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Comment from Randy Dossey, Four Corners Materials

Submitter Information

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General Comment

The proposed rule would eliminate the existing requirement in § 104.3(b) that only citations and orders that have become final are to be used to identify mines with a potential pattern of violations.

This is the same as being declared guilty before trial. This concern could be eliminated by MSHA moving forward in a timely manner on contestants made regarding any citations. Some contested citation take a year or more before settled and agreed upon; why should MSHA be able to use citations against a mine operator before the settlement occurs.

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