

# 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-2014-0030-0231

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

## Submitter Information

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## Redacted Comment

With the vague language within the regulation and the likelihood that an MSHA Mine Inspector will "target" a miner pursuant to MSHA v. Nelson Quarries decision while ignorant of the Constitution of the United States of America, the civil rights of a miner will be violated. Since this period of public comment has evolved, I wrote comments registered as 1k1-8zkd-dxig; 1k1-8zkd-fzab; 1k1-8zho-7r15; 1k1-8zhs-ywcd; 1k1-8ziy-b9t7; and 1k1-8zj4;u4v6 all focused on the language of the regulation proposal as well as Constitutional and training concerns. Picture a mine inspector citing me while using the MSHA v. Nelson Quarries decision while violating any of my civil rights with me advancing civil lawsuit pursuant to 42 USC 1983 and or 42 USC 1985 while naming that mine inspector's commanders and members of the commission in their official capacity for allowing that abuse to occur. How large will the civil rights lawsuit award prove? While considering issue of civil lawsuit, I was once a professional law enforcement officer having successfully graduates two law enforcement Academies. One Academy had 12 of 17 weeks training in honoring the Constitution and the decisions of the Judiciary. I have been caused to brief landmark decisions such as Mapp, Terry, Weeks, and many other decisions during the 12 week program. Government would be wise to avoid focusing on the individual

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while targeting operators instead of miners like me. Government would be wise to remove "competent person" from the regulation to prevent that potential for abuse of individual civil rights while declaring that management rather than a miner laboring as an agent for management complete the work place examination reports.