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To: [zzMSHA-OSRVRRegulatoryReform](#)
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Part 100 on Proposed Assessments

Part 100 needs to be changed to assist operators with the high cost of penalties.

To be fair across the board, each standard violated could have a set penalty. The size of the operator, tonnage or man hours should not affect the penalty. For instance, each 75.400 citation would be 100 dollars each, for the first 10 citations. After the tenth citation a percent increase would go into affect. After one year from the first date of standard violated, the slate would be wiped clean and you start over. If an operator got over 20 citations of the same standard in one year, then a larger penalty could be placed on each citation until the 12 months is up.

This would do away with the complicated point system currently in place. This would reduce Penalty cases, conferences and litigation. The penalty amount for each standard violated would have to be an amount that all operators could live with, no matter what the size of the operator is. A huge increase in each penalty after the 10th citation on the same standard would help deter the operator from getting over the tenth citation.

The S&S procedure needs to be revisited. No violation should be S&S unless it is attributed to a serious non fatal, fatal and or knowing and willful citation (104(d). After fatal, non fatal and 104(d) are issued, is when larger penalties should be placed on the affected operator, regardless of the size of the operator.

This simply procedure would save millions of dollars to MSHA and the Solicitors office, and would not affect the safety of the miners.

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