for safety and increase our costs with no benefit to the safety of our workers.

In regard to a possible delay, an indefinite delay is appropriate for the following reasons:

- The status of the rule is not clear; thus, the rule's effective date should be postponed indefinitely until the rule's status is finalized.
- While MSHA indicated that there was a "pause" in the rule (so that the rule could be reviewed at a "policy level") that review is not yet complete – given that there is no new Assistant Secretary confirmed to lead the agency.
- Once the final rule's status is determined, compliance assistance from MSHA will be necessary to determine and communicate the definitions of unclear key terms, including: "working place," "condition that may adversely affect safety," and "prompt notification" of miners.
- The challenge of planning for complying with the final rule will be compounded for operators with multiple sites.

To summarize, MSHA's workplace exams rule should be delayed indefinitely until the rule's legal status is finalized.

Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink that reads "Karen Hubacz-Kiley". The signature is written in a cursive style with a large, looping "K" and "y".

Karen Hubacz-Kiley
Chief Operation Officer