

---

**From:** Rich Szecsy <rich.szecsy@tx-taca.org>  
**Sent:** Monday, September 25, 2017 4:07 PM  
**To:** zzMSHA-Standards - Comments to Fed Reg Group  
**Subject:** Please see attached letter  
**Attachments:** MSHA 092517.pdf



Richard S. Szecsy, Ph.D, PE  
President

**Texas Aggregates and Concrete Association**  
PO Box 459, Round Rock, Texas 78680  
Office: 512-451-5100 Cell: 214-202-1379



[www.tx-taca.org](http://www.tx-taca.org)

IRS Circular 230 Required Notice--IRS regulations require that we inform you as follows: Any U.S. federal tax advice contained in this communication (including any attachments) is not intended to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

Information contained in this transmission is privileged and confidential between the sender and the recipients. It is intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.



September 24, 2017

Via E-mail

Mine Safety & Health Administration  
Office of Standards, Regulations and Variances  
201 12th Street South, Suite 4E401  
Arlington, VA 22202-5452  
Email: [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov)

Re: RIN 1219-AB87  
Docket No. MSHA-2014-0030

To Whom it May Concern:

The Texas Aggregates and Concrete Association (TACA) now submits these comments in response to MSHA's most recent proposed extension of the effective date of the Final Rule from October 2, 2017 to March 2, 2018, as set forth in 82 Fed. Reg. 42765 (Sept. 12, 2017). While an extension of the Final Rule's effective date beyond October 2, 2017 is necessary and appropriate, TACA believes that the regulated community and the Agency itself would be best served by an indefinite suspension of the effective date until the Final Rule's substantive terms are finalized. That is unlikely to happen during the five-month period of delay that is proposed.

There is currently uncertainty as to the substance of the Final Rule for two reasons: (1) Concurrent with its proposed extension of the effective date, MSHA also proposed substantive amendments to certain provisions of the Final Rule; and (2) The litigation in the Eleventh Circuit remains pending.

For these reasons, the current effective date of October 2, 2017 should be delayed, and the effective date of the Final Rule should be indefinitely suspended. An effective date should only be established once the substantive terms of the Final Rule are finalized, and not before the amended Final Rule is promulgated and the litigation in the Eleventh Circuit is resolved.

Sincerely,

Richard S. Szecsy, PhD, PE  
President  
Texas Aggregates and Concrete Association  
[rich.szecsy@tx-taca.org](mailto:rich.szecsy@tx-taca.org)  
Office: 512-451-5100  
Cell: 214-202-1379