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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-2014-0030-0180

Comment from Anonymous Anonymous, NA

Submitter Information

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Organization: NA

General Comment

The proposed changes to the rule are better than the previous version, however, it is my opinion that the changes do not go far enough in reducing the non productive burden on the mine and increasing safety for the miner. MSHA has historically believed that the miner is safer with policies directing more inspection and more records, but the key to the safety of miners is within the miners themselves. Miners must be held to a level of accountability to insure that they and the operator share the burden of compliance. Miners should be required to notify the operator of a safety issue or hazard upon their workplace examination when entering an area. Miners are afforded the right to refuse to work in an unsafe environment, but such failure to do so rarely, if ever, results in the employee receiving the a citation or reprimand from MSHA. Such obligation to report and to assist in identifying the problems increases the likelihood of a hazard being discovered in the workplace. MSHA requires that operators examine their machines in a per operational inspection and prohibit another from preforming such inspection, but request that a dedicated individual inspect their workplace for them. No one better than the individual miners can identify areas of concern. If safety is the goal of this rule, the rule should obligate and subject the miner to the same civil penalty standards as the mine. This obligation should be within the shift and if not corrected immediately recorded.

I would propose that workplace examinations are modified to reflect the ever changing mine conditions by requiring that miners must notify the operator of conditions that create a hazardous condition and that such obligation to report is the burden of every miner in the affected area, not just the operator. Such obligation is subject to enforcement with civil penalties directed at both miner and operator. Ownership of the obligation for one's actions and job will be the only way to further safety in an ever changing environment like a mine.

Specific to record keeping, it should be acceptable that records related to corrective action needed be recorded on a dedicated sheet and the operator not be obligated to report or log the condition every day until corrected. The dedicated list should be acceptable and that a upon the concern being corrected, the

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date of corrective action be recorded next to it. MSHA inspector's mandate to record the concern daily reduces productivity and serves no benefit to the miner or MSHA.