

**To whom it may concern,**

Under 30 CFR 50.10 operators must notify MSHA within 15 minutes of a death, injury of an individual at the mine that has reasonable potential to cause death, an entrapment of an individual at the mine which has a reasonable potential to cause death; or any other accident.

The purpose of this letter is to bring this regulation up for review under the Presidential Executive Order 13777, Regulatory Reform. As you are aware, President Donald J. Trump signed this executive order to help reduce regulations. Two of the marks for elimination or modification are regulations that are "outdated, unnecessary, or ineffective; or impose costs that exceed benefit. The regulation mentioned above, has an "unnecessary," short response time and the cost exceeds the benefit because there is not a noticeable benefit from the short response requirement to the miners, contractors and the operators.

The MSHA 50.10 regulation's brief response time is unnecessarily short and does not provide a big enough benefit to justify the short response time or the expense of the citation issued when in many cases, is nearly impossible to meet the regulation. The reason for this position is due to the window to report being so narrow that it must be one of the first thoughts in any accident scenario. When notifying the Mining Safety and Health Administration must be one of the first steps in an emergency response process, it is hard to state with accuracy that the Mining Safety and Health Administration puts miner's and contractors' first.

In addition to the difficulty to comply with the regulation, the violation of this standard has a much higher starting financial penalty. It is often one of if not the most expensive citations issued in connection to an accident, unless there are found to be willful violations of other standards. When notification penalties are larger than other citations that affect miners' and contractors' safety and health, it makes a compelling case that miner and contractor safety is not the priority in serious accidents and that the cost does not benefit the miners or contractors.

The request for review is not for elimination, but for a modification of the regulation. The amount of time that is required is near impossible to comply with as the rule is currently written and enforced. The MSHA reporting regulation reflect that of the reporting requirement from OSHA (Occupational Safety and Health Administration). Under the OSHA regulation found in 29 CFR 1904.39 employers are given 8 hours to notify OSHA of a fatality, and 24 hours to notify of serious injuries. This change would take the notification process out of the first steps of an emergency response and allow for more focused efforts on miners and contractors in the emergency and being able to notify family and stabilize the scene before having to make the phone call.

Thank you for your time in reading this letter and I look forward to your reply or possible actions taken to improve regulation 50.10. I could expand in more detail, but in the sake of brevity I have provided my information below if you would like to discuss this further.

Thanks

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