

# 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-2014-0030-0234

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

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## General Comment

I oppose this regulation proposal in the the Executive Branch through the United States Department of Labor Mine Safety and Health Administration Legislates a change to the Mine Act proving an action limited to Congress pursuant to the United States Constitution Article 1.

With the change in regulation, miners may be viewed as management agents pursuant to the Mine Act Section 110(c). However, when Congress legislated the Mine Act, Congress limited that actions of government toward individuals known as miners to smoking issues given Section 110(g).

When government bureaucrats rewrote 30 CFR 56.18002, those members of government intended to add individuals as "competent persons" with "competent persons" [miners] becoming agents of management who will face civil and criminal penalties for violations pursuant to Section 110(c).

This is Executive over reach, and it is even worse while considering that the National Mine

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Safety and Health Academy does not teach Constitutional protections for individuals which the change in regulation clearly targets.

The only nice thing about the regulation changes is that civil rights will be violated with members of government conceivably facing criminal prosecution for violating 18 USC 241 and 18 USC 242 with them and their command certain to face 42 USC 1983 and 42 USC 1985 actions for their enforcement activities while violating civil protections.