

PUBLIC SUBMISSION

As of: 9/26/17 11:23 AM
Received: September 25, 2017
Status: Posted
Posted: September 26, 2017
Tracking No. 1k1-8yv5-nkx0
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-2014-0030-0195

Comment from Ed Thomas, The Fertilizer Institute

Submitter Information

Name: Ed Thomas

Organization: The Fertilizer Institute

General Comment

The Fertilizer Institute (TFI), on behalf of its member companies, submits these comments on the Mine Safety and Health Administration's (MSHA or Administration) proposed delay of the effective date for the "Examination of Working Places in Metal and Nonmetal Mines" final rule. (hereinafter "2016 Mine Examination Revisions"). The proposed delayed effective date for the 2016 Mine Examination Revisions, published in the Federal Register on September 12, 2017, appears at 82 Fed. Reg. 42,765.

TFI represents the nation's fertilizer industry including manufacturers, producers, importers, retailers, wholesalers and companies that provide services to the fertilizer industry. TFI members provide nutrients that nourish the nation's crops, helping to ensure a stable and reliable food supply. TFI's full-time staff, based in Washington, D.C., serves its members through legislative, educational, technical, economic information and public communication programs.

All of TFI's phosphate and potash mining members are subject to the 2016 Mine Examination Revisions and are subject to the rules requirements. As such, TFI offers the attached comments in response to the delayed effective date for the 2016 Mine Examination Revisions final rule.

Attachments

AB89-COMM-135 9/26/2017

2nd Delay Effective Date PR MSHA Comments



The Fertilizer Institute

Nourish, Replenish, Grow

September 26, 2017

VIA WWW.REGULATIONS.GOV

Ms. Sheila A. McConnell
Director, Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
201 12th Street South, Suite 4E401
Arlington, VA 22202
<http://www.regulations.gov>

RE: *Comments on the Proposed Delay of Effective Date for “Examination of Working Places in Metal and Nonmetal Mines,” MSHA-2014-0030*

Dear Ms. McConnell:

The Fertilizer Institute (TFI), on behalf of its member companies, submits these comments on the Mine Safety and Health Administration’s (MSHA or Administration) proposed delay of the effective date for the “*Examination of Working Places in Metal and Nonmetal Mines*” final rule. (hereinafter “*2016 Mine Examination Revisions*”). The proposed delayed effective date for the *2016 Mine Examination Revisions*, published in the *Federal Register* on September 12, 2017, appears at 82 Fed. Reg. 42,765.

Statement of Interest

TFI represents the nation’s fertilizer industry including manufacturers, producers, importers, retailers, wholesalers and companies that provide services to the fertilizer industry. TFI members provide nutrients that nourish the nation’s crops, helping to ensure a stable and reliable food supply. TFI’s full-time staff, based in Washington, D.C., serves its members through legislative, educational, technical, economic information and public communication programs.

All of TFI’s phosphate and potash mining members are subject to the *2016 Mine Examination Revisions* and are subject to the rules requirements. As such, TFI offers the following comments in response to the delayed effective date for the *2016 Mine Examination Revisions* final rule.

TFI Comments

The Mine Safety and Health Administration (MSHA) published a final rule in the Federal Register amending the Agency’s standards for the examination of working places in metal and nonmetal mines referenced above. MSHA is proposing to delay the effective date of the *2016 Mine Examination Revisions* final rule to assure that mine operators and miners affected by the final rule have the training and compliance assistance they need prior to the rule’s effective date. The proposed rule would delay the effective date of the final rule to March 2, 2018.

TFI fully supports the proposed extension of the effective date of the final rule to March 2, 2018. However, we believe that the final rule is overly burdensome, unnecessarily increases recordkeeping and reporting requirements, and is misaligned with the existing examination practices that are currently in place. Therefore, TFI recommends rescission of the *2016 Mine Examination Revisions* final rule and have the following concerns:

- TFI members believe that a pre-shift workplace exam will delay the start of the shift to provide time for the exam to be completed and communicated, or will require personnel to arrive prior to the start of the shift to perform this exam. This will result in overtime pay and/or delay of work.
- Ambiguity regarding the requirement for mine operators to take “prompt” action to notify miners if adverse safety or health conditions are found. There is no explanation of what is “prompt.”
- The final rule does not recognize that entry of a work order will satisfy the “description of the corrective action taken” required in 30 CFR 56.18002(b)(2)(i). Nor did the final rule allow electronic work orders to suffice as documentation of workplace examinations which are standard practices currently in place.

For these reasons, we believe the rule should be rescinded as being unnecessarily burdensome and unlikely to enhance safe work conditions.

Conclusion

TFI appreciates MSHA’s consideration of these comments on the delayed effective date for the *2016 Mine Examination Revisions* final rule. Please contact me by telephone at (202) 515-2714 or via e-mail at ethomas@tfi.org if you would like to further discuss our recommendations.

Sincerely,



Ed Thomas
Director, Regulatory Affairs