

# PUBLIC SUBMISSION

**As of:** 4/27/17 8:24 AM  
**Received:** April 25, 2017  
**Status:** Posted  
**Posted:** April 27, 2017  
**Tracking No.** 1k1-8w16-twni  
**Comments Due:** April 26, 2017  
**Submission Type:** Web

**Docket:** MSHA-2014-0030

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

**Comment On:** MSHA-2014-0030-0129

Examinations of Working Places in Metal and Nonmetal Mines

**Document:** MSHA-2014-0030-0151

Comment from Josh Roberts, United Mine Workers of America

---

## Submitter Information

**Name:** Josh Roberts

**Organization:** United Mine Workers of America

---

## General Comment

See attached file(s)

---

## Attachments

Comments on the Extension of Metal-Nonmetal Examination Rule

*AB87-COMM-97*

# **United Mine Workers of America**

## **Comments on the Proposed Rule Delay of Effective Date for Examinations of Working Places in Metal and Nonmetal Mines**

The Mine Safety and Health Administration is soliciting comments on the issue of whether to extend the effective date of the Examinations of Working Places in Metal and Nonmetal Mines from May 23, 2017, to July 24, 2017. The Agency asks whether this extension offers an appropriate length of time for MSHA to provide stakeholders training and compliance assistance to the Metal and Nonmetal Mining Community. The Agency is planning a number of informational stakeholder meetings around the country to provide compliance assistance to assure that mine operators can adjust schedules, develop additional recordkeeping capacity and modify their current business practices in order to comply with the rule. The UMWA understands that some time is necessary for introduction of any new standard to adapt practices and procedures to achieve compliance. In noting that, we believe that an additional two months should be more than adequate to achieve this goal. The new examination rule simply mirrors examination requirements that have historically been required in the coal mining industry. Therefore, a template has long been established already in the coal industry for such recordkeeping requirements. Examination recordkeeping books, computer programs, etc. are already available for easy transfer to achieve compliance in the metal/nonmetal mining community.

These requirements are nothing new. Historically, the coal mining community has conducted pre-shift and on-shift examinations with recordkeeping requirements and review of dangers for the miners working in the affected areas. Therefore, this should be an easy transition for the metal/nonmetal mining community being that record books, training programs, work practices, and so forth are a longstanding requirement in the coal mining community. A simple introduction and training should be all that is necessary for a smooth transition into compliance with this standard. MSHA indicates that as a part of the outreach and compliance assistance process, MSHA would consider issues raised by stakeholders and consider further extending the effective date in order to determine if these issues can be reasonably addressed through compliance assistance and training. The Agency indicated that this delay is requesting comments on the limited issue of whether to extend the effective date to July 24, 2017 and whether the extension offers an appropriate length of time for MSHA to provide stakeholders training and compliance assistance. The UMWA believes that a two month delay is more than adequate for the metal nonmetal mining community to achieve compliance with the new

standard. If there are exceptional situations that would require more assistance, then any further delay should be limited to those operations that may have unusual situations or reasons to further delay compliance with this rule. But that should be limited in scope to those operations only which demonstrate a valid reason why additional time or training is needed, not the entire mining community.

Therefore, it is our position that the two-month delay may be necessary to achieve compliance, however, because this is nothing new to the industry it should not be delayed any more than those two months. Only in the rare situations where a valid reason can be shown that further time may be needed should additional time for compliance be permitted. Then and only then in those limited situations should further training and time be provided.