

PUBLIC SUBMISSION

As of: 11/4/21 4:01 PM Received: November 04, 2021 Status: Posted Posted: November 04, 2021 Tracking No. kvl-aut0-17o6 Comments Due: November 08, 2021 Submission Type: Web
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Docket: MSHA-2018-0016

Safety Improvement Technologies for Mobile Equipment at Surface Mines, and for Belt Conveyors at Surface and Underground Mines.

Comment On: MSHA-2018-0016-0111

Safety Program: Surface Mobile Equipment

Document: MSHA-2018-0016-0139

Comment from Hitchcock, Benenz

Submitter Information

Name: Benenz Hitchcock

Address:

Quakertown, PA, 18951

Email: bhitchcock@hkgroup.com

Phone: 4843901817

General Comment

"The proposed written safety program would be required only for operators employing six or more miners. Over the years, MSHA has observed that mine operators with five or fewer miners generally have a limited inventory of surface mobile equipment. The written safety program would list actions that mine operators would take to identify hazards and reduce risks, develop equipment maintenance and repair schedules, evaluate technologies, and train miners."

My question is: Since the smaller mine does not have to have a written plan, are they not liable for violations as large mines? Should not the procedure be blanketed over all mines so that there is no discrepancy? In addition, since the small mine does not need to have a written plan, does this mean that if a fatality occurs under this heading,

would they be required to come up with a written plan? If so, why not do this in the first place?

"A written safety program, as opposed to an oral one, is one that's more likely to be followed by mine operators and miners."

Again, if this it is better as a whole to enforce a written plan, I suggest doing so for all mines to prevent fatalities from occurring.

"MSHA requests comments on whether the Agency should require all mine operators, regardless of size, to develop a written safety program."

I believe that all miners should be protected, both large mines and small.

"If those mines with five or fewer miners were required to develop and implement a written safety program, they would incur substantial costs. MSHA estimates that there are 7,254 mines with five or fewer miners. The preliminary projected costs for this group of mines would add up to approximately undiscounted cost of \$170 million over a ten-year period. These mines would incur a start up cost of \$ 64.6 million in the first year and an annual cost of \$11.7 over the subsequent 9 years."

How were these costs "projected"? Is this a guess? What data was analyzed?

The proposed rule does not waver off of the existing rules that are in affect. Writing things down helps to cover the mine in the event of an injury or fatality. I agree that there may not have to be a great deal changed in existing training plans because there are other portions of the Handbook that cover this area.