

PUBLIC SUBMISSION

As of: 11/8/17 9:58 AM
Received: November 02, 2017
Status: Posted
Posted: November 08, 2017
Tracking No. 1k1-8zkd-fzab
Comments Due: November 13, 2017
Submission Type: API

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-2014-0030-0230

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

Submitter Information

Name: Garry Clark

Address:

P.O. Box 475

Greencastle, IN, 46135

Email: 1gaclark1@gmail.com

Phone: 765-301-9382

Organization: International Brotherhood of Boilermakers, et. al.

General Comment

The regulation reads, "In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area."

Since MSHA does not train its enforcement officers the existence of a document tilted: The Constitution of the United States of America as well as Rulings of the Judiciary (Courts for those laboring within the United States Department of Labor and other government departments), it will prove too easy for mine inspectors to "target" individual miners while using MSHA v. Nelson Quarries decision as a basis.

It is likely that the unprofessional United States Department of Labor Mine Safety and Health Administration Mine Inspector will cite an individual who did not withdraw all persons from the area with an area being deemed larger or smaller dependent on the need of the mine inspector needing to fulfill enforcement quota, goal, or expectation.

AB87-COMM-164 11/8/2017

It is ambiguous abuse of the English language to write the word "area" within a regulation in that an area may be defined as the space occupied by an asset. Area may be defined as ten, twenty, thirty, forty, fifty, or more feet from an asset or imminent danger. IT may include a section, division, entire mine, county, state, country, or continent, and given the stupidity that I have witnessed performed by mine inspectors having no respect for the Constitution of the United States of America, it is anybody's guess what the intent of an "area" means.

The regulation declares "promptly." Does this mean immediately, five, ten, twenty, thirty seconds, minutes, hours, days after adverse safety and health condition is identified? The regulation reads "conditions which may adversely affect safety or health." Does this mean a violation of title 30 Code of Federal Regulations, United States Code, Indiana Code, or Congressional Act? With this vague writing, the operation of a motor vehicle may prove as a "condition that may adversely affect safety and health" and ownership of a firearm may prove a condition adversely affecting safety and health. Ignoring a cold may adversely affect safety and health. A condition not cited by a mine inspector may adversely affect safety and health. Naturally, this is all dependent on a mine inspector who may be running a bit behind in sustaining his daily enforcement quota, goal, or expectation.

With a mine inspector needing to sustain enforcement quotas, goals, or expectations because he or she spent too much time in the doughnut shop, all might consider with little imagination how this regulation will result in violation of civil rights with a huge lawsuit following pursuant to 42 USC 1983 or 42 USC 1985 while including that mine inspectors command and conceivably the Commission that in their official capacity allowed that abuse.