

# 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-2014-0030-0228

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

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## General Comment

With involvement of "competent person", the proposal allows the United States Department of labor Mine Safety and Health Administration to cite the examiner as agent of management even though all hourly employees designated as examiner do not have authority to order abatement of the safety or heath condition per Nelson Quarries decision.

This design is to afford the United States Department of Labor Mine Safety and Health Administration to double and triple dip citations for purposes of achieving revenue generation for government given enforcement quotas, goals, or expectations.

Furthermore, the hourly employee who records an issue will be less likely to record issue again fearing economic reprisals targeting employment.

The proposal should be changed to include notice that the designated examiner must have authority to order abatement of a condition determined as a safety and health violation. Naturally, this presumes that the goal of the United States Department of Labor Mine Safety

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and Health Administration is mine safety rather than revenue generation for government.

After all, what value is a reporting of a safety or health concern if the person recognizing and reporting the concern does not have authority to repair the condition?

If this standard is not repealed or repaired, this standard can be corrected through Congressional action with miners across our great nation calling on Congress to lasso the performances of an abusive United States Department of Labor Mine Safety and Health Administration to include abolishment of the tyrannical organization that now targets miners given the Nelson Quarries decision.