

**From:** Dan Ferreira  
**To:** [zzMSHA-OSRVRRegulatoryReform](#)  
**Subject:** MSHA Regulation Modification request  
**Date:** Monday, April 16, 2018 10:41:07 AM  
**Attachments:** [image001.png](#)

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I strongly believe that the fall protection regulations are out dated. As an employer in Washington State, our workers fall under a much more stringent rules for fall protection when outside of the mining site.

Washington State OSHA (DOSH) spells out specific trigger heights for fall protection. There is a difference between a working surface (walkway) and a non-working surface (conveyor). There is also a very specific exemption to fall protection for mobile equipment. For example, it is reasonably expected that we would not receive a MSHA citation for entering or exiting our loaders and/or other large machinery. However, it is reasonably expected that we would receive a MSHA citation for standing on a semi-trailer (flatbed) or a conveyor only a few feet off the ground. I would argue that the trailer deck is much less likely for a miner to fall off of versus the vertical ladder and small platform of a loader or other equipment. Under Washington states rules, the loaders and semi-trailer would fall under the mobile equipment fall protection of 10' trigger height.

Washington State also outlawed belts as a means of fall protection. Belts are harmful to any person, not just a minor if a fall was to happen.

Below is the link to Washington states fall protection standard for your review and comparison.

<http://www.lni.wa.gov/Safety/Rules/chapter/155/WAC296-155.PDF#PartC1>



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