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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.

Document: MSHA-2014-0030-0232

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

Submitter Information

Name: Garry Clark

Address:

P.O. Box 475

Greencastle, IN, 46135

Email: lgaclark1@gmail.com

Phone: 765-301-9382

Organization: International Brotherhood of Boilermakers, et. al.

General Comment

With the writing of this regulation, it is conceivable that a mine inspector will cite a miner declared to be a competent person pursuant to MSHA v. Nelson Quarries decision with the miner recognized as an agent of management.

Since a de novo court has declared that a miner is an agent of management, is it equally conceivable that an United States District Court will rule that an operator is an agent of government while considering issues relating to 42 USC 1983 or 42 USC 1985 when the issue is civil rights lawsuit naming DOL, MSHA, a mine inspector and his / her commanders and conceivably the Commission that allowed abuses of individual civil rights?

It would be a wise move to remove the individual from consideration given hazards violations of individual civil rights afford. It would be wise to delete "competent person" from the regulation proposal while declaring that the Work Place Examiner must be a member of management able to address revealed condition affecting safety and health.

AB87-COMM-166

11/8/2017

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We the jury find the government did abuse civil right\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$