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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-2014-0030-0197

Comment from Patrick Jacomet, Ohio Aggregates & Industrial Minerals Association

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General Comment

See attached file(s)

Attachments

MSHA Comments 9-25-17

AB87-COMM-139 9/26/2017



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September 25, 2017

Via E-mail

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

To Whom It May Concern:

The Ohio Aggregates & Industrial Minerals Association (OAIMA) 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, OAIMA 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.

Thank you,

Patrick A. Jacomet, Executive Director
OAIMA

President Todd T. Young, Mar-Zane Materials, Inc., OH ~ First Vice President James M. Meckstroth, Barrett Paving Materials, Inc.,
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