



Buzzi Unicem USA - 100 Brodhead Road #230 – Bethlehem, PA 18017

December 6, 2018

Mine Safety & Health Administration
20 I 12th St. S
Arlington, VA 22202

Subject: Executive Order 13777, Regulatory Reform: Repeal, Replace or Modify

On February 24, 2017, President Trump signed Executive Order 13777, entitled “Enforcing the Regulatory Reform Agenda.” This Executive Order directs each agency to review existing regulations to assess compliance costs and reduce regulatory burden. As part of this review, Buzzi Unicem USA (BUU) offers its assistance in identifying MSHA regulations that could be repealed, replaced, or modified without reducing miners’ safety or health.

BUU is a leading cement manufacturer in the United States and operates 8 cement plants nationwide, all of which operate 24 hours per day, 365 days per year. Each plant location employs over 100 miners.

Recommended Regulatory Reform Opportunities & Comments:

A.) § 50.10 Immediate Notification

The operator shall immediately contact MSHA at once without delay and within 15 minutes at the toll-free number, 1-800-746-1553, once the operator knows or should know that an accident has occurred involving:

- (a) A death of an individual at the mine;
- (b) An injury of an individual at the mine which has a reasonable potential to cause death;
- (c) An entrapment of an individual at the mine which has a reasonable potential to cause death; or

(d) Any other accident.

Recommendation: Fifteen minutes is insufficient time to immediately respond to an accident, provide immediate care (if necessary), and perform a fact-based accident investigation before making a determination to immediately notify MSHA. A more reasonable amount of time to immediately notify MSHA would be at least one hour.

B.) § 56.15005 Safety belts and lines

Safety belts and lines shall be worn when persons work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

Recommendation: This standard should be modified to reflect modern fall protection methods & techniques and should define a maximum height for which fall protection is required. It is recommended to revise this standard and adopt the OSHA Construction Industry's six foot rule as outlined in MSHA's program policy letter.

C.) Part 62- Occupational Noise Exposure

Recommendation: Occupational Noise Exposure standards should not differ from OSHA's. Noise exposure is a universal hazard that does not change from one industry to another, and therefore a single set of standards should be adopted.

D.) § 56.14207 Parking procedures for unattended equipment.

Mobile equipment shall not be left unattended unless the controls are placed in the park position and the parking brake, if provided, is set. When parked on a grade, the wheels or tracks of mobile equipment shall be either chocked or turned into a bank.

Recommendation: This standard should be revised to be more practical and sensible. This regulation requires tracked equipment and direct drive equipment to be chocked when unattended, which is unnecessary.

E.) 56.11002- Handrails and Toeboards

Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

Recommendation: The language in this standard is both vague and subjective and leads to inconsistent enforcement. It is recommended to define the term “*elevated*” by offering a maximum height requirement before handrails are required.

F.) 46.9- Records of Training

Recommendation: Inconsistent enforcement occurs surrounding mine operator responsibilities for maintaining and reviewing contractor Part 46 training plans and employee training records. It is recommended to revise this standard to explicitly clarify this requirement, or cease enforcing it because it does not exist. It should be the responsibility of each contractor to ensure they have a compliant Part 46 training plan and have provided the required and necessary training to their employees.

G.) § 56.17001 Illumination of surface working areas

Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and work areas.

Recommendation: This standard calls for “*sufficient*” illumination which is vague and subjective. To avoid inconsistent enforcement, it is recommended to define “*sufficient*” by providing a minimum requirement that can be measurable, such as foot candles or lumens.

H.) CFR 100.6- Right to Conference

Recommendation: It is recommended to change the conference deadline from 10 days to 30 days from the date a citation was issued. At times, the duration of inspections can last several weeks which does not allow for adequate time to review and conference received citations.



Respectfully submitted,

Gregg Knecht
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