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September 19, 2006

Mine Safety and Health Administration
Office of Standards, Regulations and Variances
1100 Wilson Boulevard
Room 2350
Arlington, VA 22209-3939

Re: Proposed Rule Regarding 30 CFR Part 100
Criteria and Procedures for Proposed Assessment of Civil Penalties

RIN: 1219-AB51

Dear MSHA:

This letter is the commentary of Greer Industries, Inc. (hereinafter, "Greer") to the above-mentioned Proposed Rule. It is Greer's fervent hope that your organization will give serious consideration to these comments in the spirit that they are intended. Greer has a strong commitment to worker safety and health, but the increased cost associated with increasing Proposed Assessments of Civil Penalties will not induce greater mine operator compliance with the Mine Act and MSHA's safety and health standards. Allow me to explain.

MSHA believes that the key to increased safety and health to our nation's miners is through increased enforcement activities and penalties. This simply is not the case! Companies like Greer achieve their safety and health goals through good communication practices between management and the labor force. Miners do not want to get hurt on the job and companies do not want their employees to get hurt. Accident and injuries cause loss of production and down time. Miners off work due to a lost time accidents cause loss of income to their families and increase cost to the company through increases in Workers Compensation premiums and replacement of miners.

Everyone associated with this industry needs to understand that the key to miner safety is not an increase in enforcement through increased penalty assessments. Companies are already motivated to do the best they can to stay incompliance with all rules and regulations. They know that the real motivator to increased safety is having their workforce go home after every shift accident and injury free. Companies like Greer realize that when this happens they have been both productive and profitable which is the ultimate goal for both management and the workforce alike. As long as companies remain safe, productive and profitable our nations workforce will remain safe, productive and profitable. Increased regulation is not the answer to increased miner safety!!! Simply increasing the amount of Proposed Assessments will do nothing to increase miner safety. Compliance with the Mine Act and MSHA's safety and health standards is only one of the many tools mining safety professionals utilize today to achieve their safety goals. Most safety professionals understand and realize that at least 80% of all accidents are a result of

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human error. Safety professionals work to improve on human factors through increased safety awareness activities (education and training), increased communication between supervision and the labor force, and by eliminating unsafe acts and conditions. Human factors also play an important role in accident prevention through inner-company reporting and correcting of hazards, and through effective safety incentive programs.

A better approach by MSHA to induce greater mine operator compliance and thereby improve safety and health for miners would be to drop the Proposed Rule and implement better educational practices and adopt incentive programs. Our nations taxpayers would be much better served by MSHA if they would step up their educational programs for mining companies. MSHA's Education and Training Division could be so much more efficient and thereby helpful to the mining community. Educate and provide training to both the labor force and management of our nations mines and we will have a safer workforce. MSHA Education and Training personnel should be providing 30 CFR Part 48 and Part 46 Training to mining companies and not simply making it a law that states what has to be achieved to meet compliance. Good educational training is hard to come by and MSHA should be providing the training!

MSHA should also be concentrating its efforts on problem mines! Mines that have high accident and injury rates, increased violation rates, and fatalities should be targeted by MSHA for increased enforcement and penalties. Mines with good safety records, low accident and injury rates, and no fatalities should be given a grace period from inspections for a period of time, and also have their Penalty Assessments decreased as a way to positively reinforce a job well done and thereby increase operator compliance and increase safety and health to well maintained, safe, and productive mines.

In conclusion, please consider the suggestions contained in this letter in response to the Proposed Rule. Increasing the Proposed Penalties will not improve the efficiency and effectiveness of the civil penalty process, nor induce greater mine operator compliance efforts and achieve improved safety and health for miners. However, a change in MSHA policy to provide educational help and incentive to all mines will prove beneficial.

Thank you for your consideration.

Very truly yours,

Mark A. Wilson
Vice President of Safety and Human Resources
Greer Industries, Inc.