



November 19, 2018

Sheila A. McConnell  
Director, Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration  
201 12th Street South, Suite 401  
Arlington, Virginia 22202-5452

**RE: Request to Rescind Program Information Bulletin No. P14-04**

Filed via Email: [zzMSHA-OSRVRegulatoryReform@dol.gov](mailto:zzMSHA-OSRVRegulatoryReform@dol.gov)

Dear Ms. McConnell:

The Commonwealth of Kentucky is one of the leading coal-producing states in the nation, and the Kentucky Coal Association (“KCA”) has a strong interest in addressing the complex issues that face the nation’s coal industry. Please allow this letter to serve as a pragmatic exchange of ideas and concerns held by our stakeholders.

On February 24, 2017, President Donald Trump signed Executive Order 13777, entitled “Enforcing the Regulatory Reform Agenda”, directing each agency to review existing regulations to assess compliance costs and reduce regulatory burden. Since that time, the Mine Safety and Health Administration (“MSHA”) requested stakeholders’ assistance in identifying those regulations that could be repealed, replaced, or modified without adversely affecting miners’ safety and health. Pursuant to the Executive Order and MSHA’s request, the KCA recommends that Program Information Bulletin No. P14-04 be immediately rescinded.

On June 5, 2014, MSHA issued Program Information Bulletin No. P14-04, which removed the expiration dates from MSHA Directives. The PIB states in part that *“(i)n the past, there has been confusion over which policies and procedures were in effect, because many times valid policies and procedures were temporarily cancelled when the PPL or PIL expired and there was a delay in reissuing the directives. By no longer listing the expiration dates this problem is eliminated. Directives will continue to be reviewed through a revalidation process and cancelled when they become obsolete.”*

Contrary to MSHA’s belief there would be less confusion as to which policies were in effect by removing expiration dates, the process has in fact created more confusion by requiring the mining industry and MSHA enforcement personnel to continually monitor multiple sources of

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directives. The common practice of issuing policies that lasted only a finite period of time has turned into a practice of allowing temporary directives to last indefinitely.

KCA and its members trust that MSHA recognizes the importance in regulations and policies being applied in a fair, consistent, and transparent manner. To that end, we respectfully request Program Information Bulletin No. P14-04 be immediately rescinded.

We welcome the opportunity to hold a constructive dialogue with you and the agency to advance the industry's commitment to the safety and health of the nation's miners. Please do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JTYW', with a long horizontal flourish extending to the right.

J. Tyler White  
President, Kentucky Coal Association