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

Comment On: MSHA-2014-0030-0178

Examinations of Working Places in Metal and Nonmetal Mines - Proposed rule; delay of effective date.

Document: MSHA-2014-0030-0186

Comment from Mark Ellis, Industrial Minerals Association - North America

Submitter Information

Name: Mark Ellis

Organization: Industrial Minerals Association - North America

General Comment

Please see the attached.

Attachments

IMA-NA Comments to MSHA - MSHA-2014-0030

AB87-COMM-126



September 20, 2017

Ms. Sheila A. McConnell
Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
U.S. Department of Labor
Suite 4E401
201 12th Street South
Arlington, VA 22202-5452

Subject: Proposed Rule; Delay of Effective Date; Docket ID No.: MSHA-2014-0030; RIN 1219-AB87

Filed via the Federal eRulemaking Portal: <http://www.regulations.gov>

Dear Ms. McConnell:

The Industrial Minerals Association – North America (IMA-NA) is a trade association created to advance the interests of North American companies that extract and process industrial minerals used throughout the manufacturing and agricultural industries. North American industrial minerals play an integral role in fostering economic prosperity and the high standard of living that we enjoy. IMA-NA is pleased to offer the following comments in response to the Mine Safety and Health Administration's (MSHA) proposed rule to delay the effective date of its final rule on Examinations of Working Places in Metal and Nonmetal Mines (Final Rule), published in the Federal Register on September 12, 2017 (Proposed Rule). 82 Fed. Reg. 42765.

Through the Proposed Rule, MSHA proposes to delay the effective date of its Final Rule from October 2, 2017, to March 2, 2018. The extension of time would offer additional time for MSHA to provide stakeholders training and compliance assistance. MSHA previously made a commitment to hold informational meetings around the country and to develop and distribute compliance material prior to enforcing the Final Rule. MSHA also committed to conduct compliance assistance visits at metal and nonmetal mines throughout the country. The extension further would permit MSHA to address issues raised by stakeholders during quarterly training calls and stakeholder meetings and compliance assistance visits. MSHA apparently is considering concerns raised by stakeholders on certain provisions in the Final Rule and how best to address them. MSHA also apparently intends to collaborate with and seek input from stakeholders regarding these issues and, at the same time, is seeking comment on a proposed rule that may address some of these issues. The delayed effective date also would provide MSHA more time to train its inspectors to help assure consistency in MSHA enforcement. MSHA also intends to make the Agency's training materials available to the mining community to assist

miners and mine operators in effectively implementing the Final Rule, thus enhancing the safety of miners.

For all of the reasons set forth in the preceding paragraph, IMA-NA supports the Proposed Rule and the delay of the effective date of the Final Rule from October 2, 2017, to March 2, 2018, in order to allow MSHA to achieve its stated goals. IMA-NA further supports additional delay of the effective date of the Final Rule, should such be required, if the Agency has yet to achieve its stated goals.

Thank you for taking time to consider and act upon these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark G. Ellis". The signature is written in a cursive, flowing style.

Mark G. Ellis
President