
From: Knecht, Gregg <Gregg.Knecht@buzziunicemusa.com>
Sent: Wednesday, September 27, 2017 4:23 PM
To: zzMSHA-Standards - Comments to Fed Reg Group;
oira_submissions@omb.eop.gov
Subject: Buzzi Unicem USA- RIN 1219-AB87
Attachments: BUU Comments- WPE Final Rule (RIN 1219-AB87).pdf

Please find attached BUU's comments regarding MSHA's final rule on examinations of working places (RIN 1219-AB87).

Thank you,



Buzzi Unicem USA

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-Safety is Personal.



Buzzi Unicem USA

Buzzi Unicem USA - 100 Brodhead Road #230 - Bethlehem, PA 18017

September 27, 2017

MSHA, Office of Standards, Regulations and Variances
201 12th Street South, Suite 4E401
Arlington, VA

Subject: RIN 1219-AB87

Dear MSHA, Office of Standards, Regulations and Variances:

The Mine Safety and Health Administration (MSHA) has proposed to amend the Agency's final rule on examinations of working places in metal and nonmetal mines. The intentions of this letter is to provide comments representing Buzzi Unicem USA's (BUU) position on the final rule.

BUU is a leading cement manufacturer in the United States and operates 8 cement plants nationwide, all of which operate 24 hours per day, 365 days per year. Each plant location employs over 100 miners, all of whom strive to maintain a safe workplace.

BUU mine management collectively provided comments regarding the final rule on workplace examinations of which there were many concerns.

Comments on the provisions of the Final Rule:

A.) Before work begins

BUU believes the final rule is fitting for underground mining operations, not for large cement manufacturing facilities. Large cement plants are dynamic operations where small groups of employees perform work activities in various locations throughout a given work shift, contrary to underground mining where work areas are typically fixed for longer periods of time. Work areas in cement manufacturing facilities are determined based on a variety of factors, many of which are not scheduled.

Tasking mine management with inspecting work areas before allowing miners to enter the work area is concerning and poses significant financial burden with respect to work efficiency, as miners would be required to wait for mine management to inspect their work area prior to



beginning. MSHA suggested that mines operating 24 hours per day should consider completing workplace examinations for the following shift. This is unrealistic considering the unpredictability of a significant portion of the total work completed throughout a given work shift.

Without hiring additional mine management personnel at each plant location responsible for conducting workplace examinations on a full time basis, BUU would need the assistance of miners to comply with the final rule. Currently, miners at all BUU plant locations assist mine management with identifying unsafe conditions in their work areas to be corrected. However, a large portion of miners are reluctant to participate in workplace examinations used to fulfill a regulatory requirement, for fear of repercussions from MSHA which is largely due to personal liability concerns, regulation subjectivity, and varying interpretations of inspectors.

B. Records of adverse conditions

Recording adverse conditions in workplace examinations carries significant liability and regulatory burden on mine management personnel. The provisions in the amended final rule, including recording adverse conditions, contain all necessary information for MSHA to readily and easily generate significant penalties against mine management personnel and the mine operator, all hinging on the subjective interpretations of “adverse conditions” and “promptly” as defined by MSHA. Considering human behavior, personal liability, paperwork burden and associated bureaucracy with recording and dating adverse conditions found, avoidance behavior should certainly be considered when determining the effectiveness of this provision.

BUU believes 30CFR 56.18002(a), prior to the amended final rule, provided sufficient protections because the core principal of the regulation was to inspect the work area for adverse conditions that could affect the safety and health of miners. Outside of complying with MSHA’s workplace examination regulation, BUU has modern safety programs in place to continuously inspect and address plant conditions to further increase the safety of our employees, thus rendering protections added by the final rule negligible due to associated costs and regulatory burden.

Respectfully submitted,

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