

# 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-2014-0030-0179

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.

**Document:** MSHA-2014-0030-0227

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

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## General Comment

The proposal involves the individual in capacity of competent person while not providing means of due process required by the 5th Amendment.

With this proposal, MSHA could cite the individual with the individual not provided means to defend self from false or predatory performance.

There is no adjudication or appeals process included with the obvious conclusion that MSHA expects the employer to fire the miner rather than allow the miner to defend self in open court while pointing out stupidity of MSHA mine inspectors who write citation reading "insufficient continuity," or some other stupid proclamation to sustain enforcement quotas, goals, or expectations.

The proposal is another example of executive over reach by bureaucrats.

AB87-COMM-161

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