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Comment On: MSHA-2014-0030-0054

Examinations of Working Places in Metal and Nonmetal Mines, Extension of comment period; close of record.

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Comment from Josh Roberts, United Mine Workers of America

Submitter Information

Name: Josh Roberts

Organization: United Mine Workers of America

General Comment

See attached file(s)

Attachments

MNM Exam Rule Comments

MSHA-2014-0030-0079

9/30/2016

**Comments of the United Mine Workers of America
On The
Proposed Rule for Examinations of Working Places in
Metal and Nonmetal Mines**

It pleases us to hear that the agency has decided to take steps into reviewing its current rules and regulations pertaining to workplace exams at Metal Non Metal mines.

We believe that the current federal law is nowhere near stringent enough to adequately protect miners from hazards that can adversely affect their health and safety. Proper workplace exams are extremely important and have a vital role in preventing accidents and injuries. Proper workplace examinations by a competent person that has the proper experience and training in recognizing hazardous conditions, violations of mandatory safety standards, imminent dangers, and adverse conditions is vital to the safety of the miners working at that mine. The proposed revisions to the current rule are simple and easy to apply but can make a huge impact on improving the health and safety of miners.

Making the examinations prior to someone working in that area just seems like common sense. This gives the miners coming into the next shift knowledge of what conditions and hazards may be present before they arrive. The United Mine Workers of America suggest that the examinations be performed as close to the start of the next shift as possible but no more than 2 hours prior to. We would also suggest that the person performing these exams have a mine foreman or assistant mine foreman certification as well. This would ensure that they have the experience and knowledge in recognizing hazards that could adversely affect the health and safety of miners.

The requirement to record the location, hazards found, corrective action taken, and the date action was taken must be required to ensure proper

documentation as well as ensure the hazard was corrected. This would also help make the operator as well as the miners more aware of the hazards so that they cannot say that they were not aware of a hazard and not correct it. Many hazards will be able to be corrected during the time of the exam but some will require time and man power to correct and this requirement will show what progress is being made on a particular area and hazard. It's also important for miners and their representatives to have access to these records to see what hazards they may encounter and what actions are/were being taken to correct those hazards.

One thing that may be a concern for some is the fact that the person performing the examination must sign and date in the examination book. The only people who have to worry about this requirement are the people who cut corners while making their exams or who turn a blind eye to certain things that may be too expensive or time consuming to fix. Or people who don't report and record hazards because of pressure from their employer. Honest people who try to follow the law will have nothing to worry about. This rule will also keep people accountable and more alert to hazards.

The proposed rules and regulations are common sense revisions to the current examinations rule and quite frankly should have been made years ago. These are much like the rules and regulations used in coal. We are aware that MNM mines are not exposed to the same hazards that present itself from coal dust and methane. However, aside from that, most if not all other hazards can be found in both coal and MNM mines and these miners deserve the same protections.