



December 29, 2017

Via email: ferguson.yoon@dol.gov

Ms. Yoon Ferguson
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room S – 3323
Washington, D.C. 20210

**RE: Request for Public Comment
Proposed Collection of Information**

Dear Ms. Ferguson:

Reading Anthracite Company (“RAC”) appreciates the opportunity to submit comments in response to the Office of Workers’ Compensation Programs (“OWCP” or “Agency”), Division of Coal Mine Workers’ Compensation published Comment Request in the Federal Register on October 30, 2017.

Recommendation:

For the reasons set forth herein, RAC recommends that the current process be maintained and not changed. Further, RAC recommends that OWCP not adopt the burdensome proposed collection of information.

Background:

RAC is a Pennsylvania corporation based in Pottsville, Schuylkill County, Pennsylvania. RAC is located in the anthracite coal region. RAC has been self-insured for its obligations under the Black Lung Benefits Act since 2007. In order to renew its approval to be self-insured under the Black Lung Benefits Act, RAC, every two years, simply grants the proper governmental agency authority to renew the Treasury Bill that is in place to insure our obligation. RAC recommends that the OWCP continue this method for renewal as it is not overly burdensome and time consuming.

Proposed Collection of Information

In its Request for Comments, OWCP is requesting comments on its proposed collection of information. Specifically, these comments address the focus of review identified by OWCP as follows:



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- I. *The proposed collection of information is not necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.*

As long as RAC has participated in the black lung self-insurance program, it has worked effectively. Despite the renewal and application program working effectively, OWCP now proposes that entities like RAC complete certain forms and to gather certain information.

Based on the sole reason that none of this information was previously required, it is clear that the proposed collection of the information is completely unnecessary. However, RAC will address the proposed additional requirements as follows:

1. Certified Consolidated Financial Statement.

This requirement would require entities to engage the services of outside accountants to prepare and certify a consolidated financial statement. This will cause the entities additional time and money in providing the information to the accountant, working with the accountant, reviewing the certified financial statement, and finalizing the consolidated financial statement.

If the goal is to determine the financial condition of the company, there are less obtrusive and more efficient ways to collect the desired information such as simply requiring the mine operator to submit the financial information needed in order to implement the Statute. In light of the proposed Financial Summary Form, this proposed requirement appears to be unnecessary.

2. Report of Claims Information.

For all claims submitted to OWCP, OWCP should already have this information on file and its computer system. This requirement is repetitive and places an additional burden on companies for something that OWCP should already be doing.

3. Financial Summary.

The desire to obtain both a Financial Summary and a Certified Consolidated Financial Statement is both repetitive and unnecessary. Again, this requirement places a significant burden on companies to review, compile, and submit information. Further, the requirements will require speculation on the part of companies.

Similar to the Certified Consolidated Financial Statement, there are less obtrusive and more efficient ways to collect the desired information for the program such as requiring coal mine operators to submit the information necessary for the Agency to implement the Statute.

4. Most Recent Certified Actuarial Report that Outlines Existing and Future Projected BLBA Liabilities.



As set forth above, this requirement would place a substantial burden on any company under the self-insurance program. First, the existing liabilities for a company under the self-insurance program should already be known by OWCP. Second, all future projected BLBA liabilities under the self-insurance program is subject to significant speculation and therefore, the accuracy of mere speculation would make the requested information essentially useless.

Lastly, this information was never required by OWCP, all existing claims of an entity under the self-insurance program should already be known by OWCP and future BLBA liabilities calls for mere speculation and therefore, this requirement causes a significant burden in both time, effort and money on a company. Of all of the proposed requirements, this requirement is the most obtrusive and will create the greatest hardship on coal mine operators.

II. The agency's estimate of the burden of proposed collection of information, including the validity of the methodology and assumptions used, is grossly inaccurate.

The Agency's estimate of the burden is grossly inaccurate. In one statement, the Agency states "the information requested in this ICR is not duplicative of any information available elsewhere". However, the Agency estimates the burden as extremely minimal because this is information that coal mine operators "routinely maintain". Further, the Agency wrongfully states that this collection does not impose additional burdens on small business or other small entities.

The Agency's assertions are incorrect as follows:

1. Some of the information requested is submitted in different formats to other governmental agencies. The requirement will require coal mine operators to submit and compile potentially similar information already submitted to various governmental agencies in a completely different format.
2. Small coal mine operators are most likely operating with a thin administrative staff. Any additional requirements has the likelihood to place a higher burden on small operators where the administrative staff already has a full workload and could require additional costs such as overtime, the need to hire additional staff, and/or the need to hire outside consultants such as accountants to perform the duties.
3. Lastly, the Agency grossly understates the cost of complying with the new requirements. For example, the Certified Consolidated Financial Statements and the Current and Future BLBA Liabilities Actuarial Report alone will most likely cost more than the projected costs.

III. The proposed collection of information will not enhance the quality, utility and clarity of the information to be collected.



The Agency states that if “the information were not collected, self-insurance authorizations could not be granted (or renewed) as required by the statute”. Ironically, the Agency has been renewing self-insurance authorizations without requiring this additional information.

The proposed collection of information will not enhance the quality, utility and clarity of the information to be collected. First, the proposed collection of information places additional burdens on coal mine operators already under the self-insurance program.

Additionally, the information can be provided in less obtrusive and more efficient ways that would not require certified and/or actuarial reports, which places additional costs on the coal mine operators. The Agency should only require the information required under the Statute and in a method that is easier, more time efficient, and more efficient for coal mine operators under the self-insurance program to complete.

IV. The proposed collection of information will not minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

The methods to submit the proposed collection of information such as permitting electronic submissions of responses is a step in the right direction. However, the Agency should consider a fully automated system where coal mine operators can log onto the Agency’s website and complete only the information necessary for the program to be implemented. This will permit the coal mine operators to simply update any information from the previous year rather than having to print out, complete new forms, and re-submit new forms.

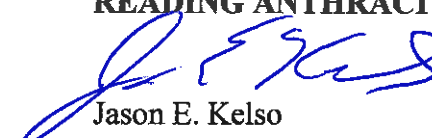
Conclusion:

For the reasons set forth herein, the proposed collection of information is unnecessary and places an additional burden and costs on coal mine operators. If the Agency deems it necessary to collect such information, the Agency should develop a system that is easier, more user friendly, more time efficient, and less costly for coal mine operators.

Thank you for the opportunity to submit comments.

Respectfully submitted,

READING ANTHRACITE COMPANY



Jason E. Kelso
General Counsel