

# PUBLIC SUBMISSION

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**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-2014-0030-0201

Comment from Bryan Nicholson, Sorptive Minerals Institute (SMI)

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## Submitter Information

**Name:** Bryan Nicholson

**Organization:** Sorptive Minerals Institute (SMI)

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## General Comment

Please find attached the comments from the Sorptive Minerals Institute (SMI) on Docket No. MSHA-2014-0030, Examinations of Working Places in Metal and Nonmetal Mines, and MSHA's proposed delay of the Final Rule's effective implementation date.

Thank you,

Bryan D. Nicholson

SMI Executive Director

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## Attachments

MSHA\_RIN1219\_AB87\_SMIComments\_9\_26\_17

AB87-COMM-146

9/27/2017



**SORPTIVE MINERALS INSTITUTE**

September 26, 2017

**VIA ELECTRONIC SUBMISSION - [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov)**

Ms. Sheila A. McConnell, Director  
Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration (MSHA)  
201 12<sup>th</sup> Street South  
Suite 4E401  
Arlington, Virginia 22202-5452

**Re: RIN 1219-AB87  
Docket No. MSHA-2014-0030; Examinations of Working Places in Metal and  
Nonmetal Mines – Proposed Rule; Delay of Effective Date**

Dear Ms. McConnell:

The Sorptive Minerals Institute (“SMI”) appreciates the opportunity to comment further regarding the Mine Safety and Health Administration’s (“MSHA”) proposed rule on examinations of working places in metal and nonmetal mines (“Proposed Rule”) (30 CFR, Parts 56 and 57, September 12, 2017).

SMI is a Washington, DC-based trade association representing the manufacturers and marketers of absorbent clay products. Sorptive clays mined and processed by SMI members are used in a wide range of consumer products and commercial and industrial applications including clay-based pet litter, cosmetics, pharmaceuticals, animal feeds, specialized drilling muds and fluids used in oil, gas and water well drilling, sand mold binders in metal casting and environmental sealants for landfills and sewage lagoons. Additional information regarding the SMI and its activities can be accessed at <http://www.sorptive.org>.

The mining and milling of sorptive clays falls within the regulatory responsibility of the Mine Safety and Health Administration (MSHA), Metal and Nonmetal Mine Safety and Health. In the United States, sorptive clays are exclusively mined above ground in open pit mines. SMI and its members recognize that the health and safety of our employees is critical to our success. As a result, SMI has frequently interacted with MSHA to ensure that appropriate safety measures exist in the sorptive mining industry. SMI looks forward to continuing to foster its relationship with MSHA on our shared goal of producing sorptive products in a working environment that is safe for all of our employees.

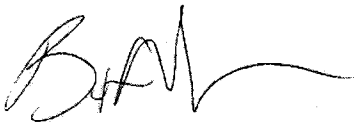
In response to the Department's proposal to further delay the effective implementation date of RIN 1219-AB87, SMI requests that MSHA re-consider the points outlined in its filing dated September 30, 2016, available at <https://www.regulations.gov/document?D=MSHA-2014-0030-0086>. The SMI plans to reinforce these points with a filing being prepared in response to MSHA's reopening of comments to solicit feedback on limited changes to the final rule published on January 23, 2017 (82 FR 7695), effective May 23, 2017, and delayed on May 22, 2017 (82 FR 23139), until October 2, 2017 (82 FR 23139).

SMI appreciates and supports MSHA efforts to improve the safety conditions of all mines, and recognizes that adequate working place inspections are a cornerstone of any effective mine safety plan. However, SMI fundamentally disagrees that mine safety will be substantially improved by the amended agency standards set forth in the Final Rule published on January 23, 2017 (82 FR 7695).

Like MSHA, SMI is committed to assuring that mine operators and miners affected by the examinations Final Rule have the training and compliance assistance they need prior to the rule's effective implementation date. That said, it is the belief of the SMI's member companies that the additional compliance assistance materials, reporting templates, and stakeholder meetings to be developed and shared prior to the newly proposed March 2, 2018 implementation date will not adequately address the fundamental flaw of the Final Rule – that it will make mines less safe.

To that end, SMI supports delaying the effective implementation date of RIN 1219-AB87 until a time in which the concerns expressed by industry stakeholders can be re-considered and existing regulations can be modified to improve mine and worker safety. We appreciate the opportunity to comment on MSHA's Proposed Rule delaying the effective implementation date of RIN 1219-AB87 and it stand ready to assist in developing an effective alternative rule in a constructive manner. Please do not hesitate to contact me should you have any questions regarding the content of this letter or regarding SMI's position on this matter.

Sincerely,



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