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To: US Mine Safety Health Administration

Subject: RIN 1219-AB71 - Safety and Health Management Programs for Mines

A. Our Background.

1. Our firm operates as a contractor to the mine industry. We conduct our own training under Part 46 and are pleased to share that we have not had a preventable accident or injury on mine property in over thirty years.
2. We have a well above average safety record with the Dept. of Transportation as a over the road trucking company.
3. Our work comp insurance provider has twice sent us letters congratulating our company for being accident/injury free.
4. We also work in the petroleum refinery industry and are 100% preventable accident free for seven years.

B. MSHA's Current Safety Programs.

1. MSHA provides far more tools towards safety and safety training than does DOT and OSHA. Although OSHA has some fine programs and flyers, they have nothing that can compare to MSHA's structure and training aids. DOT is mostly published rules and only a very few training aids.
2. We have incorporated many of our MSHA provided training DVDs, publications, and power point presentations into our new hire training program in addition to our MSHA mandated training programs.
3. Facing the task of influencing an entire industry which spans the entire United States is obviously a most difficult task. However, you have a portion not yet fully addressed.

C. Concerns.

1. A substantial number of accidents, injuries, and fatalities come from the contractor's employees and vehicle operator errors.
2. Although MSHA's training aids vastly surpasses DOT and OSHA on haulage driver safety both for the in plant and over the road drivers...they fall short of enforcement and in some cases the communications methodology effective to vehicle operators in general. The real world knowledge of vehicle safety and mechanical standards is not well known among the many MSHA inspectors in the field. I have interfaced with many...several times over and

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found them to be well dedicated and knowledgeable on mine equipment but almost afraid to take on a haulage truck or over the road truck or driver. Example: In a recent fatality where a truck driver ran over and killed a Gyp Pile Supervisor, in Southern California, I know for a fact that the driver of that truck had run out of US DOT hours and was fatigued at the time. I also know where that driver had been that day and what he had done. I used to work at the that company and know the run and that the company lost it's operating authority for a month as punishment, in the past, over the specific run. Yet the MSHA Investigator, competent as he obviously is and as detailed and complete as his report was, was not equipped to address the root causes and had no pathway to alert DOT that this trucking outfit was running out of DOT compliance or that this may have been a root cause to a fatality on a mine site.

3. The training of contractors to work on a MSHA regulated site is important however, the programs are generic. I have sat in mine operator MSHA classes at some big mines. I have been at two above ground mines in which an hour plus was spent on rebreather apparatuses and full face respirators when everyone in the class would never need either. The first four hours of MSHA class at CEMEX in Victorville, California consisted of a young lady's dissertations on how she came to the company, the history of CEMEX, and the fact that she goes once a week to a specific area of the mine to measure sound levels. She spent a half hour explaining how she does the sound level measurements and how the machine she uses works. I spent time in another class, at another mine site, where we sat through boring lectures on generalities and were shown a bamboo hard hat used by miners in China which was interesting but of no safety value in relationship to working in a mine.
4. With a substantial number of injuries and accidents and fatalities on mine sites occurring with contractors and vehicle operators we realized a concern that our people were not really being trained.....only the letter of the law was being met.....it was not helping to equip contractors or drivers to work safer.

D. The Resolve.

1. We have been conducting our own Part 46 training. We have separate programs for drivers, mechanics, equipment operators, and supervisors. Some topics, such as hearing protection are common to all; However, some classes are for a specific job or task. In example, for crew leaders and shift supervisors we include a controlled substance and alcohol abuse class for leadership which equips them to identify suspected abusers and the correct process to follow in eliminating the risk from the work place. For drivers we include mine road driving scenarios with DVD and Power Point and show real mine pictures/vehicles scenarios and facilitate open discussion on what went wrong, why, and how those in class would have acted given a similar scenario.

E. Realization.

1. We have found that all of our enhanced training, all of our follow-up at job sites, and all of efforts are not yet satisfactory.
2. I recently attended a state grant MSHA Instructor Class conducted by a MSHA Inspector. The class was great. Of my fellow students, three had never worked a day in a mine, one had worked in a gravel pit and one had worked at the same mine, in charge of blasting for years. The class was three days long. But it fell short of our perceived goals, as it was orientated to basics and towards full time miners working at one mine site in one job

category.

3. Taking note of the other contractors at mine sites and mine employees at various mines, we realized that the program is not sufficient to address contractors and vehicle operators in such a way as to influence the miner or his/her employer to carry on in a safe and legal manner the day to day work.

F. Suggestions.

1. We need a set of lesson plan templates designed to address contractor's. The present set of templates are very good and user friendly, but are designed for full time miners working at the same site every day. Not for a contractor that might be at five mines in a month or a contractor that sends one employee to a mine for a three day job once a year.
2. We need a consortium style training program which address the common subjects such as respirators, hearing protection, fall protections, etc.. This could be in the form of a traveling classroom vehicle, or computer based classes which could be taken by the employee, from his/her employer's office. The training should also include management training in how to maintain a hearing protection program or how to read and react to a miners PFT results, etc.
3. I firmly agree with leaving the site specific safety training to the mine operator, but believe the employer of the contractor or vehicle driver should be held accountable for documenting that the training was completed and that their employee learned enough that it is reasonable to believe that the employee is equipped to work safely at that mine.
4. Many contractors, to include our company, have limited resources, especially in these hard times. Recently, I applied for a MSHA Instructors Card and after several month was told it was not believed that I had enough time working at a mine to be an instructor. I have spoken with several others that obtained their instructors card with far less experience than I had at the time of application, I have spoken with three MSHA employees in person and one on the help line. It appears that we have no minimum acceptable standards published and no rules in place to establish the qualifications required to be issued a card except that the individual making the decisions....makes the decisions. With a safety performance record such as our firm has and the fact that I have administered that program for years and on occasion work at different mines sites each year....I believe it is time to establish a set of realistic and obtainable standards to be an instructor. When a person with a teaching credential is denied a instructors card and a person who works for at a union hall and has never been on a mine site gets a card....something is wrong with the system.
5. Our firm is located in the High Desert, in Southern California, with over 50 mines within driving radius. We very much would like to reduce our safety training operating costs by opening our doors to other small contractors and sharing the expenses of providing effective mine safety training. MSHA should charter area training centers and we would like to be the first !



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