

PUBLIC SUBMISSION

As of: 9/26/17 11:33 AM
Received: September 26, 2017
Status: Posted
Posted: September 26, 2017
Tracking No. 1k1-8yvp-4chy
Comments Due: September 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-2014-0030-0178

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

Document: MSHA-2014-0030-0196

Comment from Josie Gaskey, PA Aggregates & Concrete Association (PACA)

Submitter Information

Name: Josie Gaskey

Organization: PA Aggregates & Concrete Association (PACA)

General Comment

See attached.

Attachments

PACA cmts workplace exams 9 26 17

September 25, 2017

Submitted via www.regulations.gov

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

**Re: Docket No. MSHA-2014-0030
Examinations of Working Places in Metal and Nonmetal Mines
Proposed Rule, Delay of Effective Date**

Dear Ms. McConnell:

On behalf of its members, the Pennsylvania Aggregates and Concrete Association (PACA) submits these comments in response to the Mine Safety & Health Administration's (MSHA) proposed extension of the effective date of the above rule from October 2, 2017 to March 2, 2018, as set forth in 82 FR 42765 (Sept. 12, 2017).

PACA represents the broad interests of over 200 member aggregates, cement and concrete companies, and companies supporting these industries (equipment manufacturers, dealers, consultants, and service providers) in the Commonwealth of Pennsylvania. PACA believes an extension of the above rule's effective date beyond October 2, 2017 is necessary and appropriate. We believe that our regulated industry, as well as the Agency itself, would best be served by an indefinite suspension of the effective date until the rule's substantive terms are finalized. That is unlikely to happen during the proposed five month period of delay.

There are two primary reasons currently driving the uncertainty regarding the substance of the above rule:

1. Concurrent with its proposed extension of the effective date, MSHA also proposed substantive amendments to certain provisions of the above rule, and
2. The litigation in the Eleventh Circuit Court of Appeals is still pending.

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

Should you have any questions, don't hesitate to contact me at josie@pacaweb.org or 771.234.2603.

Sincerely,

Josie Gaskey
Director, Environmental, Safety & Health

CC: Peter Vlahos, President
Joe Casper, NSSGA