



METALLURGICAL
COAL PRODUCERS ASSOCIATION

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Via email: zzMSHA-comments@dol.gov

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
201 12th Street South, Suite 4E401
Arlington, Virginia 22202-5452

RE: MCPA Comments on **RIN 1219-AB91**, Safety Program for Surface Mobile Equipment

Dear Sir/Madam:

The Metallurgical Coal Producers Association (MCPA) appreciates the opportunity to submit comments on the Mine Safety and Health Administration's (MSHA) proposed safety program for surface mobile equipment. The MCPA was formed in September 2020 by some of the nation's leading metallurgical coal producers who have operations in Kentucky, Pennsylvania, Virginia, and West Virginia. We exist to promote the opportunities of metallurgical coal and its use in the steel-making process.

Our comments are limited to two specific recommendations and one consideration for MSHA to provide more clarity.

Responsible Person (Proposed 30 CFR §§ 56.23001, 57.23001 and 77.2101)

MCPA recommends MSHA remove the reference of the responsible person in the proposed rule due to redundancy. 30 C.F.R. Part 41 already requires "the mine operator to identify by name and address of the person at the mine who is in charge of health and safety".

Training (Proposed §§ 56.23003(a)(4), 57.23003(a)(4) and 77.2103(a)(4))

MCPA recommends MSHA remove the training requirement under the proposed rule due to redundancy. 30 C.F.R. Parts 46 and 48 requires mine operators to

provide task training which includes the health and safety aspects and safe operating procedures for work tasks, equipment, and machinery.

Contractors

The proposed rule is not clear on the responsibility of independent contractors. What is MSHA's expectations as it pertains to contractors? Are they to provide their own written safety program, follow the mine operators written safety program or integrate their program into the mine operators program? 30. C.F.R. Part 45.1 (Independent Contractors) states that "the purpose is to facilitate implementation of MSHA's enforcement policy of holding independent contractors responsible for violations committed by them and their employees. MCPA encourages MSHA to clarify application of this proposed rule as it relates to independent contractors.

The MCPA appreciates the opportunity to provide these comments. We value our working relationship with MSHA to keep our miners safe as they provide a valuable service to our country.

Sincerely,



Benjamin R. Beakes
President