

PUBLIC SUBMISSION

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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-2018-0016-0130

Comment from Vaughn, Jake

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General Comment

Federal Register/ VOL. 86, No. 172/ Thursday, September 9, 2021/ Proposed Rules. DOL MSHA; 30 CFR Parts 56, 57, and 77. Docket No. MSHA-2018-0016. RIN 1219-AB91. Safety Program for Surface Mobile Equipment.

This comment specifically references a statement made in the Supplementary Information section [(I. Background Information) (D. Written Safety Program for Surface Mobile Equipment) (Paragraph IV) (Sentence III)] "The specific contents of an operator's written safety program do not need MSHA approval..."

WHY NOT???

What is the point behind requiring operators to create a written safety program without approving the contents of that written program? This indicates that my "plan" could be a single hand-written page in length? Could my plan be 100 typed pages in length? Who knows, so long as the 4 program areas are identified and covered. I fully support operators creating a written safety plan, and I believe that having a written plan in place could substantially help protect the miner. However, this proposed rule, as it is currently written, is a failure if the written plans are not to be sent into the District Manager for approval. This proposed subpart will simply perpetuate the common prominent flaw of the Title 30 CFR; vaguely written standards that will be left open for interpretation. Any and every inspector that comes on-site is going to either approve or disapprove of my plan? I will have to write, then re-write this plan uncounted times as there is absolutely no common and/or prevalent perspective among the authorized agents of the Secretary. Keep the subpart, but have it a requirement to be sent to the District Manager for approval. That is the only logical way to have a consistent and effective final product to help the miner.

Please do not create yet another vaguely written subpart left to be regulated by the terribly inconsistent perspective of whichever inspector just so happens to be on-site that day.