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Examinations of Working Places in Metal and Nonmetal Mines. 30 CFR Parts 56 and 57

Comment On: MSHA-2014-0030-0179

Examinations of Working Places in Metal and Nonmetal Mines - Proposed rule, limited reopening of the rulemaking record; notice of public hearings; close of comment period.

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Comment from Garry Clark, International Brotherhood of Boilermakers, et. al.

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Redacted Comment

I am a miner, and on past occasions, U.S. Department of Labor Mine Safety and Health Administration Mine Inspectors have issued citation to my employer for "insufficient continuity." In the past, Mine Inspectors representing the United States Department of Labor Mine Safety and Health Administration have issued my employer citation for no or improper guard of machinery motion. The agents of the government had said that a person could put their hand into a device past the existing guard. As a miner, I do not place my hand past any guard, and I do not touch motion machinery without lockout tag out procedures performed. Also, with all of my knowledge of electricity, I was always of the understanding that an electrical circuit is open meaning no continuity or closed meaning continuity exists. Naturally, I would not record such performances. However, with the proposed regulation, a mine inspector can fabricate in his wild imagination a hazard while adding faulty work place examination violation to sustain his enforcement quota, goals, or expectations even though a hazard does not exist. I elaborate. Since I would never place my hand past a guard, I would reason that no hazard exists. Meanwhile, a mine inspector could as in the past assert that a person could place their hand past a guard resulting in injury. Is that truly a safety hazard, or is it an active of knowing intent

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toward suicide? Is insufficient continuity a hazard, or is insufficient continuity a demonstration of executive over reach? I have filed complaint regarding these experiences, and as a result, the United States Department of Labor Mine Safety and Health Administration launched an investigation. Now, I learn that the investigator(s) have asked at least one other if I own guns. Whether I own guns is not an issue for my employer in that I have never brought guns to work. The 2nd Amendment allows me to own guns which makes my ownership of guns none of United States Department of Labor Mine Safety and Health Administration and its agents' business. What does gun ownership have to do with workplace examinations? What does gun ownership have to do with my complaint regarding executive over reach? With this experience, the questioning is leading my co-workers to ask, what is MSHA doing? What are the goals of MSHA? Is MSHA working to mirror the Gestapo?