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U.S. Department of Labor
Mine Safety and Health Administration
National Mine Health and Safety Academy

MSHA-3191a

Revised February 2009

Parts 46 and 48 Training Regulations Program Policy Compliance Guide Questions and Answers

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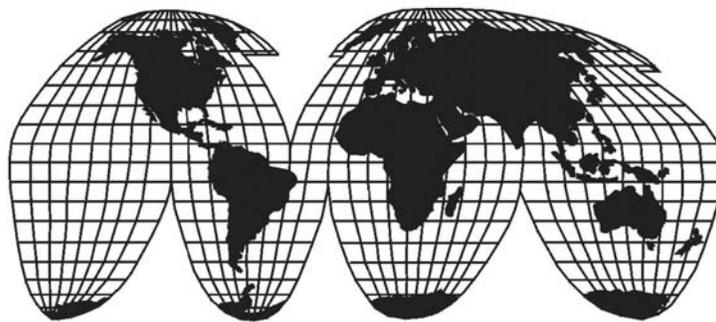


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Title 30 **Parts 1-199 Mineral Resources**
Department of Labor
Mine Safety and Health Administration
Code of Federal Regulations

Part 46 Regulations

Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines.

Marble, Granite, Sandstone, Slate, Shale, Traprock, Kaolin, Cement, Feldspar, & Lime

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30 CFR 46.1 - Scope.

The provisions of this Part set forth the mandatory requirements for training and retraining miners and other persons at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines.

30 CFR 46.2 - Definitions.

The following definitions apply in this Part:

- (a) Act means the Federal Mine Safety and Health Act of 1977.
- (b) Competent person means a person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able both to effectively communicate the training subject to miners and to evaluate whether the training given to miners is effective.
- (c) Equivalent experience means work experience where the person performed duties similar to duties performed in mining operations at surface mines. Such experience may include, but is not limited to, work as a heavy equipment operator, truck driver, skilled craftsman, or plant operator.
- (d)(1) Experienced miner means:
 - (i) A person who is employed as a miner on April 14, 1999;
 - (ii) A person who has at least 12 months of cumulative surface mining or equivalent experience on or before October 2, 2000;
 - (iii) A person who began employment as a miner after April 14, 1999, but before October 2, 2000, and who has received new miner training under Section 48.25 of this title or under proposed requirements published April 14, 1999, which are available from the Office of Standards, Regulations and Variances, MSHA, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209-3939; or

- (iv) A person employed as a miner on or after October 2, 2000, who has completed 24 hours of new miner training under Section 46.5 of this Part or under Section 48.25 of this title and who has at least 12 cumulative months of surface mining or equivalent experience.
- (d)(2) Once a miner is an experienced miner under this Section, the miner will retain that status permanently.
- (e) Independent contractor means any person, partnership, corporation, subsidiary of a corporation, firm, association, or other organization that contracts to perform services at a mine under this Part.
- (f) Mine site means an area of the mine where mining operations occur.
- (g)(1) Miner means:
 - (i) Any person, including any operator or supervisor, who works at a mine and who is engaged in mining operations. This definition includes independent contractors & employees of independent contractors who are engaged in mining operations; and
 - (ii) Any construction worker who is exposed to hazards of mining operations.
- (g)(2) The definition of "miner" does not include scientific workers; delivery workers; customers (including commercial over-the-road truck drivers); vendors; or visitors. This definition also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods.
- (h) Mining operations means mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities.
- (i) New miner means a person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner.

- (j) Newly hired experienced miner means an experienced miner who is beginning employment with a production-operator or independent contractor. Experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners.
- (k) Normal working hours means a period of time during which a miner is otherwise scheduled to work, including the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the common practice of the production-operator or independent contractor, as applicable.
- (l) Operator means any production-operator or any independent contractor whose employees perform services at a mine.
- (m) Production-operator means any owner, lessee, or other person who operates, controls, or supervises a mine under this Part.
- (n) Task means a work assignment or component of a job that requires specific job knowledge or experience.
- (o) We or us means the Mine Safety and Health Administration (MSHA).
- (p) You means production-operators and independent contractors.

30 CFR 46.3 - Training plans.

- (a) You must develop and implement a written plan, approved by us under either paragraph (b) or (c) of this Section that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training.
- (b) A training plan is considered approved by us if it contains, at a minimum, the following information:
 - (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification

number(s) or independent contractor identification number(s);

- (2) The name and position of the person designated by you who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;
 - (3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area.
 - (4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and
 - (5) The evaluation procedures used to determine the effectiveness of training.
- (c) A plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) of this Section must be submitted to and approved by the Regional Manager, Educational Field Services Division, or designee, for the region in which the mine is located. You also may voluntarily submit a plan for Regional Manager approval. You must notify miners or their representatives when you submit a plan for Regional Manager approval. Within two weeks of receipt or posting of the plan, miners and their representatives may also request review and approval of the plan by the Regional Manager and must notify the production-operator or independent contractor of such request.
- (d) You must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the Regional Manager for approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

- (e) Within 2 weeks following the receipt or posting of the training plan under paragraph (d) of this Section, miners or their representatives may submit written comments on the plan to you, or to the Regional Manager, as appropriate.
- (f) The Regional Manager must notify you and miners or their representatives in writing of the approval, or status of the approval, of the training plan within 30 calendar days of the date we received the training plan for approval, or within 30 calendar days of the date we received the request by a miner or miners' representative that we approve your plan.
- (g) You must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner within one week after approval.
- (h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 1100 Wilson Boulevard, Room 2100, Arlington, Virginia 22209-3939, within 30 calendar days after notification of the Regional Manager's decision. The Director will issue a final decision of the Agency within 30 calendar days after receipt of the appeal.
- (i) You must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine, you must have the capability to provide the plan within one business day upon request by us, miners, or their representatives.
- (j) You must comply with the procedures for plan approval under this Section whenever the plan undergoes revisions.
- (k) The addresses for the EFS Regional Managers are as follows. Current information on the EFS organization is available on MSHA's Internet Home Page at <http://www.msha.gov>.
 - Eastern Regional Manager
 - Educational Field Services
 - National Mine Health and Safety Academy
 - 1301 Airport Road

Beaver, WV 25813-9426
Telephone: (304) 256-3223
FAX: (304) 256-3319
E-mail: zzMSHA-EPD - EFS East Group

Western Regional Manager
Educational Field Services
P.O. Box 25367
Denver, CO 80225-0367
Telephone: (303) 231-5434
FAX: (304) 231-5474
E-mail: zzMSHA-EPD - EFS West Group

30 CFR 46.4 - Training plan implementation.

- (a) You must ensure that each program, course of instruction, or training session is: (1) Conducted in accordance with the written training plan; (2) Presented by a competent person; and (3) Presented in language understood by the miners who are receiving the training.
- (b) You may conduct your own training programs or may arrange for training to be conducted by: state or federal agencies; associations of production-operators or independent contractors; miners' representatives; consultants; manufacturers' representatives; private associations; educational institutions; or other training providers.
- (c) You may substitute, as applicable, health and safety training required by the Occupational Safety and Health Administration (OSHA), or other federal or state agencies to meet requirements under this Part. This training must be relevant to training subjects required in this Part. You must document the training in accordance with Section 46.9 of this Part.
- (d) Training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination of training methods.
- (e) Employee health and safety meetings, including informal health and safety talks and instruction, may be credited under this Part toward either new miner training, newly hired experienced miner

training, or annual refresher training requirements, as appropriate, provided that you document each training session in accordance with Section 46.9 of this Part. In recording the duration of training, you must include only the portion of the session actually spent in training.

30 CFR 46.5 - New miner training.

- (a) Except as provided in paragraphs (f) and (g) of this Section, you must provide each new miner with no less than 24 hours of training as prescribed by paragraphs (b), (c), and (d). Miners who have not yet received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner.
- (b) Before a new miner begins work at the mine -

You must provide the miner with no less than 4 hours of training in the following subjects, which must also address site-specific hazards:

- (1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walkaround training). The method of mining or operation utilized must be explained and observed;
- (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions;
- (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the firewarning signals and firefighting procedures;
- (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, the mandatory health and safety standards pertinent to such tasks, information about the physical and health

hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program;

- (5) Instruction on the statutory rights of miners and their representatives under the Act;
 - (6) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and
 - (7) An introduction to your rules and procedures for reporting hazards.
- (c) No later than 60 calendar days after a new miner begins work at the mine -

You must provide the miner with training in the following subject:

- (1) Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine; and
 - (2) A review of first aid methods.
- (d) No later than 90 calendar days after a new miner begins work at the mine -

You must provide the miner with the balance, if any, of the 24 hours of training on any other subjects that promote occupational health and safety for miners at the mine.

- (e) Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task in paragraph (b)(4) of this Section, if hazard recognition training specific to the assigned task is given before the miner performs the task.
- (f) A new miner who has less than 12 cumulative months of surface mining or equivalent experience and has completed new miner training under this Section or under Section 48.25 of this title within 36 months before beginning work at the mine does not

have to repeat new miner training. However, you must provide the miner with training specified in paragraph (b) of this Section before the miner begins work at the mine.

- (g) A new miner training course completed under Section 48.5 or 48.25 of this title may be used to satisfy the requirements of paragraphs (a), (b), and (c) of this Section, if the course was completed by the miner within 36 months before beginning work at the mine; and the course is relevant to the subjects specified in paragraphs (b) and (c) of this Section.

30 CFR 46.6 - Newly hired experienced miner training.

- (a) Except as provided in paragraph (f) of this Section, you must provide each newly hired experienced miner with training as prescribed by paragraphs (b) and (c).
- (b) Before a newly hired experienced miner begins work at the mine -

You must provide the miner with training in the following subjects, which must also address site-specific hazards:

- (1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walk around training). The method of mining or operation utilized must be explained and observed;
- (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions;
- (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the firewarning signals and firefighting procedures;
- (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, the mandatory health and safety standards pertinent

to such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program;

- (5) Instruction on the statutory rights of miners and their representatives under the Act;
 - (6) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and
 - (7) An introduction to your rules and procedures for reporting hazards.
- (c) No later than 60 calendar days after a newly hired experienced miner begins work at the mine -

You must provide the miner with an instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine.

- (d) Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task in paragraph (b)(4) of this Section, if hazard recognition training specific to the assigned task is given before the miner performs the task.
- (e) In addition to subjects specified in paragraphs (b) and (c) of this Section, you may provide training on any other subjects that promote occupational health and safety for miners.
- (f) You are not required to provide a newly hired experienced miner who returns to the same mine, following an absence of 12 months or less, with the training specified in paragraphs (b) and (c) of this Section. Instead you must provide such miner with training on any changes at the mine that occurred during the miner's absence that could adversely affect the miner's health or safety. This training must be given before the miner begins work at the mine. If the miner missed any part of annual refresher training under Section 46.8 of this Part during the absence, you must provide the miner with the missed training no

later than 90 calendar days after the miner begins work at the mine.

30 CFR 46.7 - New task training.

- (a) You must provide any miner who is reassigned to a new task in which he or she has no previous work experience with training in the health and safety aspects of the task to be assigned, including the safe work procedures of such task, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program. This training must be provided before the miner performs the new task.
- (b) If a change occurs in a miner's assigned task that affects the health and safety risks encountered by the miner, you must provide the miner with training under paragraph (a) of this Section that addresses the change.
- (c) You are not required to provide new task training under paragraphs (a) and (b) of this Section to miners who have received training in a similar task or who have previous work experience in the task, and who can demonstrate the necessary skills to perform the task in a safe and healthful manner. To determine whether task training under this Section is required, you must observe that the miner can perform the task in a safe and healthful manner.
- (d) Practice under the close observation of a competent person may be used to fulfill the requirement for task training under this Section, if hazard recognition training specific to the assigned task is given before the miner performs the task.
- (e) Training provided under this Section may be credited toward new miner training, as appropriate.

30 CFR 46.8 - Annual refresher training.

- (a) You must provide each miner with no less than 8 hours of annual refresher training—
 - (1) No later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later; and
 - (2) Thereafter, no later than 12 months after the previous annual refresher training was completed.
- (b) The refresher training must include instruction on changes at the mine that could adversely affect the miner's health or safety.
- (c) Refresher training must also address other health and safety subjects that are relevant to mining operations at the mine.

Recommended subjects include, but are not limited to: applicable health and safety requirements, including mandatory health and safety standards; information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program; transportation controls and communication systems; escape and emergency evacuation plans, firewarning and firefighting; ground conditions and control; traffic patterns and control; working in areas of highwalls; water hazards, pits, and spoil banks; illumination and night work; first aid; electrical hazards; prevention of accidents; health; explosives; and respiratory devices.

Training is also recommended on the hazards associated with the equipment that has accounted for the most fatalities and serious injuries at the mines covered by this rule, including: mobile equipment (haulage and service trucks, front-end loaders and tractors); conveyor systems; cranes; crushers; excavators; and dredges.

Other recommended subjects include: maintenance and repair (use of hand tools and welding equipment); material handling; fall prevention and protection; and working around moving objects (machine guarding).

30 CFR 46.9 - Records of training.

- (a) You must record and certify on MSHA Form 5000-23, or on a form that contains the information listed in paragraph (b) of this Section, that each miner has received training required under this Part.
- (b) The form must include:
 - (1) The printed full name of the person trained;
 - (2) The type of training, the duration of the training, the date the training was received, the name of the competent person who provided the training;
 - (3) The name of the mine or independent contractor, MSHA mine identification number or independent contractor identification number, and location of training (if an institution, the name and address of the institution).
 - (4) The statement, "False certification is punishable under Section 110(a) and (f) of the Federal Mine Safety and Health Act," printed in bold letters and in a conspicuous manner; and
 - (5) A statement signed by the person designated in the MSHA-approved training plan for the mine as responsible for health and safety training that states, "I certify that the above training has been completed."
- (c) You must make a record of training under paragraphs (b)(1) through (b)(4) of this Section.
 - (1) For new miner training under 30 CFR 46.5, no later than -
 - (i) when the miner begins work at the mine as required under Section 46.5(b);
 - (ii) 60 calendar days after the miner begins work at the mine as required under Section 46.5(c); and
 - (iii) 90 calendar days after the miner begins work at the mine as required under Section 46.5(d), if applicable.

- (2) For newly hired experienced miner training under Section 46.6, no later than -
 - (i) when the miner begins work at the mine; and
 - (ii) 60 calendar days after the miner begins work at the mine.
 - (3) Upon completion of new task training under Section 46.7;
 - (4) After each session of annual refresher training under Section 46.8; and
 - (5) Upon completion by miners of site-specific hazard awareness training under Section 46.11.
- (d) You must ensure that all records of training under paragraphs (c)(1) through (c)(5) of this Section are certified under paragraph (b)(5) of this Section and a copy provided to the miner -
- (1) Upon completion of the 24 hours of new miner training;
 - (2) Upon completion of newly hired experienced miner training;
 - (3) At least once every 12 months for new task training, or upon request by the miner, if applicable;
 - (4) Upon completion of the 8 hours of annual refresher training; and
 - (5) Upon completion by miners of site-specific hazard awareness training.
- (e) False certification that training was completed is punishable under Section 110(a) and (f) of the Act.
- (f) When a miner leaves your employ, you must provide each miner with a copy of his or her training records and certificates upon request.
- (g) You must make available at the mine a copy of each miner's training records and certificates for inspection by us and for examination by miners and their representatives. If training

certificates are not maintained at the mine, you must be able to provide the certificates upon request by us, miners, or their representatives.

- (h) You must maintain copies of training certificates and training records for each currently employed miner during his or her employment, except records and certificates of annual refresher training under Section 46.8, which you must maintain for only two years. You must maintain copies of training certificates and training records for at least 60 calendar days after a miner terminates employment.
- (i) You are not required to make records under this Section of site-specific hazard awareness training you provide under Section 46.11 of this Part to persons who are not miners under Section 46.2. However, you must be able to provide evidence to us, upon request, that the training was provided, such as the training materials that are used; copies of written information distributed to persons upon their arrival at the mine; or visitor log books that indicate that training has been provided.

30 CFR 46.10 - Compensation for training.

- (a) Training must be conducted during normal working hours. Persons required to receive training must be paid at a rate of pay that corresponds to the rate of pay they would have received had they been performing their normal work tasks.
- (b) If training is given at a location other than the normal place of work, persons required to receive such training must be compensated for the additional costs, including mileage, meals, and lodging, they may incur in attending such training sessions.

30 CFR 46.11 - Site-specific hazard awareness training.

- (a) You must provide site-specific hazard awareness training before any person specified under this Section is exposed to mine hazards.
- (b) You must provide site-specific hazard awareness training, as appropriate, to any person who is not a miner as defined by Section 46.2 of this Part but is present at a mine site, including:

- (1) Office or staff personnel;
 - (2) Scientific workers;
 - (3) Delivery workers;
 - (4) Customers, including commercial over-the-road truck drivers;
 - (5) Construction workers or employees of independent contractors who are not miners under Section 46.2 of this Part;
 - (6) Maintenance or service workers who do not work at the mine site for frequent or extended periods; and
 - (7) Vendors or visitors.
- (c) You must provide miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor with site-specific hazard awareness training for each mine.
- (d) Site-specific hazard awareness training is information or instructions on the hazards a person could be exposed to while at the mine, as well as applicable emergency procedures. The training must address site-specific health and safety risks, such as unique geologic or environmental conditions, recognition and avoidance of hazards such as electrical and powered-haulage hazards, traffic patterns and control, and restricted areas; and warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures.
- (e) You may provide site-specific hazard awareness training through the use of written hazard warnings, oral instruction, signs and posted warnings, walk around training, or other appropriate means that alert persons to site-specific hazards at the mine.
- (f) Site-specific hazard awareness training is not required for any person who is accompanied at all times by an experienced miner who is familiar with hazards specific to the mine site.

30 CFR 46.12 - Responsibility for independent contractor training.

- (a)(1) Each production-operator has primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training under Section 46.11 of this Part.
- (a)(2) Each production-operator must provide information to each independent contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with our regulations, including the requirements of this Part.
- (b)(1) Each independent contractor who employs a miner, as defined in Section 46.2, at the mine has primary responsibility for complying with Section 46.3 through 46.10 of this Part, including providing new miner training, newly hired experienced miner training, new task training, and annual refresher training.
- (b)(2) The independent contractor must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine.

Program Policy Manual

VOLUME III INTERPRETATION AND GUIDELINES ON ENFORCEMENT OF THE 1977 ACT - May 16, 1996

46.1 Scope

General

Section 115 of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 46 require operators to have an approved training plan under which miners are provided training. Part 46 training plans are considered "approved" if they contain, at a minimum, the information listed in Section 46.3(b). Plans that do not contain the minimum information listed in Section 46.3(b) must be submitted to MSHA for approval.

Compliance Responsibility

Each mine operator is responsible for complying with all applicable provisions of Part 46. Therefore, operators are required to provide all required miner training.

Independent contractors working on mine property must comply with the requirements of Part 46 (see Section 46.12 Responsibility for Independent Contractor Training). This includes developing their own training plan that meets the minimum requirements of Part 46 and providing appropriate training.

Industries Affected by Part 46

Part 46 applies to miners working at surface shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, surface limestone, marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime mines.

Surface Areas of Underground Mines

Underground mines and their surface areas are covered by Part 48. The Part 46 regulations do not apply to training for miners who work at surface areas of underground mines. Miners who work in such areas must continue to receive training that complies with the Part 48 training regulations.

Government Officials on Part 46 Properties

Government officials visiting a mine site are not required to receive Part 46 training. However, MSHA expects those government agencies whose personnel visit mine sites to ensure that their employees are provided with appropriate personal protective equipment and receive adequate instruction and training. Where training is not provided, such government officials should be accompanied by an experienced miner.

Satisfying Both Part 46 and Part 48 Requirements

MSHA will allow independent contractors who work at both Part 46 and Part 48 surface mining operations to comply with the training requirements of Part 48, instead of complying with both training rules. This will eliminate the need for developing two training plans and complying with two record-keeping requirements. These contractors may choose to comply with the New Miner, Experienced Miner, Task, and Annual Refresher Training programs of Part 48 to satisfy the training requirements for both regulations. Independent contractors who choose to follow this policy must have their own Part 48 training plan approved by MSHA.

Part 46 defines construction workers who are exposed to hazards of mining operations as miners. Independent contractors who perform construction work on Part 46 properties may train under their own approved Part 48 training plan to satisfy the Part 46 requirement for training construction workers who are exposed to hazards of mining operations.

Operators, at Part 46 operations, remain responsible for ensuring that Site-specific Hazard Awareness Training (Section 46.11) is provided to these contractors.

46.2 Definitions

46.2(b) "Competent Person"

Part 46 does not require that "competent persons" be approved by MSHA. A "competent person," is a person who is designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able to effectively communicate the training subject to miners, and evaluate whether the training given to miners is effective.

A competent person may be credited for receiving any training they provide toward their own training requirements.

46.2(c) "Equivalent Experience"

Equivalent experience is defined in Part 46 as work experience where the person performed duties similar to duties performed in mining operations at surface mines. "Equivalent experience" includes such things as working at a construction site or other types of jobs where the miner has duties similar to the duties at the mine. These duties could include working as a heavy equipment operator, truck driver on a highway construction site, skilled craftsman, or plant operator. To determine equivalent experience, production-operators and independent contractors must evaluate the work history of newly-hired employees in determining whether the employees are "experienced" miners. This determination is subject to review by MSHA as Part of our verification that production-operators and independent contractors have complied with the training requirements of Part 46.

46.2(d) "Experienced Miner"

Part 46 lists four ways to become an experienced miner.

- (1) Employed as a miner on April 14, 1999; or
- (2) Twelve months of cumulative surface mining or equivalent experience on or before October 2, 2000; or
- (3) Began employment as a miner after April 14, 1999, but before October 2, 2000 and who has received new miner training under Section 48.25 or under the proposed requirements published April 14, 1999; or
- (4) Employed as a miner on or after October 2, 2000 and completed 24 hours of new miner training under Section 46.5 or under Section 48.25 and has at least 12 cumulative months of surface mining or equivalent experience.

Once a miner has received new miner training under Part 46 or Part 48 and has accumulated 12 months of mining experience within 36 months of receiving new miner training, MSHA considers that miner to be experienced for life for training purposes at all Part 46 mines.

46.2(g) "Miner"

A miner is a person, including any operator or supervisor, who works at a mine and who is engaged in mining operations. This definition

includes independent contractors and employees of independent contractors who are engaged in mining operations; and construction workers who are exposed to hazards of mining operations for frequent or extended periods.

The definition of "miner" does not include scientific workers; delivery workers; customers (including commercial over-the-road truck drivers); vendors; or visitors.

Commercial over-the-road truck drivers are required to have Site-specific Hazard Awareness Training. Part 46 affords operators the discretion to tailor Site-specific Hazard Awareness Training to the unique operations and conditions at their mines. However, the training must in all cases be sufficient to alert affected persons to site-specific hazards. Under Part 46, Hazard Awareness training is intended to be appropriate for the individual who is receiving it and that the breadth and depth of training vary depending on the skills, background, and job duties of the recipient.

This definition of "miner" also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods.

"Frequent" exposure is defined as a pattern of exposure to hazards at mining operations occurring intermittently and repeatedly over time. "Extended" exposure means exposure to hazards at mining operations of more than five consecutive work days.

46.2(h) "Mining Operations"

Mining operations means mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities.

46.2(k) "Normal Work Hours"

Normal working hours is defined as "a period of time during which a miner is otherwise scheduled to work." For example, if miners on occasion work on Saturday, they can be trained on Saturday. Part 46 also requires that miners who are being trained be paid at a rate of pay they would have received had they been performing their normal work tasks.

46.3 "Training Plans"

All mining operations which fall under Part 46 must develop and implement a written training plan. Independent contractors who employ "miners" are also primarily responsible for providing comprehensive training to their employees. This requires independent contractors to develop a training plan containing effective programs for providing this training. If arrangements are made to receive training from the production-operator, it must be indicated in the independent contractor's training plan.

A training plan can be used for more than one mine. The plan must list all mine names and MSHA mine identification numbers and must cover all the appropriate training requirements, including Site-specific Hazard Awareness Training, at each mine listed on the plan.

A training plan is considered approved by MSHA if it contains, at a minimum, the following information:

- (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s).

MSHA does not require independent contractors to get an MSHA identification number for purposes of Part 46. However, if an independent contractor wants to obtain an MSHA identification number, please contact the local MSHA district office, or to file online go to the MSHA Internet Home Page (www.msha.gov) and click on the tab titled "Forms & On-line Filings."

- (2) The name and position of the person designated by the operator who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor. Some operators, particularly those that operate large facilities, may want the flexibility of having more than one person who can certify that training has been completed. These operators may list more than one person as being responsible for training.
- (3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the

approximate time or range of time to be spent on each subject area.

"Approximate time" means the operator's reasonable estimate of the amount of time that will be spent on a particular subject. For example, the time listed for a particular subject may be "approximately 3 hours," recognizing that when the training is actually given it may require more or less time than is indicated in the training plan. This flexibility allows for adjustments based on changing mine conditions or operations, including the needs and experience of the individuals who receive the training.

When a range of time is used for each subject, the maximum times listed for each subject must be equal to or exceed the required hours for new miner (24) and annual refresher (8) training as required by the regulation. When stating a range it cannot start with a zero.

Remember: In all cases a miner must receive no less than 24 hours of new miner training and 8 hours of annual refresher training annually.

- (4) A list of the persons and/or organizations that will provide the training, and the subject areas in which each person and/or organization is competent to instruct.

The training plan must include all "competent persons" who will instruct in all subjects, including the name of the person who will provide only one type of task training. It is acceptable to indicate the names of several potential instructors for one subject or course, where the operator may call on one of several competent persons to provide the training. While it is acceptable to list the organizations who will instruct on the training plan, the certificates of training must list the specific competent person's name who provides the training.

- (5) The evaluation procedures used to determine the effectiveness of training.

Part 46 does not require a specific evaluation method. Instead the rule allows you to select the method that will best determine if training has been effective. Possible

evaluation methods include administering written or oral tests, or a demonstration by the miner that he or she can perform all required duties or tasks in a safe and healthful manner.

In addition, periodic work observations can be used to identify areas where additional training may be needed and such observations, along with feedback from the miners, could be used to modify and enhance the training program.

If MSHA discovers that a plan does not meet the minimum requirements of Part 46, one of two actions must be taken.

- (1) The operator can amend the plan to comply with the requirements of Part 46.3(b) or
- (2) If you want to conduct training in accordance with the plan that does not meet the minimum information specified in Section 46.3(b), the plan must be submitted and approved by the Regional Manager, Educational Field Services Division, for the region in which the mine is located. Until the plan is approved no training can be conducted under the plan. Their addresses are:

Eastern Regional Manager
Educational Field Services
National Mine Health and Safety Academy
1301 Airport Road
Beaver, WV 25813-9426
Telephone: (304) 256-3223
FAX: (304) 256-3319
E-mail: zzMSHA-EPD - EFS East Group

Western Regional Manager
Educational Field Services
P.O. Box 25367
Denver, CO 80225-0367
Telephone: (303) 231-5434
FAX: (304) 231-5474
E-mail: zzMSHA-EPD - EFS West Group

A plan may also be voluntarily submitted to one of the Regional Managers for approval. MSHA has developed an online program to

assist in developing a Part 46 training plan. The following link will open up the MSHA online advisor.

<http://www.msha.gov/forms/pt48train.htm>

Two weeks prior to implementing a new or revised plan, a copy of the plan must be provided to the miners' representative, if any. At mines where no miners' representative has been designated, the plan must be posted or provided to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

If the competent person listed in the approved training plan cannot provide the training, and the training is scheduled within 2 weeks, the operator may substitute an unlisted competent person for the listed competent person without the 2 week advance notice, provided that the operator informs all miners to be trained and their representatives prior to substituting the competent person, and provided that no miners or their representatives object to the substitution.

Availability of Training Plan

Section 46.3(i) requires a copy of the training plan to be produced within one business day of a request by MSHA or the miners or their representatives. The following example explains our policy for one business day.

If MSHA requests that an operator produce a training plan for examination on Tuesday at 1:00 p.m., the deadline for producing the plan would be 1:00 p.m. on Wednesday. If MSHA requests that an operator produce a plan at 2:00 p.m. on Friday at a mine that does not operate over the weekend, the deadline for producing the plan would be 2:00 p.m. on Monday.

46.4 "Training Plan Implementation"

46.4(a)(3) "Presented in language understood by the miners"

Training received by miners in Part 46 must be presented **in a language they understand**. In addition, if warning signs at the mine serve as a component of the Site-specific Hazard Awareness Training, the signs must be in a language or languages that are understood by the persons who come onto the mine site.

If a competent person is providing training to a group, and some individuals are not fluent in English, it is permissible to use a person

who is not a competent person as a translator. When using a translator, the operator or contractor should ensure the translator has the ability to translate the information accurately and completely. Further, the translator should be familiar with the subject and terminology in the language being translated, not just in English.

46.4(c) "Crediting Training"

Health and safety training required by OSHA or other federal or state agencies may be credited to meet Part 46 requirements. The training must be relevant to the subjects required under Part 46, and documented accordingly.

Computer-Based Training

MSHA considers computer based or other interactive training technologies to be training "methods," to be used by a competent person effectively and appropriately. This would not necessarily require that the competent person be in the room at all times; however, the competent person must be available to evaluate the trainee's progress, and answer questions as they arise.

46.5 "New Miner Training"

A person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner as defined in definitions under "Experienced Miner," is a new miner for training purposes.

A miner who has less than 12 cumulative months of surface mining or equivalent experience who has completed New Miner Training under Part 46 or Part 48 Subpart B, within 36 months before beginning work at a mine does not have to repeat new miner training (Section 46.5(f)). However, this miner must receive 4 hours of training covering the 7 initial subjects listed in Section 46.5(b).

For example, a miner completes 24 hours of New Miner Training and leaves the mine after working 6 months. The miner then begins work at another mine 6 months later or 12 months since receiving New Miner Training. Since the miner has not fulfilled the 12 months of mining or equivalent experience and begins work at another mine within 36 months, the miner must receive 4 hours of training in the 7 initial subjects listed in Section 46.5(b) before going to work.

Close Observation

Section 46.5(e) requires that new miners be under the "close observation" of a competent person when practicing as part of the

health and safety aspects of an assigned task. "Close observation" means that the competent person must have the ability to observe a new miner's work practices during task training ensuring the miner is not jeopardizing his or her own health and safety or that of others.

This does not mean that the competent person must completely abandon his or her normal duties, as long as the competent person can adequately monitor the work practice. However, in some situations, the competent person may have to cease normal work duties to ensure that this performance-based standard is met.

If the training for a specific task is completed, the miner no longer needs to be under the close observation of a competent person. However, since the miner has not completed the 24 hours of "New Miner Training," the miner is required to work where an experienced miner can observe his or her work practices until the 24 hours of training is completed.

A competent person may not be able in some instances to ride on a piece of mobile equipment with the trainee. When available, the passenger seat is the best location for a competent person providing training to a miner in safe operation of the equipment. However, when a passenger seat is not available, the competent person should be positioned in a safe location in close proximity to the equipment being operated. The competent person should closely observe and monitor the miner's actions from that location.

Hands-on Training

Hands-on training can be counted toward the training required for miners under Sections 46.5 and 46.6. Part 46 allows practice under the "close observation of a competent person" to be used to fulfill the requirements for training on the health and safety aspects of assigned tasks required for new miners under Section 46.5(b)(4) and newly hired experienced miners under Section 46.6(b)(4). The time spent in training may be used to fulfill the training requirements as outlined in the training plan.

Location of Independent Contractor Training

Independent contractors with employees that are required to have 24 hours of new miner training under Part 46 are not required to provide this training on the mine property where their employees will be working. However, when an employee of an independent contractor goes to a mine site, he or she must receive appropriate Site-specific Hazard Awareness Training applicable to the miner's exposure to mine hazards (remember, independent contractors who have received New

Miner Training, must also be current with their Annual Refresher Training requirements before working on a mine property).

This Site-specific Hazard Awareness Training could include site-specific health and safety risks, such as geologic or environmental conditions, recognition and avoidance of hazards such as electrical and powered haulage hazards, traffic patterns and control, and restricted areas; and warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures.

46.6 "Newly Hired Experienced Miner Training"

Part 46 does not specify a minimum length of time that must be devoted to this training. The duration of the training needed by a newly hired experienced miner depends on the occupational experience of the miner, the work duties that the miner will perform, and the methods of mining and workplace conditions at the mine where the miner will be working. Except as explained below, the seven subjects listed in Section 46.6(b) must be covered before assigning the miner to work.

A newly hired experienced miner who returns to the same mine, following an absence of 12 months or less, is not required to receive the Experienced Miner Training under Sections 46(b) and (c). Instead the miner must be provided with training on any changes at the mine that occurred during the miner's absence that could adversely affect the miner's health or safety. This training must be given before the miner begins work at the mine. If the miner missed any part of annual refresher training under Section 46.8 during the absence, the miner must be provided the missed training no later than 90 calendar days after the returning miner begins work at the mine.

There are no specific requirements for tracking, recording or verifying the accumulation of experience. It is the operator's responsibility to determine the miner's experience based on the miner's work and training history.

When hiring a new experienced miner, Part 46 does not require any specific proof of experience or documentation. However, a reasonable effort should be made to justify previous experience. This may include talking to previous employers, reviewing a resume, pay records, training records, etc.

Experienced miners, who are current with their annual refresher training and the appropriate task training and who move from one

mine site to another but remain employed by the same production-operator or independent contractor, are required to receive Site-specific Hazard Awareness Training at each mine where they work.

46.7 New Task Training

Part 46 does not specify the amount of time that must be spent on task training. The performance-oriented approach of Part 46 allows for the needs of individual miners to be taken into account when determining the amount of time. A reasonable amount of time must be allotted for training in each task, based on the individual needs of the miner and the complexity of the assigned task.

If an experienced miner is trained on a specific piece of equipment and is then assigned to operate a similar piece of equipment that is a different model or made by a different manufacturer, that miner is required to receive new task training on the new piece of equipment. Although there may be similarities among different types of equipment, each type of equipment has unique operational characteristics. **Miners must be trained on the unique characteristics of each piece of equipment that they are assigned to operate.**

Under Part 46 the written training plan must address each task for which training will be conducted. The training plan must include a general description of the teaching methods, course materials, evaluation methods and competent person(s) who will conduct the training. Additionally, the plan must list the approximate time or range of time to be spent on each task training.

The time spent conducting each type of task training must be recorded and listed on the certificate of training form. **A "record" of task training must be made at the completion of new task training.** New task training records must be "certified" at least once every 12 months or upon request by the miner.

Task training can be a part of new miner training. Although it has a slightly different name, new miners must receive instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks.

Hands-on training can be used to complete task training. The regulation provides that; "practice under the close observation of a competent person may be used to fulfill the requirement for task training." While training under close observation may be done in a

production mode, emphasis should be placed on the training and not the production.

46.8 Annual Refresher Training

Section 46.8 requires that annual refresher training include instruction on changes at the mine that could adversely affect the miners' health or safety. In addition, refresher training must also address other health and safety subjects that are relevant to mining operations at the mine. Section 46.8 includes an extensive list of recommended subjects for refresher training. The flexibility of the performance-based approach of Part 46 allows production-operators and independent contractors to determine the subjects to be covered in annual refresher training based on the needs of their workforce and their operations.

In the regulation, the Section on annual refresher training lists recommended subjects that could be included in the training. It is not acceptable to list all these subjects on the training plan and choose different subjects from year-to-year. The training plan needs to accurately represent each subject which you plan to cover during annual refresher training.

As a reminder, if this list is modified, the miners' representative, if any, must be provided with a copy of the plan at least 2 weeks before the plan is implemented. If no miners' representative has been designated, post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before the plan is implemented.

Annual Refresher Training Anniversary Dates

Annual refresher training anniversary dates are tracked monthly. For example, if a miner completed annual refresher training some time in February, the next annual refresher training must be completed by the end of the following February.

46.9 Records of Training

Part 46 requires that operators record and certify the training that miners receive. Recording means creating a written record of the training. The record must include:

- the full name of the person trained;
- the type of training;
- duration of training;
- the date the training was received;
- the name of the competent person who provided the training;
- name of mine or independent contractor;

- MSHA mine identification or independent contractor number (if applicable); and
- location of training (if an institution, the name and address of institution).

Certifying means verifying, by signature, that the training listed on the written record was completed as indicated on the form. Part 46 requires that this certification be done by the person who has been designated by the operator as responsible for health and safety training at the mine and whose name appears on the training plan. Certifying is required at the completion of training, such as at the end of the 24 hours of new miner training.

Training records must be certified at:

- the completion of new miner training;
- the completion of newly hired experienced miner training;
- the completion of the 8 hours of annual refresher training;
- least once every 12 months for new task training or upon request by the miner; and
- the completion of Site-specific Hazard Awareness Training for miners

A training record or certificate may be maintained in any format, provided that it contains the information listed in Section 46.9(b). A "Certificate of Training Form" (MSHA Form 5000-23) may also be used. If an MSHA Form 5000-23 is used it must list the competent instructor(s) who conducted the training, the duration of the training and that the training is for Part 46.

MSHA has developed a sample form which can be used. Both the sample form and the MSHA Form 5000-23 are available from MSHA's Internet Home Page (www.msha.gov), from MSHA's Educational Field Services Division, or from MSHA District and Field offices.

Under Section 46.9(b), the records of training must include the name of the competent person who provided the training. If more than one competent person provided the training, the names of all persons must be included.

It is acceptable to list more than one miner on a record or certificate of training. Part 46 allows operators flexibility in choosing the appropriate form for records of training, provided that the form used includes the minimum information specified in Section 46.9(b)(1) through (b)(5).

The person who has been designated by the operator or independent contractor as responsible for health and safety training is required to certify, by signature, that training has been completed. This should not be confused with the "competent person" who conducts the training. For example, a state, vocational school or cooperative instructor listed in a training plan may conduct the training and be recorded as the competent person for each subject they teach. The person, who is designated as the person responsible for Part 46 as indicated on the training plan, must certify that the training was completed.

Making Records Available to MSHA

A copy of each miner's training records and certificates must be made available for inspection by MSHA and for examination by miners and their representatives. This includes both certified training records and records that have not yet been certified.

Maintaining Training Plans and Records

Operators and contractors must make available for inspection by MSHA and by miners and their representatives training plans, training records and certificates (Section 46.9 (g)). If the training plan, training records or certificates are not physically kept at the mine site, they must be "produced upon request;" such as by having them sent from another location via fax machine or computer. Training plans must be made available within one business day, but training records, and certificates with the signature of the person responsible for health and safety training must be made available before inspection activity at the mine concludes for the day. The reason for the difference is a matter of urgency. If a miner is untrained or improperly trained, it is a hazard to the miner and to other miners.

Training records and certificates must be made available to the inspector at the mine site. The inspector may choose, as a matter of convenience, to inspect the records at the office or location where the records are maintained or have them faxed to an MSHA office for his or her inspection that day.

Training Certificates for People who are not Considered Miners

A record of training is not required for Site-specific Hazard Awareness Training for persons who are not miners under Section 46.2.

However, operators must be able to provide evidence to us, upon request, that the training, when applicable, was provided. This evidence may include the training materials used, including

appropriate warning signs, written information distributed to persons, or a visitor log book that reflects that Site-specific Hazard Awareness Training has been given.

46.10 Compensation for Training

Training under Part 46 must be conducted during normal working hours, and the miner must receive the same rate of pay he or she would have received if performing normal tasks at that time. For example, if a miner is paid at time and a half for working on Saturday, the miner must be paid at that same rate for receiving training on Saturday.

46.11 Site-specific Hazard Awareness Training

Part 46 provides that Site-specific Hazard Awareness Training may be provided through the use of written hazard warnings, oral instruction, signs and posted warnings, walk around training, or other appropriate means that alert affected persons to site-specific hazards at the mine. Part 46 allows the flexibility to tailor hazard awareness training to the specific conditions and practices at the mine. In many cases, an effective Site-specific Hazard Awareness Training program will include a combination of different types of training. The training must be sufficient to alert affected persons to site-specific hazards.

Site-specific Hazard Awareness Training is not required for any person who is accompanied at all times by an experienced miner who is familiar with hazards specific to the mine site.

46.12 Responsibility for Independent Contractor Training

Section 46.12(a)(1) establishes that the production-operator has primary responsibility for ensuring that Site-specific Hazard Awareness Training is given to employees of independent contractors, while Section 46.12(b)(1) establishes that each independent contractor who employs a miner under this Part has primary responsibility for complying with other required training. MSHA views Section 46.12 as a regulatory indication of whom the agency will cite for training violations under ordinary circumstances. Both the production-operator and the independent contractor share the responsibility that all miners receive all required training, and in extraordinary circumstances, MSHA may determine that both the production-operator and the independent contractor should be held liable for training violations.

Even though the production-operator has primary responsibility for ensuring that Site-specific Hazard Awareness Training is provided, there may be times when it is more practical for the independent

contractor to provide the training. Production-operators may provide independent contractors with site-specific hazard awareness information or training materials and arrange for the independent contractors to provide the training to the contractors' employees. Where this arrangement is made, the production-operator must list the independent contractor by name and document in their training plan that the independent contractor identified will be providing Site-specific Hazard Awareness Training. Even under this arrangement, the production-operator is still responsible for ensuring that the appropriate training is provided.

Independent Contractor Training Records

Independent contractors who are miners as defined by Part 46, must make available at the mine site where they are working, a copy of each miner's training certificate for inspection.

Compliance Guideline

MSHA's Part 46 Training Regulations Version 3 - Published May 28, 2001

Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines.

We (MSHA) developed this compliance guide to provide information to the surface nonmetal mining community about the new Part 46 training regulations. This is the second edition of this Compliance Guide. We have added additional questions and answers based on questions we have received since the release of the first guide.

We also wrote this guide in the more personal style advocated by the President's executive order on "Plain Language." In this guide "you" refers to the mine operator and independent contractor, and "we" and "us" refer to MSHA.

Part 46 is a performance-oriented rule and many of the requirements allow you to decide how and when your training will be conducted, select the topics appropriate for your mining operations, and choose the instructor(s). With a performance-oriented rule, like Part 46, there is more than one way to meet its requirements, and the way you comply may differ from another mining operation.

Although we believe that Part 46 is clearly written and easy to understand, we developed this compliance guide to answer typical questions about the rule. As we continue to work with mine operators and miners, we will learn from our experience and share this information with you through updates to this guide. We recognize that the safety and health hazards associated with mining are site-specific and mine operators need flexibility to achieve the new regulation's objectives. Part 46 was written with this in mind.

Please contact your local MSHA office if you have any questions about the applicability of Part 46 requirements at your operation.

General Section

1. Are other commodities not listed in the title to this regulation covered under Part 46?

Yes. Part 46 also covers surface mining operations at the following commodities: marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime.

2. Which training regulations apply — Part 48 or Part 46 — to miners who are employed in the surface area of an underground mine, e.g., the surface area of an underground limestone mine?

Surface areas of underground mines are and have been covered by Part 48. The Part 46 regulations therefore do not apply to training for miners who work in those areas. Miners who work in such areas must continue to receive training that complies with the Part 48 training regulations.

3. Are state and federal personnel who visit a mine covered by the Part 46 training requirements?

No. Government officials visiting a mine site are not required to receive Part 46 training. However, we expect those government agencies whose personnel visit mine sites will ensure that their employees are provided with appropriate personal protective equipment, and receive adequate instruction and training. Where training is not provided, such government officials should be accompanied by an experienced miner.

4. When will MSHA begin to enforce the provisions of the Part 46 training rules?

The Part 46 training rules become effective October 2, 2000, and will then be subject to enforcement.

5. Do I have any responsibilities or obligations under Part 46 training rules between October 1999 and October 2, 2000?

The regulations will become effective on October 2, 2000. At that time, you must have a training plan developed and in place. In addition, beginning at that time, you must: train any new miners who have never worked at a mining operation before, and make

sure that your “experienced” miners are on schedule to receive their annual refresher training, and make sure all miners are experienced based on one of the criteria listed in the regulation for becoming an experienced miner, and make sure all people requiring site-specific hazard training are receiving this training.

6. Are there any “key” dates in the rule that I should know about?

The key dates to keep in mind are October 2, 2000, when you must have a training plan in place, that is being implemented, and March 30, 2001, when all of your experienced miners, who were employed before March 30, 2000, must receive annual refresher training (unless you’ve been providing annual refresher training all along, in which case you may continue using the 12 month schedule already established).

7. If a crusher that typically operates at mines that fall under the Part 46 regulations is moved onto a mine site where Part 48 regulations apply, what set of regulations would apply?

If the crusher is being operated at a mine site where the Part 48 regulations apply, the workers who operate the crusher are required to receive Part 48 training. MSHA’s Educational Policy and Development group has anticipated such an overlap between Parts 46 and 48 and are available to assist with training plans to minimize any unnecessary redundancy in complying with both training rules.

8. What type of training is required for commercial over-the-road truck drivers, including customers who drive onto mine property and have their trucks loaded, and then deliver their load off the mine property?

Commercial over-the-road truck drivers are required to have Site-Specific Hazard Awareness training. Part 46 affords operators the discretion to tailor site-specific hazard awareness training to the unique operations and conditions at their mines. However, the training must in all cases be sufficient to alert affected persons to site-specific hazards. We intend that hazard awareness training be appropriate for the individual who is receiving it and that the breadth and depth of training vary depending on the skills, background, and job duties of the recipient.

46.2 Definitions - General

9. Are construction workers required to be trained before working on mine property?

Yes. Construction workers must receive comprehensive training if they are exposed to mine hazards at mining operations for "frequent or extended periods." Comprehensive training includes new miner training or newly hired experienced miner training, as appropriate, annual refresher training and training in new tasks. If they are not at mine sites for frequent or extended periods, they are required to receive site-specific hazard awareness training appropriate for the hazards they are exposed to while at the mine.

Competent Person

10. Is a competent person an Agent of the company?

A person who is designated by the production-operator or the independent contractor as a competent person who is qualified to instruct miners and evaluate whether training is effective does not become an agent of the operator under Sections 110(c) and 110(d) of the Mine Act solely because of that assignment. Section 46.9(b)(5) requires that the person designated by the operator in the MSHA-approved training plan as responsible for health and safety training must certify that each miner has completed the required training. If the competent person and the designated person are the same, then that person could be liable as an agent of a corporate operator for knowingly permitting miners to work who have not received applicable Part 46 training.

11. What are the criteria for becoming a competent person?

A competent person is a person who is designated by the production operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able to effectively communicate the training subject to miners, and evaluate whether the training given to miners is effective.

12. Are persons who provide instruction to miners in mining subjects required to be approved by MSHA?

No. Part 46 does not require that instructors be approved by us. Under Section 46.4(a)(2), training must be provided by a "competent person."

Section 46.2(b) defines "competent person" as a person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise.

The competent person must be able both to effectively communicate the training subjects to miners and to evaluate whether the training is effective. Production-operators and independent contractors are responsible for determining who is competent to instruct in the subjects listed in the training plan.

13. Can a "competent person" who provides training to miners be credited with the training they provide?

Yes. A competent person may be credited for receiving any training provided toward their own training requirements.

14. The definition of "competent person" does not specifically require the person to be experienced in a task. Does this mean a task training instructor is not required to be a "competent person?"

No. A person who provides task training must be a "competent person," which means that the person must have the ability, training, knowledge, or experience to provide training in his or her area of expertise. To provide miners with training in a particular task, the person must have the necessary expertise. In most cases, the person will acquire this expertise through experience in the task, but the necessary expertise may be acquired in other ways. For example, a person who receives formal training as an equipment operator may acquire enough knowledge to be competent to train miners in the operation of the equipment. The "competent person" must also be able to effectively communicate the information and be capable of evaluating whether the training is effective.

15. Must a person have worked in all areas of a mine before he or she can be designated as a "competent person"?

No. Under Part 46, a person may be a "competent person" and allowed to provide training to miners, even if the person has knowledge or experience in a limited subject area. However, the competent person can only provide training in these areas.

16. Can the list of "competent persons" in the training plan include a training institution or state grantee? Can the institution conduct the site-specific portions of the training?

Yes. Under Section 46.4(b), you may arrange with an organization to provide all or part of your training, including site-specific hazard awareness training, if the organization has access to the site and is knowledgeable about the site-specific hazards at the mine.

Some portions of Part 46 training are more site-specific than others. As an example, a training institution or state grantee will not usually have the necessary information to conduct task or site-specific hazard awareness training. Section 46.3(b) specifically provides that you must indicate in your training plan the organization and/or competent person(s) who will provide the training.

17. If I arrange with an outside organization, such as a state grantee, to provide training to my miners, does the record of training need to indicate the competent person who provided the training for each subject?

Yes. Even though operators may indicate in their training plan the organization that will provide training rather than the individual competent person, the record of training must list the specific competent person who conducted the training.

18. Can I list more than one "competent person" as the instructor for a specific subject on my training plan?

Yes. You may choose to identify more than one "competent person" as an instructor in a specific subject, and Part 46 allows this practice. You should be aware, however, that Section 46.9

requires the record of training to include the identity of the competent person who actually provided the training.

19. May an operator add additional "competent persons" to the training plan at any time?

Yes. You can make revisions to your training plan at any time, as long as the procedures set forth in Section 46.3 are followed.

20. Will the operator have to document the background of the "competent person" or explain the rationale for designating the individual as a "competent person"?

Part 46 does not require operators to document the background of the competent person. In cases where we have reasonable concerns that an individual who is designated as a "competent person" does not have the necessary expertise to instruct or to evaluate the effectiveness of the training, we may question the operator about the basis for this designation.

21. If I choose to designate someone to only conduct one portion of site-specific hazard awareness training, such as electrical hazards, do I need to list this limitation in the training plan?

Yes. If a competent person is limited to conducting only a portion of site-specific hazard awareness training, such as electrical hazards, the training plan needs to identify that limitation. If there are no limitations, only the name of the competent person needs to be listed for conducting site-specific hazard awareness training.

Equivalent Experience

22. What is equivalent experience?

"Equivalent experience" is defined in Part 46 as work experience where the person performed duties similar to duties performed in mining operations at surface mines. This could include working as a heavy equipment operator, truck driver, skilled craftsman, or plant operator. "Equivalent experience" includes such things as working at a construction site or other types of jobs where the miner has duties similar to the duties at the mine where he or she is employed in a work environment outside the mining industry.

23. Who decides what constitutes “equivalent experience”?

Production-operators and independent contractors must evaluate the work history of newly-hired employees in determining whether the employees are “experienced” miners. This determination is subject to review by us as part of our verification that production-operators and independent contractors have complied with the training requirements of Part 46.

24. Does a miner need to have accrued experience within a certain time frame in order for the experience to be counted as “equivalent experience”?

No. Part 46 does not require a miner to accrue experience within a certain time frame, whether it is mining experience or equivalent experience.

Experienced Miner

25. Are the miners working at my mine now considered experienced miners?

An experienced miner is a person who:

- (1) Is employed as a miner on April 14, 1999; or
- (2) Has at least 12 months of cumulative surface mining or equivalent experience on or before October 2, 2000; or
- (3) Began employment as a miner after April 14, 1999, but before October 2, 2000, and who has received new miner training under Section 48.25 or under the proposed requirements published April 14, 1999; or
- (4) Is employed as a miner on or after October 2, 2000, who has completed 24 hours of new miner training under Section 46.5 of this Part or under Section 48.25 of this title and who has at least 12 cumulative months of surface mining or equivalent experience.

26. I hired a new inexperienced miner in May, 2000. This person had no previous training or equivalent work experience. What training is required?

Since this person does not have the necessary 12 months of mining or equivalent experience, or new miner training, this person is required to receive new miner training by October 2, 2000.

27. An individual worked as a surface miner five years ago and has accrued 12 months or more of mining experience. Will this person be considered an "experienced miner" under Part 46?

Yes. An individual who has accrued at least 12 months of surface mining experience by October 2, 2000, is an "experienced miner."

28. Who is responsible for providing new miner training or newly hired experienced miner training to construction workers who are employees of an independent contractor?

Under Section 46.12, the employers of construction workers are primarily responsible for providing comprehensive training to their employees who are "miners" under Part 46. This does not prevent the independent contractor from arranging with the production-operator to provide the training to the contractor's employees. Production-operators retain the same responsibility for ensuring that everyone who comes onto mine sites has received the necessary site-specific hazard awareness training.

29. What type of training must be provided to maintenance or service employees of an independent contractor who come to the mine site to provide service on mining equipment?

If these employees maintain and/or repair mining equipment at mine sites for "frequent" or "extended" periods, they are engaged in "mining operations" under Part 46, and are considered miners for training purposes. However, if these employees are not at mine sites for "frequent" or "extended" periods, they will not be considered miners for training purposes and must receive site-specific hazard awareness training at each mine.

"Frequent" exposure is defined as a pattern of exposure to hazards at mining operations occurring intermittently and repeatedly over time.

"Extended" exposure means exposure to hazards at mining operations of more than five consecutive work days.

30. Once a miner has become an "experienced miner" under the Part 46 regulations, would that individual also be considered an "experienced miner" under the Part 48 regulations?

Not necessarily. Although it is possible for a miner to be considered an "experienced miner" under both regulations, it is not automatic. A miner must satisfy one of the definitions of "experienced miner" in Part 48 in order to be considered experienced under that rule. Also, the training would have to be conducted according to an MSHA - approved Part 48 training plan by an MSHA approved instructor.

31. If a miner becomes an "experienced miner" under Part 46, is that status good at other mines where the miner may work?

Once a miner becomes an "experienced miner" under Part 46, the miner is considered an "experienced miner" at any mine where Part 46 applies.

32. Once a person becomes an "experienced miner," what type of training is required?

An experienced miner hired by a mine operator must receive newly-hired experienced miner training prior to beginning work at any different mine, training for any new tasks assigned, and at least 8 hours of annual refresher training every 12 months.

If the experienced miner is an independent contractor, site-specific hazard awareness training is required at each mine. Also, the independent contractor must receive training for any new tasks and at least 8 hours of annual refresher training every 12 months.

33. What kind of documentation is needed to establish a miner's 12 cumulative months of surface mining or equivalent experience.

Part 46 does not impose any specific requirements for tracking or recording the accumulated experience. It is the responsibility of production-operators and independent contractors to determine the miner's experience, based on the miner's work and training history.

Mining Operations

34. What training is required for an independent contractor performing maintenance and repair on mining equipment that is shutdown, and not in close proximity to active mining operations?

If the work performed is on a frequent or extended basis, the independent contractor will be considered a miner and require comprehensive training. "Frequent" exposure is a pattern of exposure to hazards at mining operations occurring intermittently and repeatedly over time. "Extended" exposure means, exposure to hazards at mining operations of more than five consecutive work days. Even though the mining equipment may be shutdown, and the work performed away from mining activities, the rule includes maintenance and repair of mining equipment as part of the "mining operations." These activities are a routine part of mining activities and expose repair and maintenance people to many of the same hazards as other miners.

Newly Hired Experienced Miner

35. What training is required for experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor?

Miners who move from one mine site to another, but remain employed by the same employer are required to receive site-specific hazard awareness training at each mine where they work.

36. What training is required for experienced miners who are permanently transferred from one mine to another, but who remain employed by the same production-operator?

Miners who are permanently transferred from one mine to another, but remain employed by the same employer are not considered "newly hired experienced miners" and are required to receive site-specific hazard awareness training at the mine where they are transferred.

37. I am an independent contractor who employs miners who, as a regular part of their job, work at multiple mine sites. What type of training do these miners need?

Miners must receive new miner or newly hired experienced miner training when they are initially hired, appropriate task training, and no less than 8 hours of refresher training every 12 months. Additionally, miners who move from one mine to another mine while remaining employed by the same production-operator or independent contractor must receive site-specific hazard awareness training for each mine where they work.

Normal Working Hours

38. What are normal working hours?

Section 46.10 provides that training must be conducted during "normal working hours," which is defined in Section 46.2(k) as "a period of time during which a miner is otherwise scheduled to work."

39. Does Part 46 allow training to be conducted on a Saturday, provided that the miners are paid?

Training given under Part 46 must be provided during "normal working hours." For example, if miners usually work on Saturday, they can be trained on Saturday. Part 46 also requires that miners who are being trained be paid at a rate of pay they would have received had they been performing their normal work tasks.

Section 46.3 Training Plans

40. Where can I get a copy of a sample training plan?

Sample plans are available on our Internet Home Page at **www.msha.gov**, and can be obtained from MSHA's Educational Field Services Division, MSHA's National Mine Health and Safety Academy in Beckley, West Virginia, your local MSHA office, and most states participating in the MSHA State Grants Program. These sample plans can be used by operators and independent contractors as a basis for developing their own mine-specific plans.

41. If a mine operator must revise a plan immediately prior to training, must he go through the 2-week review before giving the training?

Section 46.3(b)(4) requires that the production-operator and the independent contractor include in their approved training plan a list of persons who will provide the training, and the subject areas in which each person and/or organization is competent to instruct. Section 46.3(j) requires mine operators to comply with the procedures for plan approval under this Section whenever the plan undergoes revision. This includes sharing the revised plan with miners or their representatives before implementing it.

If the mine operator has miners gathered for training and the competent person listed in the approved training plan cannot provide the training, the mine operator may substitute an unlisted competent person for the listed competent person without the 2-week advance notice as required in 30 CFR 46.3(d), provided that the operator informs all miners to be trained and their representatives prior to substituting the competent person, and provided that no miners or their representatives object to the substitution. This allows greater flexibility in the standard and upholds the spirit of the regulation.

42. I am an independent contractor who provides training to my employees under Part 48. Is there anything else I need to do before my employees work at mine sites where the Part 46 regulations apply?

It is possible for an operator to develop a training program that complies with both sets of regulations. An operator can easily

adjust a training plan developed under Part 48 to address the new Part 46 training requirements, by making the following changes:

Designate and list in the plan a competent person who will teach each subject, including task training; List the approximate time or range of time that will be spent on each subject area listed on the training plan; and describe the evaluation procedures used to determine the effectiveness of all required safety and health training.

43. In Section 46.3(b)(1), the regulation requires an independent contractor to list the MSHA independent contractor number on the training plan. As an independent contractor, do I need to have an MSHA independent contractor number in order to have an approved training plan?

If you have or get an MSHA independent contractor number, you must put it on your training plan. Unless required for other purposes under Title 30 CFR, MSHA does not require an independent contractor to get an MSHA contractor ID number for the purpose of having an approved Part 46 training plan.

44. Is every independent contractor who employs miners required to develop and implement a training plan?

Yes. Independent contractors who employ “miners” are primarily responsible for providing comprehensive training to their employees. This requires them to develop a training plan containing effective programs for providing this training. If arrangements are made to receive training from the production-operator, it must be indicated in the independent contractor's training plan.

45. Can an independent contractor use a production-operator's training plan when the contractor's employees are required to have newly hired experienced miner training?

Yes. There is nothing in Part 46 that would prevent an independent contractor from arranging with the production-operator to have the production-operator provide training to the independent contractor's employees. However, the independent contractor's plan should clearly indicate that the training for the independent contractor's employees will be conducted by the

production-operator. Further, the independent contractor must ensure that the plan approval requirements are followed with respect to his or her employees.

For example, the independent contractor must provide the miners or their representative with a copy of the plan at least 2 weeks before the plan is implemented.

46. Can more than one person be designated by the operator in the training plan as responsible for health and safety training at the mine?

Yes. We recognize that some operators, particularly those who operate large facilities, may want the flexibility of having more than one person who can certify that training has been given under Section 46.3(b)(5). There is nothing in the Part 46 regulations that would prevent an operator from giving this responsibility to more than one person.

47. If a production-operator has multiple mining operations that are several miles apart, is it acceptable under Part 46 to have only one person designated as the person responsible for miner health and safety training at all of the operator's mines?

Part 46 allows the operator flexibility in making these designations. For example, it is acceptable if the operator designates only one person as the person responsible for training at all mines. On the other hand, the operator may choose to designate a responsible person at each individual mine. In either case, this person is responsible at each individual mine for ensuring that training is effective and provided according to the training plan.

48. Can I have one plan that covers multiple mines?

Yes. A training plan can be used for more than one mine. The plan would need to cover all the appropriate training requirements, including site-specific hazard awareness training, at each mine listed on the plan.

49. Must the person who is designated as responsible for health and safety training at the mine also be listed as a "competent person" on the training plan?

No. Part 46 does not require that the person who is designated as responsible for training also be a "competent person" for training purposes.

50. Is the person who is designated as responsible for training at the mine required to be a supervisor or manager?

No. However, mine operators and independent contractors must choose someone who has the authority to verify and certify that the training was effective and done in accordance with the training plan and the regulations.

51. Must the person who is designated as responsible for training actually observe the training before he or she certifies the record?

No. However, this person must understand what training is being given, since this person is ultimately responsible for certifying that the training was completed. Further, this person is certifying to the fact that the training indicated on the certification was conducted in accordance with the training plan.

52. Section 46.3(b)(3) requires that the training plan indicate the subject areas to be covered in the training and the approximate time to be spent on each subject area. What does "approximate time" mean?

"Approximate time" means the operator's reasonable estimate of the amount of time that will be spent on a particular subject. For example, the training plan could indicate that the course will last over a specified range of time, such as from one to two hours. The plan could also indicate that training in a particular subject may last "approximately 3 hours," recognizing that when the training is actually given it may require more or less time than is indicated in the training plan. This flexibility allows for adjustments based on changing mine conditions or operations, including the needs and experience of the individuals who receive the training.

53. In the regulation, the Section on annual refresher training lists recommended subjects that could be included in the training. Can I list all of these subjects in my training plan and select different subjects from this list each year?

No. The training plan needs to accurately represent each subject which you plan to cover during annual refresher training. As a reminder, if you modify this list, you must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented. If no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the training.

54. How should a mine operator evaluate the effectiveness of training?

The rule allows the mine operator to select the method that they will use to decide if training has been effective. Possible evaluation methods include administering written or oral tests, or a demonstration by the miner that he or she can perform all required duties or tasks in a safe and healthful manner.

In addition, periodic work observations can be used to identify areas where additional training may be needed and such observations, along with feedback from the miners, could be used to modify and enhance the training program.

55. If MSHA reviews a plan for approval, what are the guidelines for the appropriate amount of time that should be devoted to each subject?

Part 46 takes a performance-oriented approach to training and provides operators with flexibility to design training programs that are appropriate for their workforce and operations. For these reasons, there are no specific requirements as far as how much time should be spent on training in certain subjects. However, Section 46.3(a) requires that the plan contain "effective" programs for training, and the time devoted to each subject should be adequate to cover the necessary subject area. Where the times allotted do not appear to be appropriate for the subjects listed, we will ask for additional information on the justification for the time specified. Where the time allotted is clearly inadequate, we will ask for additional time to be provided.

56. If our plan has been submitted to and approved by MSHA, do we need to send our plan to MSHA for approval of any subsequent revisions to the plan?

No. Obtaining traditional MSHA approval of your plan does not lock you into traditional approval procedures thereafter. You may follow the informal plan approval procedures in Section 46.3(b) rather than request traditional MSHA approval under Section 46.3(c), even if MSHA has formally approved previous versions of your training plan.

57. Can miners and miners' representatives simply request that MSHA review an operator's training plan, or must they give a reason for requesting the review?

Part 46 does not require that miners or their representatives provide a reason before they request MSHA review of an operator's plan.

58. What do the regulations require in an approved training plan?

A training plan must address all the elements of training that miners must receive. This includes new miner training, newly hired experienced miner training, annual refresher training, new task training, and site-specific hazard awareness training for those persons coming onto your site. The plan must also include the following:

1. The name of your operation, and the mine ID number or independent contractor ID number (if the contractor has an ID number);
2. The name of the person and position of the person who is responsible for the health and safety training at the mine;
3. A general description of the teaching methods and course materials that will be used in each training program, including the subjects and the approximate time to be spent on each subject;
4. A list of the persons and/or organizations who will be providing the training and the subjects that they can teach; and

5. The evaluation procedures used to determine the effectiveness of training.

59. Is the training plan required to list the name of a person who will provide only one type of task training — as an example, someone who only provides task training for a dozer operator?

Yes. The training plan must include the “competent person” who will instruct in **all** subjects, including the name of the person who will provide only one type of task training. It is acceptable to indicate the names of several potential instructors for one subject or course, where the operator may call on one of several competent persons to provide the training.

60. When is a training plan required to be revised?

Part 46 does not set a specific time period for plan revision. However, the training plan must provide accurate and up-to-date information about the details of an operator’s training programs.

For example, if you add a new task, add a new competent person, or change some of the subjects in annual refresher training, then your training plan must be revised. Additionally, Section 46.3(j) requires operators to comply with the Part 46 plan approval procedures, including sharing the plan with miners or their representatives, whenever the training plan undergoes revisions.

61. Section 46.3(i) requires a copy of the training plan to be produced within one business day of a request by us or the miners or their representatives. How long is “one business day”?

If we request that an operator produce a training plan for examination on Tuesday at 1:00 p.m., the deadline for producing the plan would be 1:00 p.m. on Wednesday. If we request that an operator produce a plan at 2:00 p.m. on Friday at a mine that does not operate over the weekend, the deadline for producing the plan would be 2:00 p.m. on Monday.

Section 46.4 Training Plan Implementation

62. Do informal safety and health meetings have to last a certain length of time before they can be credited toward new miner training, newly hired experienced miner training, or annual refresher training?

No. Part 46 does not impose a minimum duration for training sessions. However, Part 46 training must be documented in accordance with the requirements of Section 46.9 for records of training. This Section requires a record showing the printed full name of the person trained; the type of training; the duration of training; the date the training was received; and the name of the competent person who provided the training. Only the portion of the session actually spent in training can be included when indicating the duration of the training.

For example, when 10 minutes of a work crew's normal 15-minute weekly safety meeting is devoted to training; the 10 minutes can be recorded and credited toward required training. You cannot count the time spent before a training session begins when the miners are assembling and socializing.

63. Can miners at similar mining operations receive their mandatory training together?

Yes. The requirements of Part 46 would not prohibit miners at similar mining operations from receiving training at the same time, so long as the training complies with all applicable requirements of Part 46.

Many subjects, such as miners' rights, recognition and avoidance of electrical hazards, and first aid, are common to different operations. Other subjects, such as introduction to the work environment, traffic patterns and controls, task training, escape and emergency evacuation plans, are specific to each mine site and would have to be addressed separately.

64. My mine is very small, and I just don't have the personnel to conduct the training. Are there other organizations that I can go to?

Yes. There are many organizations capable of providing training. Forty-four states and the Navajo Nation receive grants from us

and have been providing training to small mine operators for many years. These grant programs are a resource for training and can help in developing your plans. A list of the grantees can be found through our homepage at www.msha.gov. Click on the blue tab on the right side of the screen for "Education & Training," and then click on "State Grant Program Information." However, these organizations do not generally provide "site-specific" or "task" training. An operator or contractor must still develop or adopt a plan that addresses the hazards at the mine and fits the needs of their miners.

65. Can training that is given to satisfy OSHA requirements, such as hazard communication training, be credited as part of the annual refresher training under Section 46.8?

You may substitute health and safety training required by OSHA or other federal or state agencies to meet Part 46 requirements. The training must be relevant to the subjects required under Part 46, and documented accordingly.

66. Section 46.4(a)(3) requires that training be presented in a language understood by the miners who are receiving the training. Does this mean that if you have an employee who speaks and understands little or no English, the training must be presented in a language the employee can understand?

Yes. If the employee is not fluent in English, training must be given in a language the employee understands. Our concern is that employees who are not sufficiently fluent in English will not be effectively trained if the training is in English.

67. Does the requirement that training be presented in a language understood by the miners who are receiving the training apply to site-specific hazard awareness training?

Yes. In addition, if warning signs at the mine serve as a component of the site-specific hazard awareness training, the signs must be in a language or languages that are understood by the persons who come onto the mine site.

68. If a competent person is providing training to a group, and some individuals are not fluent in English, is it permissible to use a person who is not a competent person as a translator?

Yes. The translator would not need to be a "competent person" under the Part 46 definition. However, when using a translator, the operator or contractor should ensure the translator has the ability to translate the information accurately and completely. Further, the translator should be familiar with the subject and terminology in the language being translated, not just in English.

69. If a company uses a computer-based training (CBT) program for their Part 46 training, who is considered the competent person?

While we encourage the use of innovative training methods, Part 46 requires that a "competent person" oversee the training. This would not necessarily require that the competent person be in the room at all times, but would require monitoring the student's progress to ensure the training was effective and completed.

70. If a company uses a computer-based training (CBT) program for their Part 46 training, what are the monitoring requirements of the competent person?

We consider computer-based or other interactive training technologies to be training "methods," to be used by a competent person effectively and appropriately. This would not necessarily require that the competent person be in the room at all times; however, the competent person must be available to evaluate the trainees progress and answer questions as they arise.

Section 46.5 New Miner Training

71. What training is required for a person who has only received the initial 4 hours of new miner training, does not have the required 12 months of mining or equivalent experience, and goes to work at another mine?

To be considered an experienced miner under Part 46, a person must have completed 24 hours of new miner training and have a total of 12 months of mining or equivalent experience. A person who only received the initial 4 hours of training as defined in

Section 46.5(b), must receive new miner training at subsequent mines.

As an example, a person receiving the initial 4 hours of training at a mine, and who works for 3 weeks, is not considered an experienced miner. Since this person only has 3 weeks of mining or equivalent experience and 4 hours of training, this person must receive the initial 4 hours of training at the next mine where he or she is employed. As a reminder, you may use relevant training under Part 48 standards, the Occupational Safety and Health Administration (OSHA), or other federal or state agencies to meet the training requirements of Part 46.

72. What courses are mandatory in new miner training?

There are 9 mandatory subjects. Before a new miner begins work, he or she must receive a minimum of 4 hours of training in the following 7 subjects, which must also address site-specific hazards:

1. An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walk around training). The method of mining or operation utilized must be explained and observed;
2. Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions;
3. A review of the emergency medical procedures, escape and emergency evacuation plans in effect at the mine, and instruction on the firewarning signals and firefighting procedures;
4. Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks;
5. Instruction on the statutory rights of miners and their representatives under the Act;

6. A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and
7. An introduction to your rules and procedures for reporting hazards.

A new miner must receive instruction in the following subjects, no later than 60 days after beginning work —

8. Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine; and
9. A review of first aid methods.

73. Section 46.5 requires new miners to receive training in specific subjects within 60 days of beginning work, and also requires that new miners receive all 24 hours of the required training within 90 days. Are these deadlines measured in calendar days or working days?

Both the 60-day and 90-day periods prescribed by Part 46 are calendar days.

74. How much of new miner training must be in a classroom environment?

Part 46 does not specifically require that any portion of new miner training be presented in a classroom environment. Section 46.4(d) provides that training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination of training methods. The most effective training will probably include a variety of methods.

75. How much of the 24 hours of new miner training can be devoted to training on the health and safety aspects of new tasks?

Part 46 leaves discretion to the production-operator and independent contractor to determine the appropriate amount of time to be spent on this aspect of training. Although Part 46 does not specify the amount of time that must be devoted to particular subjects, all required subjects must be adequately covered. In some cases, a substantial amount of time may be devoted to training a new miner in the health and safety aspects of new tasks, if he or she has little or no previous experience. In other cases, the time spent on health or safety aspects of new tasks may be less.

76. Miners who have not completed the 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner. Does this mean one-on-one?

No. However, the experienced miner needs to be in a position to be able to appropriately observe the new miner's job performance. In some cases, the experienced miner may also be the "competent person" designated to conduct the training.

77. Section 46.5(e) requires that new miners be under the "close observation" of a competent person when practicing as part of the health and safety aspects of an assigned task. What does "close observation" mean?

"Close observation" means that the competent person must have the ability to observe a new miner's work practices during task training ensuring the miner is not jeopardizing his or her own health and safety or the health and safety of others. We do not mean that the competent person must completely abandon his or her normal duties, as long as the competent person can adequately monitor the work practice. However, in some situations, the competent person may have to cease normal work duties to ensure that this performance-based standard is met.

78. Is a new miner, who has not completed 24 hours of training, required to work under the close observation of a competent person after receiving training on a specific task?

No. If the training is completed for the specific task, the miner no longer needs to be under the close observation of a **competent person**. However, since the miner has not completed the 24 hours of "New Miner Training," the miner is required to work where an **experienced miner** can observe his or her work practices until the 24 hours of training is completed.

79. We have pieces of mobile equipment that only have a place for the equipment operator, and no space for a passenger. How can a competent person "closely observe" a miner who is being trained in the health and safety aspects of operating that piece of equipment?

When available, the passenger seat is the best location for a competent person providing training to a miner in safe operation of the equipment. However, when a passenger seat is not available, the competent person should be positioned in a safe location in close proximity to the equipment being operated. The competent person should closely observe and monitor the miner's actions from that location.

80. If new miners receive hands-on training in the jobs they will be performing, can the time spent on this training be counted toward the 24 hours of training required for new miners under Section 46.5?

Yes. Part 46 allows practice under the "close observation of a competent person" to be used to fulfill the requirements for training on the health and safety aspects of assigned tasks required for new miners under Section 46.5(b)(4). Hazard recognition training specific to the assigned task must be given before the miner performs the task. The time spent in training may be credited toward the 24 hours of required new miner training.

81. Am I required to use an approved/certified first aid instructor to teach a review of first aid methods under Section 46.5(b)?

No. The review of first aid methods for new miners under Part 46 does not require comprehensive first aid training; however, the training must be conducted by a competent person.

82. What constitutes a “review of first aid methods?” What must this review include to comply with the requirement?

Consistent with the performance-oriented approach taken in the rule, Part 46 does not specify what areas must be covered as part of this review. However, it would be appropriate to address basic first aid techniques as part of the review. Compliance with this requirement does not require you to hire an approved first aid instructor or obtain first aid teaching equipment. This review is not a substitute for the first aid requirements in 56.18010 “first-aid.”

83. I am an independent contractor with employees that are required to have 24 hours of new miner training under Part 46. Is it acceptable for me to provide the 24 hours of training at my own facility, or must I provide some of the training on a mine property where my employees will be working?

Part 46 does not require an independent contractor to provide its employees with any of the 24 hours of new miner training on mine property. However, when an employee of an independent contractor goes to a mine site, he or she must receive appropriate site-specific hazard awareness training applicable to the miner’s exposure to mine hazards. This site-specific hazard awareness training could include site-specific health and safety risks, such as geologic or environmental conditions, recognition and avoidance of hazards such as electrical and powered-haulage hazards, traffic patterns and control, and restricted areas; and warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures.

Section 46.6 Newly Hired Experienced Miner Training

84. Who is an experienced miner under Part 46?

The definition of “experienced miner” under Section 46.2 includes —

1. A person who is employed as a miner on April 14, 1999; or
2. A person who has at least 12 months of cumulative surface mining or equivalent experience on or before October 2, 2000; or
3. A person who began employment as a miner after April 14, 1999, but before October 2, 2000, and who has received new surface miner training under Part 48 or new miner training under the Part 46 proposed requirements; or
4. A person who began employment as a miner on or after October 2, 2000 who has completed new miner training under Part 46 or new surface miner training under Part 48, and who also has at least 12 months of cumulative mining or equivalent experience.

85. What subjects are required for newly hired experienced miner training?

Section 46.6(b) requires that newly hired experienced miners receive training in the following 7 subjects before the miner begins work at the mine —

1. An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walk around training). The method of mining or operation utilized must be explained and observed;
2. Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions;
3. A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and

instruction on the firewarning signals and firefighting procedures;

4. Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks;
5. Instruction on the statutory rights of miners and their representatives under the Act;
6. A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and
7. An introduction to your rules and procedures for reporting hazards.

No later than 60 days after the miner begins work:

8. You must also provide the miner with an instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices, if used at the mine,

86. How much time do I need to spend training a newly hired experienced miner?

Part 46 does not specify a minimum length of time that must be devoted to this training. The duration of the training needed by a newly hired experienced miner depends on the occupational experience of the miner, the work duties that the miner will perform, and the methods of mining and workplace conditions at the mine where the miner will be working. In all cases, the 7 subjects listed in Part 46.6(b) must be covered before assigning the miner to work.

87. If I hire a person, what kind of proof is necessary to determine if that person is an experienced miner?

We do not require documentation. However, you need to make a reasonable effort to justify previous experience. This may include talking to previous employers, reviewing a resume', pay records, certificate of training records, etc.

Section 46.7 New Task Training

88. How much time is required to train a miner in a new task?

Part 46 does not specify the amount of time that must be spent on specific areas of training. The performance-oriented approach of Part 46 allows for the needs of individual miners to be taken into account when determining the amount of time for particular aspects of training, including new task training. A reasonable amount of time must be allotted for training in each task, based on the individual needs of the miner and the complexity of the assigned task.

89. If an experienced miner was trained on a Caterpillar D8, and is then assigned to operate a similar piece of equipment made by Komatsu, is he or she required to receive new task training on the new piece of equipment?

Yes. Although there may be similarities among different types of equipment, each type of equipment has unique operational characteristics. Miners must be trained on the unique characteristics of each piece of equipment that they are assigned to operate.

90. Under Part 46 must the written plan address each specific task training subject?

Section 46.3 requires that the training plan include a list of the tasks, general description of the teaching methods and course materials that are to be used in the training program, and the approximate time or range of time to be spent on each subject area. Additionally, the plan must also contain a description of the evaluation procedures used to determine the effectiveness of the training.

91. Do I need to list the time spent conducting task training on the certificate of training form?

Yes. Section 46.9(b)(3) requires the duration of training be listed on the certificate of training form for each type of training.

92. Can task training be a part of new miner training?

Yes, although it has a slightly different name. New miners must receive instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks. The training should be recorded appropriately at the completion of training.

93. Can hands-on training be used to complete task training?

The regulation provides that; "practice under the close observation of a competent person may be used to fulfill the requirement for task training." While training under close observation may be done in a production mode, emphasis should be placed on the training and not the production.

94. Does task training have to be recorded and certified each time you train an employee in a specific task?

A "record" of task training must be made at the completion of each task training session. The training must be "certified" at least once every 12 months, or upon request by the trained miner.

Section 46.8 Annual Refresher Training

95. I understand that I must provide my current workers with some annual refresher training; do I have until October 2001 to complete that training?

No. Any of your miners who have not been receiving regular refresher training must receive 8 hours of annual refresher training by March 30, 2001.

96. How much refresher training must I give my employees each year?

Part 46 specifies a minimum of 8 hours each year. The subjects to be addressed and the length of each session is up to you, as long as you address any changes, such as new procedures, new mining equipment, or new health hazards that could affect the health and safety of the miners. If you want to provide the annual training in a single 8-hour session every year, that is

acceptable. If you would rather provide your miners' refresher training in smaller blocks of time, such as weekly toolbox talks that is acceptable, too. The total training time must add up to at least 8 hours.

97. What subjects must be covered as part of annual refresher training?

Section 46.8 requires that annual refresher training include instruction on changes at the mine that could adversely affect the miners' health or safety. In addition, refresher training must also address other health and safety subjects that are relevant to mining operations at the mine. Section 46.8 includes an extensive list of recommended subjects for refresher training. The flexibility of the performance-based approach of Part 46 allows production-operators and independent contractors to determine the subjects to be covered in annual refresher training based on the needs of their workforce and their operations.

98. Must the subjects that will be covered in annual refresher training be included in the training plan?

Yes. The training plan must identify the subject areas to be covered and the approximate time to be spent on each subject area.

99. Is it possible to provide annual refresher training that satisfies both Part 46 and Part 48 requirements?

Yes. You can design your annual refresher training program to satisfy the requirements of both Part 48 and Part 46. You should be aware that there are several differences in refresher training requirements for these two regulations.

For example, Part 48 requires that training sessions last a minimum of 30 minutes; Part 46 does not. Part 48 specifies a number of required subjects. Finally, Part 48 requires that training be conducted by MSHA-approved instructors. Part 46 does not require an MSHA-approved instructor to provide training, but rather provides that training must be given by a competent person, who has been designated by the production-operator or independent contractor.

100. Are training anniversary dates for annual refresher training tracked by the day the training is completed or by the month?

By the month. For example, if a miner completed annual refresher training some time in February, the next annual refresher training must be completed by the end of the following February.

Section 46.9 Records of Training

101. Part 46 requires that operators record and certify the training that miners receive. What does this mean?

Recording means creating a written record of the training. The record must include:

1. Full name of the person trained;
2. Type of training;
3. Duration of training;
4. Date the training was received;
5. Name of the competent person who provided the training;
6. Name of mine or independent contractor;
7. MSHA mine identification or independent contractor number (if applicable); and
8. Location of training (if an institution, the name and address of institution).

Certifying means verifying, by signature, that the training listed on the written record was completed as indicated on the form. Part 46 requires that this certification be done by the person who has been designated by the operator as responsible for health and safety training at the mine and whose name appears on the training plan. Certifying is required at the completion of training, such as at the end of the 24 hours of new miner training.

102. When do training records need to be certified?

Training records must be certified at the completion of new miner training; the completion of newly hired experienced miner training; the completion of 8 hours of annual refresher training; and least once every 12 months for new task training or upon

request by the miner; and the completion of site-specific hazard awareness training for miners.

103. Do the records of training have to be kept on a Certificate of Training Form (MSHA Form 5000-23)?

No. Training records and certificates may be maintained in any format that you choose, provided that it contains the information listed in Section 46.9(b). We have developed a sample form which you may use. You may also use a "Certificate of Training Form" (MSHA Form 5000-23) if you wish. Use of either of these forms is voluntary. Both of these (5000-23, sample forms) are available from MSHA's Internet Home Page (www.msha.gov), from MSHA's Educational Field Services Division, or from MSHA District and Field offices.

104. If I provide my employees with both Part 46 and Part 48 annual refresher training at the same time, do I have to keep two sets of training records?

Part 46 allows the use of the MSHA Certificate of Training form (Form 5000-23), which is used to document and certify training conducted under Part 48. However, Part 46 requires additional information not collected on Form 5000-23: 1) the duration of the training; and 2) the name of the competent person who provided the training. Part 46 also requires that the person designated to be responsible for the health and safety training at the mine, as listed on the Part 46 training plan, sign the certificate. If you wish to keep one set of training records to comply with both sets of regulations, you should use Form 5000-23, and include the additional information required by Part 46 on the form.

105. If one competent person conducted training in one subject and another conducted training in another subject (e.g., first aid), are the names of each subject and competent person required to be recorded?

Yes. Under Section 46.9(b), the records of training must include the name of the competent person who provided the training. If more than one competent person provided the training, the names of all persons must be included.

106. Is it acceptable to list more than one miner on a record or certificate of training?

Yes. Part 46 allows operators flexibility in choosing the appropriate form for records of training, provided that the form used includes the minimum information specified in Section 46.9(b)(1) through (b)(5).

107. Section 46.9(b) requires that the training certificate indicate the "location of training." What does "location of training" mean?

"Location of training" means the site where the training was provided. If training was given at the mine site, the record should indicate this. If training was given at a local community college, the training record should list the name and address of the community college.

108. Who is responsible for certifying that training has been completed?

The person who has been designated by the operator or independent contractor as responsible for health and safety training is required to certify, by signature, that training has been completed. This should not be confused with the "competent person" who conducts the training. For example, a state, vocational school, or cooperative instructor, listed in a training plan, may conduct the training and be recorded as the competent person for each subject they teach. The person who is designated as the person responsible for Part 46, as indicated on the training plan, must certify that the training was completed.

109. Are these records required to be made available to MSHA?

Yes. You must make available at the mine a copy of each miner's training records and certificates for inspection by us and for examination by miners and their representatives. This includes both certified training records and records that have not yet been certified.

110. Are training records required to be maintained on the mine site?

Part 46 requires that training records and certificates be "available" for inspection by MSHA and by miners and their representatives. This means that if you do not physically keep these records at the mine site, you must be able to quickly produce them upon request, such as by having them sent from another location via fax machine or computer. Records that are certified need to be presented with a signature of the person responsible for health and safety training.

111. Are training records required to be maintained on the mine site and why is there a difference in the time required to make a training plan available for inspection and the time required to make training certificates available for inspection?

Operators and contractors must make available for inspection by MSHA and by miners and their representatives training plans, training records and certificates. If you do not physically keep the training plan, training records or certificates at the mine site, you must be able to produce them upon request; such as by having them sent from another location via fax machine or computer. Training plans must be made available within one business day, but training records, and certificates with the signature of the person responsible for health and safety training must be made available before inspection activity at the mine concludes for the day. The reason for the difference is a matter of urgency. If a miner is untrained or improperly trained, it is a hazard to the miner and to other miners. You must make the training records and certificates available to the inspector at the mine site. The inspector may choose, as a matter of convenience, to inspect the records at the office or location where the records are maintained or have them faxed to an MSHA office for his or her inspection that day.

112. Are new miners required to keep copies of their training certificates on their person for inspection by MSHA personnel?

No. Production-operators and independent contractors, not miners, are responsible for making and maintaining required miner training records and certificates, and producing the

records and certificates upon request by MSHA or by miners or their representatives.

113. Are training certificates required for people who are not considered miners under Part 46?

No. You are not required to make records of site-specific hazard awareness training for persons who are not miners under Section 46.2. However, you must be able to provide evidence to us, upon request, that the training was provided. This evidence may include the training materials used, including appropriate warning signs, written information distributed to persons, or a visitor log book that reflects that site-specific hazard awareness training has been given.

Section 46.10 Compensation for Training

114. How much must miners be compensated while they take training?

Training under Part 46 must be conducted during normal working hours, and the miner must receive the same rate of pay he or she would have received if performing normal tasks at that time.

115. If a miner works 5 days and is paid an overtime rate on Saturday, does Part 46 require the miner to be paid an overtime rate for training that takes place on Saturday?

Yes. The miner must receive his or her normal rate of pay for time spent receiving training. This means that if a miner is paid at time and a half for working on Saturday, the miner must be paid at that same rate for receiving training on Saturday.

Section 46.11 Site-Specific Hazard Awareness Training

116. What options do I have in delivering site-specific hazard awareness training?

Part 46 provides that site-specific hazard awareness training may be provided through the use of written hazard warnings, oral instruction, signs and posted warnings, walkaround training,

or other appropriate means that alert affected persons to site-specific hazards at the mine. Part 46 allows you the flexibility to tailor your hazard awareness training to the specific conditions and practices at your mine. In many cases, an effective site-specific hazard awareness training program will include a combination of different types of training. The training must be sufficient to alert affected persons to site-specific hazards.

117. Is the requirement to "ensure" independent contractors receive site-specific hazard awareness training a strict liability standard?

Yes. Section 46.12(a)(1) establishes that the production-operator has primary responsibility for ensuring that Site-Specific Hazard Awareness training is given to employees of independent contractors, while Section 46.12(b)(1) establishes that each independent contractor who employs a miner under this Part has primary responsibility for complying with other required training. MSHA views Section 46.12 as a regulatory indication of whom the agency will cite for training violations under ordinary circumstances. Both the production-operator and the independent contractor share the responsibility that all miners receive all required training, and in extraordinary circumstances, MSHA may determine that both the production-operator and the independent contractor should be held liable for training violations.

118. Who is responsible for providing required site-specific hazard awareness training to employees of independent contractors?

Each production-operator is primarily responsible for ensuring that employees of independent contractors receive site-specific hazard awareness training. This means that production-operators must ensure that the training has been given, although they do not need to provide the training themselves. Production-operators may provide independent contractors with site-specific hazard awareness information or training materials and arrange for the independent contractors to provide the training to the contractors' employees.

119. How often must a person receive site-specific hazard awareness training? Annually? Once every 2 years?

A person requiring site-specific hazard training must receive this training prior to going on the mine property. Beyond that, Part 46 does not require that a person receive site-specific hazard awareness training at specific intervals. Part 46 requires that the training be sufficient to alert persons to the hazards they will encounter at the mine. This means that there may be cases where a person should receive additional site-specific hazard awareness training.

For example, if a person is away from the mine site for a period of time, it would be prudent to provide that person with refresher site-specific training. Additionally, if conditions at the mine undergo some change, some form of site-specific hazard awareness training must be given to alert persons of these changes.

120. Is a record of training required for a non-miner who receives site-specific hazard awareness training?

No. A training record is not required for non-miners who receive site-specific hazard awareness training. However, you must be able to provide evidence to MSHA, upon request, that the training was provided, such as by indicating the training materials that are used; providing copies of written information distributed to persons upon their arrival at the mine; or providing visitor log books that indicate that training has been provided.

121. If warning signs are used to provide site-specific hazard awareness training, is the training required to be recorded for each person the sign is intended for?

No. Section 46.9(i) provides that records of site-specific hazard awareness training are not required for persons who are not "miners" under Section 46.2. However, you must be able to provide evidence to MSHA, upon request, that the training was provided. This evidence could include training materials that are used; copies of written information distributed to persons upon their arrival at the mine; appropriate warning signs; or visitor log books that indicate that training was provided.

122. Section 46.11(b)(6) provides that maintenance and service workers who do not work at a mine site for “frequent and extended periods” are required to receive site-specific hazard awareness training. What constitutes “frequent or extended periods”?

“Frequent” exposure is a pattern of exposure to hazards at mining operations occurring intermittently and repeatedly over time. “Extended” exposure means exposure to hazards at mining operations of more than five consecutive work days.

123. What type of training is required for independent contractors who perform construction work on a mine property, but who are not actively engaged in mining operations?

Construction workers who are not exposed to hazards of mining operations as defined in Section 46.2(h) are required to receive site-specific hazard awareness training.

Section 46.12 Responsibility for Independent Contractor Training

124. Can a production-operator require an independent contractor to conduct site-specific hazard awareness training?

Under Section 46.12, production-operators have the primary responsibility to ensure that site-specific hazard awareness training has been given. Consistent with Section 46.4, production-operators may provide independent contractors with site-specific hazard awareness information or training materials and arrange for the contractors to provide the training to the contractors’ employees. However, production-operators retain the primary responsibility of ensuring that everyone who comes onto mine sites has received the necessary site-specific hazard awareness training.

125. Are production operators responsible for looking at contractor plans to see if they are ok?

No. As it applies to independent contractors, production - operators are not responsible for looking at an independent contractor's training plan.

126. As a contractor, do I have to carry records and certificates of all employees when, for instance, we are called out on an emergency belt replacement?

Yes. Independent contractors who are miners as defined by Part 46 must make available at the mine site where they are working a copy of each miner's training certificate for inspection.

Part 48 - Subpart A
Training and Retraining of Underground Miners
30 CFR 48.1 - Scope.

The provisions of this Subpart A set forth the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working in underground mines. Requirements regarding compensation for training and retraining are also included. The requirements for training and retraining miners working at surface mines and surface areas of underground mines are set forth in Subpart B of this Part.

30 CFR 48.2 - Definitions.

For the purposes of this Subpart A -

- (a)(1) Miner means, for purposes of Sections 48.3 through 48.10 of this Subpart A, any person working in an underground mine and who is engaged in the extraction and production process, or engaged in shaft or slope construction, or who is regularly exposed to mine hazards, or who is a maintenance or service worker employed by the operator or a maintenance or service worker contracted by the operator to work at the mine for frequent or extended periods. This definition shall include the operator if the operator works underground on a continuing, even if irregular basis. Short-term, specialized contract workers, such as drillers and blasters, who are engaged in the extraction and production process or engaged in shaft or slope construction and who have received training under Section 48.6 (Experienced miner training) of this Subpart A may, in lieu of subsequent training under that Section for each new employment, receive training under Section 48.11 (Hazard training) of this Subpart A.

This definition does not include:

- (i) Workers under Subpart C of this Part 48, engaged in the construction of major additions to an existing mine which requires the mine to cease operations;
- (ii) Supervisory personnel subject to MSHA - approved State certification requirements; and,
- (iii) Any person covered under paragraph (a)(2) of this Section.

(a)(2) *Miner* means, for purposes of Section 48.11 (Hazard training) of this Subpart A, any person working in an underground mine, including any delivery, office, or scientific worker or occasional, short-term maintenance or service worker contracted by the operator, and any student engaged in academic projects involving his or her extended presence at the mine. This definition excludes persons covered under paragraph (a)(1) of this Section and Subpart C of this Part.

(b) *Experienced miner* means:

- (1) A miner who has completed MSHA-approved new miner training for underground miners or training acceptable to MSHA from a State agency and who has had at least 12 months of underground mining experience; or
- (2) A supervisor who is certified under an MSHA-approved State certification program and who is employed as an underground supervisor on October 6, 1998; or
- (3) An experienced underground miner on February 3, 1999.
- (4)(i) A person employed as an underground shaft or slope construction worker on June 28, 2006; or
- (4)(ii) A person who has six months of underground shaft or slope experience within 24 months before June 28, 2006.

(c) *New miner* means a miner who is not an experienced miner.

(d) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work. This definition does not preclude scheduling training classes on the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the operator's common practice. Miners shall be paid at a rate of pay which shall correspond to the rate of pay they would have received had they been performing their normal work tasks.

(e) *Operator* means any owner, lessee, or other person who operates, controls or supervises an underground mine; or any independent

contractor identified as an operator performing services or construction at such mine.

- (f) *Task* means a work assignment that includes duties of a job that occur on a regular basis and which requires physical abilities and job knowledge.
- (g) *Act* means the Federal Mine Safety and Health Act of 1977.

30 CFR 48.3 - Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.

- (a) Except as provided in paragraphs (o) and (p) of this Section, each operator of an underground mine shall have an MSHA - approved plan containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:
 - (1) In the case of an underground mine which is operating on the effective date of this Subpart A, the operator of the mine shall submit such plan for approval within 90 days after the effective date of this Subpart A.
 - (2) Within 60 days after the operator submits the plan for approval, unless extended by MSHA, the operator shall have an approved plan for the mine.
 - (3) In the case of a new underground mine which is to be opened or a mine which is to be reopened or reactivated after the effective date of this Subpart A, the operator shall have an approved plan prior to opening the new mine, or reopening or reactivating the mine.
- (b) The training plan shall be filed with the District Manager for the area in which the mine is located.
- (c) Each operator shall submit to the District Manager the following information:

- (1) The company name, mine name, and MSHA identification number of the mine.
- (2) The name and position of the person designated by the operator who is responsible for health and safety training at the mine. This person may be the operator.
- (3) A list of MSHA - approved instructors with whom the operator proposes to make arrangements to teach the courses, and the courses each instructor is qualified to teach.
- (4) The location where training will be given for each course.
- (5) A description of the teaching methods and the course materials which are to be used in training.
- (6) The approximate number of miners employed at the mine and the maximum number who will attend each session of training.
- (7) The predicted time or periods of time when regularly scheduled refresher training will be given. This schedule shall include the titles of courses to be taught, the total number of instruction hours for each course, and the predicted time and length of each session of training.
- (8) For the purposes of Section 48.7 (New task training of miners) of this Subpart A, the operator shall submit:
 - (i) A complete list of task assignments to correspond with the definition of "task" in Section 48.2(f) of this Subpart A.
 - (ii) The titles of personnel conducting the training for this Section.
 - (iii) The outline of training procedures used in training miners in those work assignments listed according to paragraph (c)(8)(i) of this Section.
 - (iv) The evaluation procedures used to determine the effectiveness of training under Section 48.7 of this Subpart A.

- (d) The operator shall furnish to the representative of the miners a copy of the training plan two weeks prior to its submission to the District Manager. Where a miners' representative is not designated, a copy of the plan shall be posted on the mine bulletin board 2 weeks prior to its submission to the District Manager. Written comments received by the operator from miners or their representatives shall be submitted to the District Manager. Miners or their representatives may submit written comments directly to the District Manager.
- (e) All training required by the training plan submitted to and approved by the District Manager as required by this Subpart A shall be subject to evaluation by the District Manager to determine the effectiveness of the training programs. If it is deemed necessary, the District Manager may require changes in, or additions to, programs. Upon request from the District Manager the operator shall make available for evaluation the instructional materials, handouts, visual aids and other teaching accessories used or to be used in the training programs. Upon request from the District Manager the operator shall provide information concerning the schedules of upcoming training.
- (f) The operator shall make a copy of the MSHA - approved training plan available at the mine site for MSHA inspection and for examination by the miners and their representatives.
- (g) Except as provided in Section 48.7 (New task training of miners) and Section 48.11 (Hazard training) of this Subpart A, all courses shall be conducted by MSHA - approved instructors.
- (h) Instructors shall be approved by the District Manager in one or more of the following ways:
 - (1) Instructors shall take an instructor's training course conducted by the District Manager or given by persons designated by the District Manager to give such instruction; and instructors shall have satisfactorily completed a program of instruction approved by the Office of Educational Policy and Development, MSHA, in the subject matter to be taught.
 - (2) Instructors may be designated by MSHA as approved instructors to teach specific courses based on written

evidence of the instructors' qualifications and teaching experience.

- (3) At the discretion of the District Manager, instructors may be designated by MSHA as approved instructors to teach specific courses based on the performance of the instructors while teaching classes monitored by MSHA. Operators shall indicate in the training plans submitted for approval whether they want to have instructors approved based on monitored performance. The District Manager shall consider such factors as the size of the mine, the number of employees, the mine safety record and remoteness from a training facility when determining whether instructor approval based on monitored performance is appropriate.
- (4) On the effective date of this Subpart A, cooperative instructors who have been designated by MSHA to teach MSHA - approved courses and who have taught such courses within the 24 months prior to the effective date of this Subpart shall be considered approved instructors for such courses.
 - (i) Instructors may have their approval revoked by MSHA for good cause which may include not teaching a course at least once every 24 months. Before any revocation is effective, the District Manager must send written reasons for revocation to the instructor and the instructor shall be given an opportunity to demonstrate or achieve compliance before the District Manager on the matter. A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Non-metal Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939. Such an appeal shall be submitted to the Administrator within 5 days of notification of the District Manager's decision. Upon revocation of an instructor's approval, the District Manager shall immediately notify operators who use the instructor for training.
 - (j) The District Manager for the area in which the mine is located shall notify the operator and the miners' representative, in writing, within 60 days from the date on which the training plan

is filed, of the approval or status of the approval of the training programs.

- (1) If revisions are required for approval, or to retain approval thereafter, the revisions required shall be specified to the operator and the miners' representative and the operator and the miners' representative shall be afforded an opportunity to discuss the revisions with the District Manager, or to propose alternate revisions or changes. The District Manager, in consultation with the operator and the representative of the miners, shall fix a time within which the discussion will be held, or alternate revisions or changes submitted, before final approval is made.
 - (2) The District Manager may approve separate programs of the training plan and withhold approval of other programs, pending discussion of revisions or submission of alternate revisions or changes.
- (k) Except as provided under Section 48.8(c) (Annual refresher training of miners) of this Subpart A, the operator shall commence training of miners within 60 days after approval of the training plan, or approved programs of the training plan.
- (l) The operator shall notify the District Manager of the area in which the mine is located, and the miners' representative of any changes or modifications the operator proposes to make in the approved training plan. The operator shall obtain the approval of the District Manager for such changes or modifications.
- (m) In the event the District Manager disapproves a training plan or a proposed modification of a training plan or requires changes in a training plan or modification, the District Manager shall notify the operator and the miners' representative in writing of:
- (1) The specific changes or items of deficiency.
 - (2) The action necessary to effect the changes or bring the disapproved training plan or modification into compliance.
 - (3) The deadline for completion of remedial action to effect compliance, which shall serve to suspend punitive action under the provisions of Sections 104 and 110 of the Act and other related regulations until that established

deadline date, except that no such suspension shall take place in imminent danger situations.

- (n) The operator shall post on the mine bulletin board, and provide to the miners' representative, a copy of all MSHA revisions and decisions which concern the training plan at the mine and which are issued by the District Manager
- (o) Each operator engaged in shaft or slope construction shall have an MSHA-approved training plan, as outlined in this Section, containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:
 - (1) In the case of an operator engaged in shaft or slope construction on December 30, 2005, the operator shall submit a plan for approval by May 1, 2006, unless extended by MSHA.
 - (2) In the case of a new shaft or slope construction operator after June 28, 2006, the operator shall have an approved plan prior to commencing shaft or slope construction.
- (p) Each underground coal operator, who is required to submit a revised program of instruction for 30 CFR 75.1502, shall also submit a revised training plan under this Part 48.

30 CFR 48.4 - Cooperative training program.

- (a) An operator of a mine may conduct his own training programs, or may participate in training programs conducted by MSHA, or may participate in MSHA - approved training programs conducted by state or other federal agencies, or associations of mine operators, miners' representatives, other mine operators, private associations, or educational institutions.
- (b) Each program and course of instruction shall be given by instructors who have been approved by MSHA to instruct in the courses which are given, and such courses and the training programs shall be adapted to the mining operations and practices existing at the mine and shall be approved by the District Manager for the area in which the mine is located.

30 CFR 48.5 - Training of new miners; minimum courses of instruction; hours of instruction.

- a. Each new miner shall receive no less than 40 hours of training as prescribed in this Section before such miner is assigned to work duties. Such training shall be conducted in conditions which as closely as practicable duplicate actual underground conditions, and approximately 8 hours of training shall be given at the minesite.
- b. The training program for new miners shall include the following courses:
 - (1) *Instruction in the statutory rights of miners and their representatives under the Act; authority and responsibility of supervisors.* The course shall include instruction in the statutory rights of miners and their representatives under the Act, including a discussion of Section 2 of the Act; a review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and an introduction to the operator's rules and the procedures for reporting hazards.
 - (2) *Self-rescue and respiratory devices.* The course shall be given before a new miner goes underground and shall include—
 - (i) Instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine;
 - (ii) Hands-on training in the complete donning of all types of self-contained self-rescue devices used at the mine, which includes assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip; and
 - (iii) Hands-on training in transferring between all applicable self-rescue devices.

- (3) *Entering and leaving the mine; transportation; communications.* The course shall include instruction on the procedures in effect for entering and leaving the mine; the check-in and checkout system in effect at the mine; the procedures for riding on and in mine conveyances; the controls in effect for the transportation of miners and materials; and the use of the mine communication systems, warning signals, and directional signs.
- (4) *Introduction to the work environment.* The course shall include a visit and tour of the mine, or portions of the mine which are representative of the entire mine. A method of mining utilized at the mine shall be observed and explained.
- (5) *Mine map; escapeways; emergency evacuation; barricading.* The program of instruction for mine emergency evacuation and firefighting approved by the District Manager under 30 CFR 75.1502 or the escape and evacuation plan under 30 CFR 57.11053, as applicable, shall be used for this course. The course shall include—
 - (i) A review of the mine map; the escapeway system; the escape, firefighting, and emergency evacuation plans in effect at the mine; and the location of abandoned areas; and
 - (ii) An introduction to the methods of barricading and the locations of the barricading materials, where applicable.
- (6) *Roof or ground control and ventilation plans.* The course shall include an introduction to and instruction on the roof or ground control plan in effect at the mine and procedures for roof and rib or ground control; and an introduction to and instruction on the ventilation plan in effect at the mine and the procedures for maintaining and controlling ventilation.
- (7) *Health.* The course shall include instruction on the purpose of taking dust, noise, and other health measurements, and any health control plan in effect at the mine shall be explained. The health provisions of the act and warning labels shall also be explained.

- (8) *Cleanup; rock dusting.* The course shall include instruction on the purpose of rock dusting and the cleanup and rock dusting program in effect at the mine, where applicable.
 - (9) *Hazard recognition.* The course shall include the recognition and avoidance of hazards present in the mine, particularly any hazards related to explosives where explosives are used or stored at the mine.
 - (10) *Electrical hazards.* The course shall include recognition and avoidance of electrical hazards.
 - (11) *First aid.* The course shall include instruction in first aid methods acceptable to MSHA.
 - (12) *Mine gases.* The course shall include instruction in the detection and avoidance of hazards associated with mine gases.
 - (13) *Health and safety aspects of the tasks to which the new miner will be assigned.* The course shall include instruction in the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, the mandatory health and safety standards pertinent to such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program.
 - (14) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (c) Methods, including oral, written, or practical demonstration, to determine successful completion of the training shall be included in the training plan. The methods for determining such completion shall be administered to the miner before he or she is assigned work duties.
 - (d) A newly employed miner who has less than 12 months of mining experience and has received the courses and hours of instruction in paragraphs (a) and (b) of this Section, within 36 months preceding employment at a mine, does not have to repeat this

training. Before the miner starts work, the operator must provide the miner with the experienced miner training in Section 48.6(b) of this Part and, if applicable, the new task training in Section 48.7 of this Part. The operator must also provide the miner with annual refresher training and additional new task training, as applicable.

30 CFR 48.6 - Experienced miner training.

- (a) Except as provided in paragraph (e), this Section applies to experienced miners who are—
 - (1) Newly employed by the operator;
 - (2) Transferred to the mine;
 - (3) Experienced underground miners transferred from surface to underground; or
 - (4) Returning to the mine after an absence of more than 12 months.

- (b) Experienced miners must complete the training prescribed in this Section before beginning work duties. Each experienced miner returning to mining following an absence of 5 years or more, must receive at least 8 hours of training. The training must include the following instruction:
 - (1) *Introduction to work environment.* The course shall include a visit and tour of the mine. The methods of mining utilized at the mine shall be observed and explained.
 - (2) *Mandatory health and safety standards.* The course shall include the mandatory health and safety standards pertinent to the tasks to be assigned.
 - (3) *Authority and responsibility of supervisors and miners' representatives.* The course shall include a review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and an introduction to the operator's rules and the procedures for reporting hazards.
 - (4) *Entering and leaving the mine; transportation; communications.* The course shall include instruction in

the procedures in effect for entering and leaving the mine; the check-in and checkout system in effect at the mine; the procedures for riding on and in mine conveyances; the controls in effect for the transportation of miners and materials; and the use of the mine communication systems, warning signals, and directional signs.

- (5) *Mine map; escapeways; emergency evacuation; barricading.* The program of instruction for mine emergency evacuation and firefighting approved by the District Manager under 30 CFR 75.1502 or the escape and evacuation plan under 30 CFR 57.11053, as applicable, shall be used for this course. The course shall include—
 - (i) A review of the mine map; the escapeway system; the escape, firefighting, and emergency evacuation plans in effect at the mine; and the location of abandoned areas; and
 - (ii) Methods of barricading and the locations of barricading materials, where applicable.
- (6) *Roof or ground control and ventilation plans.* The course shall include an introduction to and instruction on the roof or ground control plan in effect at the mine and procedures for roof and rib or ground control; and an introduction to and instruction on the ventilation plan in effect at the mine and the procedures for maintaining and controlling ventilation.
- (7) *Hazard recognition.* The course must include the recognition and avoidance of hazards present in the mine.
- (8) *Prevention of accidents.* The course must include a review of the general causes of accidents applicable to the mine environment, causes of specific accidents at the mine, and instruction in accident prevention in the work environment.
- (9) *Emergency medical procedures.* The course must include instruction on the mine's emergency medical arrangements and the location of the mine's first aid equipment and supplies.
- (10) *Health.* The course must include instruction on the purpose of taking dust, noise, and other health

measurements, where applicable; must review the health provisions of the Act; and must explain warning labels and any health control plan in effect at the mine.

(11) *Health and safety aspects of the tasks to which the experienced miner is assigned.* The course must include instruction in the health and safety aspects of the tasks assigned, including the safe work procedures of such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program. Experienced miners who must complete new task training under Section 48.7 do not need to take training under this paragraph.

(12) *Self-rescue and respiratory devices.* The course shall be given before the miner goes underground and shall include—

(i) Instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine;

(ii) Hands-on training in the complete donning of all types of self-contained self-rescue devices used at the mine, which includes assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip; and

(iii) Hands-on training in transferring between all applicable self-rescue devices.

(13) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.

(c) The operator may include instruction on additional safety and health subjects based on circumstances and conditions at the mine.

(d) The training time spent on individual subjects must vary depending upon the training needs of the miners.

- (e) Any miner returning to the same mine, following an absence of 12 months or less, must receive training on any major changes to the mine environment that have occurred during the miner's absence and that could adversely affect the miner's health or safety.
 - (1) A person designated by the operator who is knowledgeable of these changes must conduct the training in this paragraph. An MSHA - approved instructor is not required to conduct the training outlined in this paragraph.
 - (2) No record of this training is required.
 - (3) The miner must also complete annual refresher training as required in Section 48.8, if the miner missed taking that training during the absence.

30 CFR 48.7 - Training of miners assigned to a task in which they have had no previous experience; minimum courses of instruction.

- (a) Miners assigned to new work tasks as mobile equipment operators, drilling machine operators, haulage and conveyor systems operators, roof and ground control machine operators, and those in blasting operations shall not perform new work tasks in these categories until training prescribed in this paragraph and paragraph (b) of this Section has been completed. This training shall not be required for miners who have been trained and who have demonstrated safe operating procedures for such new work tasks within 12 months preceding assignment. This training shall also not be required for miners who have performed the new work tasks and who have demonstrated safe operating procedures for such new work tasks within 12 months preceding assignment. The training program shall include the following:
 - (1) *Health and safety aspects and safe operating procedures for work tasks, equipment, and machinery.* The training shall include instruction in the health and safety aspects and the safe operating procedures related to the assigned tasks, including information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these

hazards, and the contents of the mine's HazCom program. The training shall be given in an on-the-job environment; and

- (2)(i) *Supervised practice during non-production.* The training shall include supervised practice in the assigned tasks, and the performance of work duties at times or places where production is not the primary objective; or
 - (2)(ii) *Supervised operation during production.* The training shall include, while under direct and immediate supervision and production is in progress, operation of the machine or equipment and the performance of work duties.
 - (3) *New or modified machines and equipment.* Equipment and machine operators shall be instructed in safe operating procedures applicable to new or modified machines or equipment to be installed or put into operation in the mine, which require new or different operating procedures.
 - (4) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (b) Miners under paragraph (a) of this Section shall not operate the equipment or machine or engage in blasting operations without direction and immediate supervision until such miners have demonstrated safe operating procedures for the equipment or machine or blasting operation to the operator or the operator's agent.
 - (c) Miners assigned a new task not covered in paragraph (a) of this Section shall be instructed in the safety and health aspects and safe work procedures of the task, including information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program, prior to performing such task.
 - (d) Any person who controls or directs haulage operations at a mine shall receive and complete training courses in safe haulage procedures related to the haulage system, ventilation system,

firefighting procedures, and emergency evacuation procedures in effect at the mine before assignment to such duties.

- (e) All training and supervised practice and operation required by this Section shall be given by a qualified trainer, or a supervisor experienced in the assigned tasks, or other person experienced in the assigned tasks.

30 CFR 48.8 - Annual refresher training of miners; minimum courses of instruction; hours of instruction.

- (a) Each miner shall receive a minimum of 8 hours of annual refresher training as prescribed in this Section.
- (b) The annual refresher training program for all miners shall include the following courses of instruction:
 - (1) *Mandatory health and safety standards.* The course shall include mandatory health and safety standard requirements which are related to the miner's tasks.
 - (2) *Transportation controls and communication systems.* The course shall include instruction on the procedures for riding on and in mine conveyances; the controls in effect for the transportation of miners and materials; and the use of the mine communication systems, warning signals, and directional signs.
 - (3) *Barricading.* The course shall include a review of the methods of barricading and locations of barricading materials, where applicable.
 - (4) *Roof or ground control, ventilation, emergency evacuation and firefighting plans.* The course shall include a review of roof or ground control plans in effect at the mine and the procedures for maintaining and controlling ventilation. In addition, for underground coal mines, except for miners who receive this training under Section 75.1504, the course shall include a review of the emergency evacuation and firefighting program of instruction in effect at the mine.
 - (5) *First aid.* The course shall include a review of first aid methods acceptable to MSHA.

- (6) *Electrical hazards.* The course shall include recognition and avoidance of electrical hazards.
- (7) *Prevention of accidents.* The course shall include a review of accidents and causes of accidents, and instruction in accident prevention in the work environment.
- (8) Self-rescue and respiratory devices. The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine. In addition, except for miners who receive this training under Section 75.1504, the training for self-contained self-rescue (SCSR) devices shall include:
 - (i) Hands-on training in the complete donning of all types of self-contained self-rescue devices used at the mine, which includes assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip; and
 - (ii) Hands-on training in transferring between all applicable self-rescue devices.
- (15) *Explosives.* The course shall include a review and instruction on the hazards related to explosives. The only exception to this course component is when there are no explosives used or stored on the mine property.
- (16) *Mine gases.* The course shall include instruction in the detection and avoidance of hazards associated with mine gases.
- (17) *Health.* The course shall include instruction on the purpose of taking dust, noise, and other health measurements and any health control plan in effect at the mine shall be explained. The health provisions of the Act and warning labels shall also be explained.
- (18) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.

- (c) Refresher training may include other health and safety subjects that are relevant to mining operations at the mine. Recommended subjects include, but are not limited to, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program.
- (d) All persons employed as shaft or slope construction workers on June 28, 2006, must receive annual refresher training within 12 months of June 2006.
- (e) Where annual refresher training is conducted periodically, such sessions shall not be less than 30 minutes of actual instruction time and the miners shall be notified that the session is part of annual refresher training.

30 CFR 48.9 - Records of training.

- (a) Upon a miner's completion of each MSHA - approved training program, the operator shall record and certify on MSHA form 5000-23 that the miner has received the specified training. A copy of the training certificate shall be given to the miner at the completion of the training. The training certificates for each miner shall be available at the mine site for inspection by MSHA and for examination by the miners, the miner's representative, and State inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his or her training certificates.
- (b) False certification that training was given shall be punishable under Section 110(a) and (f) of the Act.
- (c) Copies of training certificates for currently employed miners shall be kept at the mine site for 2 years, or for 60 days after termination of employment.

30 CFR 48.10 - Compensation for training.

- (a) Training shall be conducted during normal working hours; miners attending such training shall receive the rate of pay as provided

in Section 48.2(d) (Definition of normal working hours) of this Subpart A.

- (b) If such training shall be given at a location other than the normal place of work, miners shall be compensated for the additional cost, such as mileage, meals, and lodging, they may incur in attending such training sessions.

30 CFR 48.11 - Hazard training.

- (a) Operators shall provide to those miners, as defined in Section 48.2(a)(2) (Definition of miner) of this Subpart A, a training program before such miners commence their work duties. This training program shall include the following instruction, which is applicable to the duties of such miners:
 - (1) Hazard recognition and avoidance;
 - (2) Emergency and evacuation procedures;
 - (3) Health and safety standards, safety rules, and safe working procedures;
 - (4) Use of self-rescue and respiratory devices, including:
 - (i) Hands-on training in the complete donning of all types of self-contained self-rescue devices used at the mine, which includes assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip; and
 - (ii) Hands-on training in transferring between all applicable self-rescue devices; and
 - (5) Such other instruction as may be required by the District Manager based on circumstances and conditions at the mine.
- (b) Miners shall receive the instruction required by this Section at least once every 12 months.
- (c) The training program required by this Section shall be submitted with the training plan required by Section 48.3(a) (Training

plans: Submission and approval) of this Subpart A and shall include a statement on the methods of instruction to be used.

- (d) In accordance with Section 48.9 (Records of training) of this Subpart A, the operator shall maintain and make available for inspection certificates that miners have received the hazard training required by this Section.
- (e) Miners subject to hazard training shall be accompanied at all times while underground by an experienced miner, as defined in Section 48.2(b) (Definition of miner) of this Subpart A.

30 CFR 48.12 - Appeals procedures.

The operator, miner, and miners' representative shall have the right of appeal from a decision of the District Manager.

- (a) In the event an operator, miner, or miners' representative decides to appeal a decision by a District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard, Arlington, VA 22209-3939, within 30 days of notification of the District Manager's decision.
- (b) The Administrator may require additional information from the operator, the miners, or their representatives, and the District Manager, if the Administrator determines such information is necessary.
- (c) The Administrator shall render a decision on the appeal within 30 days after receipt of the appeal.

Part 48 - Subpart B

Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines

30 CFR 48.21 - Scope.

The provisions of this Subpart B set forth the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working at surface mines and surface areas of underground mines. Requirements regarding compensation for training and retraining are also included. The requirements for training and retraining miners working in underground mines are set forth in Subpart A of this Part.

This Part does not apply to training and retraining of miners at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines, which are covered under 30 CFR Part 46.

30 CFR 48.22 - Definitions.

For the purposes of this Subpart B —

- (a)(1) Miner means, for purposes of Section 48.23 through 48.30 of this Subpart B, any person working in a surface mine or surface areas of an underground mine and who is engaged in the extraction and production process, or engaged in shaft or slope construction, or who is regularly exposed to mine hazards, or who is a maintenance or service worker employed by the operator or a maintenance or service worker contracted by the operator to work at the mine for frequent or extended periods. This definition shall include the operator if the operator works at the mine on a continuing, even if irregular, basis. Short-term, specialized contract workers, such as drillers and blasters, who are engaged in the extraction and production process or engaged in shaft or slope construction and who have received training under Section 48.26 (Experienced miner training) of this Subpart B, may in lieu of subsequent training under that Section for each new employment, receive training under Section 48.31 (Hazard training) of this Subpart B. This definition does not include:

- (i) Construction workers under Subpart C of this Part 48;
 - (ii) Any person covered under paragraph (a)(2) of this Section.
- (a)(2) *Miner* means, for purposes of Section 48.3 (Hazard training) of this Subpart B, any person working in a surface mine, including any delivery, office, or scientific worker or occasional, short-term maintenance or service worker contracted by the operator, and any student engaged in academic projects involving his or her extended presence at the mine. This definition excludes persons covered under paragraph (a)(1) of this Section and Subpart C of this part.
- (b) *Experienced miner means:*
 - (1) A miner who has completed MSHA-approved new miner training for surface miners or training acceptable to MSHA from a State agency and who has had at least 12 months of surface mining experience; or
 - (2) A supervisor who is certified under an MSHA-approved State certification program and who is employed as a surface supervisor on October 6, 1998; or
 - (3) An experienced surface miner on February 3, 1999.
 - (4)(i) A person employed as a surface shaft or slope construction worker on June 28, 2006; or,
 - (4)(ii) A person who has six months of surface shaft or slope experience within 24 months before June 28, 2006.
- (c) *New miner* means a miner who is not an experienced miner.
- (d) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work. This definition does not preclude scheduling training classes on the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the operator's common practice. Miners shall be paid at a rate of pay which shall correspond to the rate of pay they would have received had they been performing their normal work tasks.

- (e) *Operator* means any owner, lessee, or other person who operates, controls, or supervises a surface mine or surface area of an underground mine; or any independent contractor identified as an operator performing services or construction at such time.
- (f) *Task* means a work assignment that includes duties of a job that occur on a regular basis and which requires physical abilities and job knowledge.
- (g) *Act* means the Federal Mine Safety and Health Act of 1977.

30 CFR 48.23 - Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors.

- (a) Except as provided in paragraph (o) of this Section, each operator of a surface mine shall have an MSHA-approved plan containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:
 - (1) In the case of a mine which is operating on the effective date of this Subpart B, the operator of the mine shall submit such plan for approval within 150 days after the effective date of this Subpart B.
 - (2) Within 60 days after the operator submits the plan for approval, unless extended by MSHA, the operator shall have an approved plan for the mine.
 - (3) In the case of a new mine which is to be opened or a mine which is to be reopened or reactivated after the effective date of this Subpart B, the operator shall have an approved plan prior to opening the new mine, or reopening or reactivating the mine unless the mine is reopened or reactivated periodically using portable equipment and mobile teams of miners as a normal method of operation by the operator. The operator to be so excepted shall maintain an approved plan for training covering all mine

locations which are operated with portable equipment and mobile teams of miners.

- (b) The training plan shall be filed with the District Manager for the area in which the mine is located.
- (c) Each operator shall submit to the District Manager the following information:
 - (1) The company name, mine name, and MSHA identification number of the mine.
 - (2) The name and position of the person designated by the operator who is responsible for health and safety training at the mine. This person may be the operator.
 - (3) A list of MSHA - approved instructors with whom the operator proposes to make arrangements to teach the courses, and the courses each instructor is qualified to teach.
 - (4) The location where training will be given for each course.
 - (5) A description of the teaching methods and the course materials which are to be used in training.
 - (6) The approximate number of miners employed at the mine and the maximum number who will attend each session of training.
 - (7) The predicted time or periods of time when regularly scheduled refresher training will be given. This schedule shall include the titles of courses to be taught, the total number of instruction hours for each course, and the predicted time and length of each session of training.
 - (8) For the purposes of Section 48.27 (New task training of miners) of this Subpart B, the operator shall submit:
 - (i) A complete list of task assignments to correspond with the definition of "task" in Section 48.22(f) of this Subpart B.

- (ii) The titles of personnel conducting the training for this Section.
 - (iii) The outline of training procedures used in training miners in those work assignments listed according to paragraph (c)(8)(i) of this Section.
 - (iv) The evaluation procedures used to determine the effectiveness of training under Section 48.27 of this Subpart B.
- (d) The operator shall furnish to the representative of the miners a copy of the training plan 2 weeks prior to its submission to the District Manager. Where a miners' representative is not designated, a copy of the plan shall be posted on the mine bulletin board 2 weeks prior to its submission to the District Manager. Written comments received by the operator from miners or their representatives shall be submitted to the District Manager. Miners or their representatives may submit written comments directly to the District Manager.
- (e) All training required by the training plan submitted to and approved by the District Manager as required by this Subpart B shall be subject to evaluation by the District Manager to determine the effectiveness of the training programs. If it is deemed necessary, the District Manager may require changes in, or additions to, programs. Upon request from the District Manager the operator shall make available for evaluation the instructional materials, handouts, visual aids, and other teaching accessories used or to be used in the training programs. Upon request from the District Manager the operator shall provide information concerning schedules of upcoming training.
- (f) The operator shall make a copy of the MSHA - approved training plan available at the mine site for MSHA inspection and examination by the miners and their representatives.
- (g) Except as provided in Section 48.27 (New task training of miners) and Section 48.31 (Hazard training) of this Subpart B, all courses shall be conducted by MSHA - approved instructors.
- (h) Instructors shall be approved by the District Manager in one or more of the following ways:

- (1) Instructors shall take an instructor's training course conducted by the District Manager or given by persons designated by the District Manager to give such instruction; and instructors shall have satisfactorily completed a program of instruction approved by the Office of Educational Policy and Development, MSHA, in the subject matter to be taught.
- (2) Instructors may be designated by MSHA as approved instructors to teach specific courses based on written evidence of the instructors' qualifications and teaching experience.
- (3) At the discretion of the District Manager, instructors may be designated by MSHA as approved instructors to teach specific courses based on the performance of the instructors while teaching classes monitored by MSHA. Operators shall indicate in training plans submitted for approval whether they want to have instructors approved based on monitored performance. The District Manager shall consider such factors as the size of the mine, the number of employees, the mine safety record and remoteness from a training facility when determining whether instructor approval based on monitored performance is appropriate.
- (4) On the effective date of this Subpart B, cooperative instructors who have been designated by MSHA to teach MSHA approved courses and who have taught such courses within 24 months prior to the effective date of this subpart shall be considered approved instructors for such courses.
 - (i) Instructors may have their approval revoked by MSHA for good cause which may include not teaching a course at least once every 24 months. Before any revocation is effective, the District Manager must send written reasons for revocation to the instructor and the instructor shall be given an opportunity to demonstrate or achieve compliance before the District Manager on the matter. A decision by the District Manager to revoke an instructor's approval may be appealed by the instructor to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Non-metal Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard Room 2424 (Coal) or Room 2436

(Metal and Nonmetal), Arlington, Virginia 22209-3939. Such an appeal shall be submitted to the Administrator within 5 days of notification of the District Manager's decision. Upon revocation of an instructor's approval, the District Manager shall immediately notify operators who use the instructor for training.

- (j) The District Manager for the area in which the mine is located shall notify the operator and the miners' representative, in writing, within 60 days from the date on which the training plan is filed, of the approval or status of the approval of the training programs.
 - (1) If revisions are required for approval, or to retain approval thereafter, the revisions required shall be specified to the operator and the miners' representative and the operator and the miners' representative shall be afforded an opportunity to discuss the revisions with the District Manager, or propose alternate revisions or changes. The District Manager, in consultation with the operator and the representative of miners, shall fix a time within which the discussion will be held, or alternate revisions or changes submitted, before final approval is made.
 - (2) The District Manager may approve separate programs of the training plan and withhold approval of other programs, pending discussion of revisions or submission of alternate revisions or changes.
- (k) Except as provided under Section 48.28(c) (Annual refresher training of miners) of this Subpart B, the operator shall commence training of miners within 60 days after approval of the training plan, or approved programs of the training plan.
- (l) The operator shall notify the District Manager of the area in which the mine is located and the miners' representative of any changes or modifications which the operator proposes to make in the approval training plan. The operator shall obtain the approval of the District Manager for such changes or modifications.
- (m) In the event the District Manager disapproves a training plan or a proposed modification of a training plan or requires changes in a training plan or modification, the District Manager shall notify the operator and the miners' representative in writing of:

- (1) The specific changes or items of deficiency.
 - (2) The action necessary to effect the changes or bring the disapproved training plan or modification into compliance.
 - (3) The deadline for completion of remedial action to effect compliance, which shall serve to suspend punitive action under the provisions of Sections 104 and 110 of the Act and other related regulations until that established deadline date, except that no such suspension shall take place in imminent danger situations.
- (n) The operator shall post on the mine bulletin board, and provide to the miners' representative, a copy of all MSHA revisions and decisions which concern the training plan at the mine and which are issued by the District Manager.
- (o) Each operator engaged in shaft or slope construction shall have an MSHA-approved training plan, as outlined in this Section, containing programs for training new miners, training experienced miners, training miners for new tasks, annual refresher training, and hazard training for miners as follows:
- (1) In the case of an operator engaged in shaft or slope construction on December 30, 2005, the operator shall submit a plan for approval by May 1, 2006, unless extended by MSHA.
 - (2) In the case of a new shaft or slope construction operator after June 28, 2006, the operator shall have an approved plan prior to commencing shaft or slope construction.

30 CFR 48.24 - Cooperative training program.

- (a) An operator of a mine may conduct his own training programs, or may participate in training programs conducted by MSHA, or may participate in MSHA approved training programs conducted by State or other Federal approval; agencies, or associations of mine operators, miners' representatives, other mine operators, private associations, or educational institutions.

- (b) Each program and course of instruction shall be given by instructors who have been approved by MSHA to instruct in the courses which are given, and such courses and the training programs shall be adapted to the mining operations and practices existing at the mine and shall be approved by the District Manager for the area in which the mine is located.

30 CFR 48.25 - Training of new miners; minimum courses of instruction; hours of instruction.

- (a) Each new miner shall receive no less than 24 hours of training as prescribed in this Section. Except as otherwise provided in this paragraph, new miners shall receive this training before they are assigned to work duties. At the discretion of the District Manager, new miners may receive a portion of this training after assignment to work duties: *Provided*, that no less than 8 hours of training shall in all cases be given to new miners before they are assigned to work duties. The following courses shall be included in the 8 hours of training: Introduction to work environment, hazard recognition, and health and safety aspects of the tasks to which the new miners will be assigned. Following the completion of this pre-assignment training, new miners shall then receive the remainder of the required 24 hours of training, or up to 16 hours, within 60 days. Operators shall indicate in the training plans submitted for approval whether they want to train new miners after assignment to duties and for how many hours. In determining whether new miners may be given this training after they are assigned duties, the District Manager shall consider such factors as the mine safety record, rate of employee turnover and mine size. Miners who have not received the full 24 hours of new miner training shall be required to work under the close supervision of an experienced miner.
- (b) The training program for new miners shall include the following courses:
 - (1) *Instruction in the statutory rights of miners and their representatives under the Act; authority and responsibility of supervisors.* The course shall include instruction in the statutory rights of miners and their representatives under the Act, including a discussion of Section 2 of the Act; a review and description of the line of authority of supervisors and miners' representatives and the

responsibilities of such supervisors and miners' representatives; and an introduction to the operator's rules and the procedures for reporting hazards.

- (2) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices, where applicable.
- (3) *Transportation controls and communication systems.* The course shall include instruction on the procedures in effect for riding on and in mine conveyances where applicable; the controls for the transportation of miners and materials; and the use of mine communication systems, warning signals, and directional signs.
- (4) *Introduction to work environment.* The course shall include a visit and tour of the mine, or portions of the mine which are representative of the entire mine. The method of mining or operation utilized shall be observed and explained.
- (5) *Escape and emergency evacuation plans; firewarning and firefighting.* The course shall include a review of the mine escape system, and escape and emergency evacuation plans in effect at the mine; and instruction in the firewarning signals and firefighting procedures.
- (6) *Ground control; working in areas of highwalls, water hazards, pits and spoil banks; illumination and night work.* The course shall include, where applicable, and introduction to and instruction on the highwall and ground control plans in effect at the mine; procedures for working safely in areas of highwalls, water hazards, pits and spoil banks; the illumination of work areas; and safe work procedures during the hours of darkness.
- (7) *Health.* The course shall include instruction on the purpose of taking dust measurements, where applicable, and noise and other health measurements, and any health control plan in effect at the mine shall be explained. The health provisions of the Act and warning labels shall also be explained.

- (8) *Hazard recognition.* The course shall include the recognition and avoidance of hazards present in the mine.
 - (9) *Electrical hazards.* The course shall include recognition and avoidance of electrical hazards.
 - (10) *First aid.* The course shall include instruction in first aid methods acceptable to MSHA.
 - (11) *Explosives.* The course shall include a review and instruction on the hazards related to explosives. The only exception to this course component is when no explosives are used or stored on mine property.
 - (12) *Health and safety aspects of the tasks to which the new miner will be assigned.* The course shall include instructions in the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, the mandatory health and safety standards pertinent to such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program.
 - (13) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (c) Methods, including oral, written or practical demonstration, to determine successful completion of the training shall be included in the training plan. Upon completion of training, the methods for determining successful completion shall be administered to the miner. The method for determining successful completion of pre-assignment training under paragraph (a) of this Section shall be administered to the miner before he is assigned to work duties.
 - (d) A newly employed miner who has less than 12 months of mining experience and has received the courses and hours of instruction in paragraphs (a) and (b) of this Section, within 36 months preceding employment at a mine, does not have to repeat this training. Before the miner starts work, the operator must provide the miner with the experienced miner training in Section 48.26(b) of this Part and, if applicable, the new task training in

Section 48.27 of this Part. The operator must also provide the miner with annual refresher training and additional new task training, as applicable.

30 CFR 48.26 - Experienced miner training.

- (a) Except as provided in paragraph (e), this Section applies to experienced miners who are—
 - (1) Newly employed by the operator;
 - (2) Transferred to the mine;
 - (3) Experienced surface miners transferred from underground to surface; or
 - (4) Returning to the mine after an absence of more than 12 months.

- (b) Experienced miners must complete the training prescribed in this Section before beginning work duties. Each experienced miner returning to mining following an absence of 5 years or more, must receive at least 8 hours of training. The training must include the following instruction:
 - (1) *Introduction to work environment.* The course shall include a visit and tour of the mine. The methods of mining or operations utilized at the mine shall be observed and explained.
 - (2) *Mandatory health and safety standards.* The course shall include the mandatory health and safety standards pertinent to the tasks to be assigned.
 - (3) *Authority and responsibility of supervisors and miners' representatives.* The course shall include a review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives; and an introduction to the operator's rules and the procedures for reporting hazards.
 - (4) *Transportation controls and communication systems.* The course shall include instruction on the procedures in effect for riding on and in mine conveyances; the controls for the transportation of miners and materials; and the use of the

mine communication systems, warning signals, and directional signs.

- (5) *Escape and emergency evacuation plans; firewarning and firefighting.* The course must include a review of the mine escape system and the escape and emergency evacuation plans in effect at the mine, and instruction in the firewarning signals and firefighting procedures in effect at the mine.
- (6) *Ground controls; working in areas of highwalls, water hazards, pits, and spoil banks; illumination and night work.* The course shall include, where applicable, an introduction to and instruction on the highwall and ground control plans in effect at the mine; procedures for working safely in areas of highwalls, water hazards, pits, and spoil banks, the illumination of work areas, and safe work procedures for miners during hours of darkness.
- (7) *Hazard recognition.* The course must include the recognition and avoidance of hazards present in the mine.
- (8) *Prevention of accidents.* The course must include a review of the general causes of accidents applicable to the mine environment, causes of specific accidents at the mine, and instruction in accident prevention in the work environment.
- (9) *Emergency medical procedures.* The course must include instruction on the mine's emergency medical arrangements and the location of the mine's first aid equipment and supplies.
- (10) *Health.* The course must include instruction on the purpose of taking dust, noise, and other health measurements, where applicable; must review the health provisions of the Act; and must explain warning labels and any health control plan in effect at the mine.
- (11) *Health and safety aspects of the tasks to which the experienced miner is assigned.* The course must include instruction in the health and safety aspects of the tasks assigned, including the safe work procedures of such tasks, information about the physical and health hazards of chemicals in the miner's work area, the protective

measures a miner can take against these hazards, and the contents of the mine's HazCom program. Experienced miners who must complete new task training under Section 48.27 do not need to take training under this paragraph.

- (12) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (c) The operator may include instruction in additional safety and health subjects based on circumstances and conditions at the mine.
- (d) The training time spent on individual subjects must vary depending upon the training needs of the miners.
- (e) Any miner returning to the same mine, following an absence of 12 months or less, must receive training on any major changes to the mine environment that have occurred during the miner's absence and that could adversely affect the miner's health or safety.
 - (1) A person designated by the operator who is knowledgeable of these changes must conduct the training in this paragraph. An MSHA approved instructor is not required to conduct the training outlined in this paragraph.
 - (2) No record of this training is required.
 - (3) The miner must complete annual refresher training as required in Section 48.28, if the miner missed taking that training during the absence.

Editorial Note: Based on **Federal Register. Doc. E8-30639**, this Section has been amended. The effective date for this is December 31, 2008. The compliance dates are as follows:

Each mine operator shall comply with the following Sections by the dates listed below.

- (1) Section 48.27(a) and Section 75.156(a), 75.350(b), and 75.1731 by March 2, 2009.
- (2) Section 75.333(c)(4) by March 31, 2009.

- (3) Section 75.380(d)(7), 75.380(f), 75.381(e)(5), and 75.381(f) by June 30, 2009.
- (4) Section 75.350(a)(2), 75.351(e)(2), 75.1103-4(a), 75.1108(a), and 75.1108(b) December 31, 2009.
- (5) Section 75.1108(c) by December 31, 2018.

30 CFR 48.27 - Training of miners assigned to a task in which they have had no previous experience; minimum courses of instruction.

- (a) Miners assigned to new work tasks as mobile equipment operators, drilling machine operators, haulage and conveyor systems operators, ground control machine operators, AMS operators, and those in blasting operations shall not perform new work tasks in these categories until training prescribed in this paragraph and paragraph (b) of this Section has been completed. This training shall not be required for miners who have been trained and who have demonstrated safe operating procedures for such new work tasks within 12 months preceding assignment. This training shall also not be required for miners who have performed the new work tasks and who have demonstrated safe operating procedures for such new work tasks within 12 months preceding assignment. The training program shall include the following:
 - (1) *Health and safety aspects and safe operating procedures for work tasks, equipment, and machinery.* The training shall include instruction in the health and safety aspects and safe operating procedures related to the assigned task, including information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program. The training shall be given in an on-the-job environment; and
 - (2)(i) *Supervised practice during nonproduction.* The training shall include supervised practice in the assigned tasks, and the performance of work duties at times or places where production is not the primary objective; or,
 - (2)(ii) *Supervised operation during production.* The training shall include, while under direct and immediate

supervision and production is in progress, operation of the machine or equipment and the performance of work duties.

- (3) *New or modified machines and equipment.* Equipment and machine operators shall be instructed in safe operating procedures applicable to new or modified machines or equipment to be installed or put into operation in the mine, which require new or different operating procedures.
 - (4) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (b) Miners under paragraph (a) of this Section shall not operate the equipment or machine or engage in blasting operations without direction and immediate supervision until such miners have demonstrated safe operating procedures for the equipment or machine or blasting operation to the operator or the operator's agent.
 - (c) Miners assigned a new task not covered in paragraph (a) of this Section shall be instructed in the safety and health aspects and safe work procedures of the task, including information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program, prior to performing such task.
 - (d) All training and supervised practice and operation required by this Section shall be given by a qualified trainer, or a supervisor experienced in the assigned tasks, or other person experienced in the assigned tasks.

30 CFR 48.28 - Annual refresher training of miners; minimum courses of instruction; hours of instruction.

- (a) Each miner shall receive a minimum of 8 hours of annual refresher training as prescribed in this Section.
- (b) The annual refresher training program for all miners shall include the following courses of instruction:

- (1) *Mandatory health and safety standards.* The course shall include mandatory health and safety standard requirements which are related to the miner's tasks.
- (2) *Transportation controls and communication systems.* The course shall include instruction on the procedures for riding on and in mine conveyances; the controls in effect for the transportation of miners and materials; and the use of the mine communication systems, warning signals, and directional signs.
- (3) *Escape and emergency evacuation plans; firewarning and firefighting.* The course shall include a review of the mine escape system; escape and emergency evacuation plans in effect at the mine; and instruction in the firewarning signals and firefighting procedures.
- (4) *Ground control; working in areas of highwalls, water hazards, pits, and spoil banks; illumination and night work.* The course shall include, where applicable, a review and instruction on the highwall and ground control plans in effect at the mine; procedures for working safely in areas of highwalls, water hazards, pits, and spoil banks; the illumination of work areas; and safe work procedures during hours of darkness.
- (5) *First aid.* The course shall include a review of first aid methods acceptable to MSHA.
- (6) *Electrical hazards.* The course shall include recognition and avoidance of electrical hazards.
- (7) *Prevention of accidents.* The course shall include a review of accidents and causes of accidents, and instruction in accident prevention in the work environment.
- (8) *Health.* The course shall include instruction on the purpose of taking dust measurements, where applicable, and noise and other health measurements, and any health control plan in effect at the mine shall be explained. The health provisions of the Act and warning labels shall also be explained.

- (9) *Explosives.* The course shall include a review and instruction on the hazards related to explosives. The only exception to this course component is when there are no explosives used or stored on the mine property.
 - (10) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices, where applicable.
 - (11) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.
- (c) Refresher training may include other health and safety subjects that are relevant to mining operations at the mine. Recommended subjects include, but are not limited to, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program.
 - (d) All persons employed as shaft or slope construction workers on June 28, 2006, must receive annual refresher training within 12 months of June 2006.
 - (e) Where annual refresher training is conducted periodically, such sessions shall not be less than 30 minutes of actual instruction time and the miners shall be notified that the session is part of annual refresher training.

30 CFR 48.29 - Records of training.

- (a) Upon a miner's completion of each MSHA - approved training program, the operator shall record and certify on MSHA form 5000-23 that the miner has received the specified training. A copy of the training certificate shall be given to the miner at the completion of the training. The training certificates for each miner shall be available at the mine site for inspection by MSHA and for examination by the miners, the miners' representative and state inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his or her training certificates.

- (b) False certification that training was given shall be punishable under Section 110(a) and (f) of the Act.
- (c) Copies of training certificates for currently employed miners shall be kept at the mine site for 2 years, or for 60 days after termination of employment.

30 CFR 48.30 - Compensation for training.

- (a) Training shall be conducted during normal working hours; miners attending such training shall receive the rate of pay as provided in Section 48.22(d) (Definition of normal working hours) of this Subpart B.
- (b) If such training shall be given at a location other than the normal place of work, miners shall be compensated for the additional costs, such a mileage, meals, and lodging, they may incur in attending such training sessions.

30 CFR 48.31 - Hazard training.

- (a) Operators shall provide to those miners, as defined in Section 48.22(a)(2) (Definition of miner) of this Subpart B, a training program before such miners commence their work duties. This training program shall include the following instruction, which is applicable to the duties of such miners:
 - (1) Hazard recognition and avoidance;
 - (2) Emergency and evacuation procedures;
 - (3) Health and safety standards, safety rules and safe working procedures;
 - (4) Self-rescue and respiratory devices; and,
 - (5) Such other instruction as may be required by the District Manager based on circumstances and conditions at the mine.

- (b) Miners shall receive the instruction required by this Section at least once every 12 months.
- (c) The training program required by this Section shall be submitted with the training plan required by Section 48.23(a) (Training plans: Submission and approval) of this Subpart B and shall include a statement on the methods of instruction to be used.
- (d) In accordance with Section 48.29 (Records of training) of this subpart B, the operator shall maintain and make available for inspection, certificates that miners have received the instruction required by this Section.

30 CFR 48.32 - Appeals procedures.

The operator, miner, and miners' representative shall have the right of appeal from a decision of the District Manager.

- (a) In the event an operator, miner, or miners' representative decides to appeal a decision by the District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Non-metal Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939, within 30 days of notification of the District Manager's decision.
- (b) The Administrator may require additional information from the operator, the miners or their representatives, and the District Manager, if the Administrator determines such information is necessary.
- (c) The Administrator shall render a decision on the appeal within 30 days after receipt of the appeal.

Program Policy Manual

VOLUME III

INTERPRETATION AND GUIDELINES ON ENFORCEMENT OF THE 1977 ACT May 16, 1996

PART 48 - TRAINING AND RETRAINING OF MINERS

48.1/48.21 - Scope

General

Section 115 of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 48 require operators to submit and obtain approval of training plans under which miners are provided training. The training required by these plans must be provided to miners before they begin work at a mine, or before they receive new work tasks or assignments.

Requirements Related to Hiring and Recall Decisions

When making hiring and recall decisions, mine operators may consider the training persons will need under 30 CFR Part 48 before they begin work. Operators are permitted to require that applicants for employment and laid-off persons obtain this training initially on their own time and at their own expense.

Pre-employment training for purposes of Part 48 may be available from cooperative sources, as described in Sections 48.4 and 48.24. If cooperative sources are used, portions of miner training must be mine-specific. Part 48.5 requires that approximately 8 hours of a new miners' underground training be given at the mine site. In addition, training requirements for new and experienced surface miners and experienced underground miners must also be provided mine-specific training. Some examples of these requirements include training in the provisions of the mine roof or ground control and ventilation plans, the use of the self-rescue devices provided at the mine, and the mine transportation and communication systems.

Compliance Responsibility

Each operator is responsible for complying with all applicable provisions of Part 48. Therefore, operators should be prepared to provide all required miner training. This compliance responsibility is not limited by training plans that do not provide for certain training, such as that required for a new miner.

Industries Affected by Part 48

Part 48 applies to coal mines, underground metal and nonmetal mines, surface metal mines, and certain surface nonmetal mines that are not in the following industries: surface stone, surface clay, sand and gravel, surface limestone, colloidal phosphate, and shell dredging mines and other surface operations that produce marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime. These mining industries must comply with the training requirements of Part 46.

48.2/48.22 Definitions

48.2(a)(1)/48.22(a)(1) - "Miner"

The determination of whether an individual is classified as a 48.2(a)(1)/48.22(a)(1) "miner" for purposes of comprehensive training or as a 48.2(a)(2)/48.22(a)(2) "miner" for purposes of hazard training must be made on a case-by-case basis. A specific job title does not necessarily determine how the individual is defined; neither does the fact that the worker is physically present on mine property. A determination must be made as to the kind and extent of mining hazard exposure.

Individuals engaged in the extraction or production process, or regularly exposed to mine hazards, or contracted by the operator and regularly exposed to mine hazards, must receive comprehensive training. "Regularly exposed" means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

Individuals not engaged in the extraction and production process, not regularly exposed to mine hazards, or inconsequentially exposed to

mine hazards must receive the appropriate Sections 48.11/48.31 hazard training.

The training exemption for mining supervisors who are certified in accordance with MSHA-approved state certification requirements under Sections 48.2(a)(1)(ii)/48.22(a)(1)(ii) has been removed. Mining supervisors are now considered to be miners under Part 48 and are required to be trained.

Independent Contractors

A. Coverage and Training Requirements

Independent contractors working at a mine are miners for Part 48 training purposes, except as explained below.

This policy statement does not affect an operator's responsibility to ensure that all miners are appropriately trained. Part 48 requires training prior to performing work in or on mine property. This includes an operator's responsibility to conduct mine-specific training.

This policy does not cover independent contractors who are surface construction workers or workers involved in underground mine construction work that causes the mine to cease operations. All other independent contractors must receive the appropriate Part 48 training.

Sections 48.2(a)(1) and 48.22(a)(1) define miners including independent contractors who are to receive comprehensive training. Sections 48.2(a)(2) and 48.22(a)(2) define miners including independent contractors who are to receive hazard training.

B. Independent Contractor Training

The appropriate training will be either the comprehensive training (new miner training, experienced miner training, task training, and annual refresher training) or hazard training.

1. Comprehensive Training

Independent contractors must receive comprehensive training if they perform extraction and production work or are regularly exposed to mine hazards.

a. Determination of Appropriate Comprehensive Training

Whether an independent contractor should receive the new miner training (Section 48.5 or 48.25) or the experienced miner training (Section 48.6 or 48.26) depends on whether the miner is an "experienced miner" under Section 48.2(b) or 48.22(b).

b. Extraction and Production

No work time minimum is associated with this provision. Independent contractors who perform extraction and production work must receive the appropriate comprehensive training. "Extraction and production" refers to the process of mining and removal of coal or ore from a mine. This process includes both the mechanical and chemical separating of coal from the surrounding rock and metal or valuable minerals from ore and concentrate; removal and milling of conglomerates or rocks by crushing, screening, or sizing; and haulage associated with these processes.

Short-term independent contractors who perform extraction and production work and have received experienced miner training may, instead of receiving experienced miner training for each subsequent mine, receive hazard training (see Sections 48.2(a)(1)/48.22(a)(1)).

The experienced miner training such contractors receive initially may be largely generic. The training must be of sufficient duration and content to cover the principles of mine safety and health, as well as the types of hazards they might encounter at the mines. Thorough hazard training satisfies the mine-specific training through the program approved as part of the approved training plan.

c. Maintenance or Service Workers Who are Regularly Exposed to Mine Hazards

Independent contractors who are regularly exposed to mine hazards, or who are maintenance or service workers contracted by the operator to work at a mine

for frequent or extended periods, must receive comprehensive training. "Regularly exposed" means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

d. Selection of Training Programs

Independent contractors may submit their own training plans and conduct their own MSHA-approved training program, use an MSHA-approved cooperative program, or use the MSHA-approved training program for the mine.

2. Hazard Training

Independent contractors not previously described who are exposed to mine hazards are to receive hazard training under Sections 48.11/48.31.

Independent contractor exposure to hazards varies from situation to situation. Hazard training must be tailored to fit the training needs of the particular contractor. Training these contractors receive must be of sufficient content and duration to thoroughly cover the mine-specific conditions, procedures, and safety devices. Training must include hazards incident to the performance of all job assignments by the contractor at the mine. An experienced miner must accompany independent contractors subject to hazard training at all times while underground (Section 48.11(e)).

Persons Performing Construction Work

Construction work includes the building or demolition of any facility, the building of a major addition to an existing facility, and the assembling of a major piece of new equipment, such as installing a new crusher or the assembling of a major piece of equipment such as a dragline.

A. Underground Mines

If construction work is of a major addition that causes the mine to cease operations, no training is required under Part 48. However, Part 48 training is required if the:

1. Construction work is not of a "major addition which requires the mine to cease operations;" or
2. Mine is "operational" (that is, if the mine is producing material or if a regular maintenance shift is ongoing).

B. Surface Mines or Surface Areas of Underground Mines

No training is required under Part 48 if workers are performing construction work.

Persons Performing Maintenance or Repair Work

Maintenance or repair work includes the upkeep or alteration of equipment or facilities. Replacement of a conveyor belt would be considered maintenance or repair.

A person performing maintenance or repair work, whether or not the mine is operational, must receive the appropriate comprehensive or hazard training under Subpart A or B. The type of training depends upon whether the person is regularly exposed to mine hazards.

Miners Performing Work at More Than One Mine

If a miner is based at one mine or at a central shop and periodically works at other mines owned by the operator, the miner must receive comprehensive training under Subparts A and B, as appropriate, supplemented by additional hazard training, as under Section 48.11/48.31, at each of the other mines.

Underground and Surface Miners - Crediting Training

A miner who works in both an underground mine and a surface mine or surface area of an underground mine must have received comprehensive underground and surface training under Subparts A and B. Credit should be allowed for applicable training taken under one subpart to meet requirements of the other subpart.

48.2(a)(2)/48.22(a)(2) - "Miner"

For hazard training (Sections 48.11/48.31), a "miner" is a person who is not an extraction and production worker and who is not regularly exposed to mine hazards. "Regularly exposed" means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

Miners included within the definition must be accompanied by an experienced miner at all times while underground. The required training should be commensurate with the expected exposure to hazards.

48.2(b)/48.22(b) - "Experienced Miner"

Under Section 48.2(b), an "experienced miner" is:

1. A miner who has completed MSHA - approved new miner training for underground miners or training acceptable to MSHA from a State agency and who has had at least 12 months of underground mining experience; or
2. A supervisor who is certified under an MSHA - approved State certification program and who is employed as an underground supervisor on October 6, 1998; or
3. An experienced underground miner on February 3, 1999. An experienced underground miner on February 3, 1999, includes a miner:
 - a. Who was employed as an underground miner on October 13, 1978;
 - b. Who has received 40 hours of new miner training within 12 months prior to February 3, 1999; or
 - c. Who has had at least 12 months of underground mining experience during the 3 years preceding February 3, 1999.

Under Section 48.22(b), an "experienced miner" is:

1. A miner who has completed MSHA - approved new miner training for surface miners or training acceptable to MSHA from a State agency and who has had at least 12 months of surface mining experience; or
2. A supervisor who is certified under an MSHA - approved State certification program and who is employed as a surface supervisor on October 6, 1998; or
3. An experienced surface miner on February 3, 1999.
An experienced surface miner on February 3, 1999, includes a miner:
 - a. Who was employed as a surface miner on October 13, 1978;
 - b. Who has received 24 hours of new miner training within 12 months prior to February 3, 1999; or
 - c. Who has had at least 12 months of surface mining experience during the 3 years preceding February 3, 1999.

Once a miner has received new miner training and has accumulated 12 months of mining experience, MSHA considers that miner to be experienced for life for training purposes. MSHA also considers miners who are experienced miners under the old rule as described above to be experienced miners for life.

Miners included in any of the above categories need not be provided new miner training. However, experienced miner, annual refresher, and, when appropriate, task training are required.

After receiving new miner training, a miner will need to accumulate 12 months of mining experience to be considered an "experienced miner" for training purposes. If the miner leaves mining before accumulating the 12 months of mining experience and:

- A. Less than 36 months has passed since receiving new miner training, the miner must receive experienced miner training before starting work.

- B. More than 36 months has passed since receiving new miner training, the miner must repeat new miner training.

There are no specific requirements for tracking, recording or verifying the accumulation of experience. It is the operator's responsibility to determine the miner's experience based on the miner's work and training history.

48.2(c)/48.22(c) - "New Miner"

Persons who do not meet the criteria for experienced miners found in Sections 48.2(b)/48.22(b) must receive new miner training (Sections 48.5/48.25) when starting to work or returning to work after an absence of more than 3 years to obtain experienced miner status.

A. Underground Mines

An experienced surface miner who begins work in an underground mine is, for training purposes, a new miner, and must be provided new miner training under Section 48.5. Credit is allowed for applicable surface training (Subpart B).

B. Surface Mines or Surface Areas of Underground Mines

An experienced underground miner who begins work in a surface mine or surface area of an underground mine is for training purposes a new miner, and must be provided new miner training under Section 48.25. Credit is allowed for applicable underground training (Subpart A).

48.2(d)/48.22(d) - "Normal Working Hours"

Training may only be conducted during "normal working hours." "Normal working hours" are determined on a case-by-case basis. Factors such as past practices and patterns of scheduling work should be considered.

Miners attending a Part 48 training session during "normal working hours" must be paid at the rate they would receive if they were working at the time. A reasonable rest period between training sessions and working shifts should be provided.

48.2(e)/48.22(e) - "Operator"

Independent contractors are responsible for the Part 48 training of their employees (see 30 CFR Part 45 and this manual for more information). A contractor may have his/her own training plan or may utilize the mine operator's plan.

48.3/48.23 - Training Plans; Time of Submission; Where Filed; Information Required; Time for Approval; Method for Disapproval; Commencement of Training

Approval of Instructors

Sections 48.3(a)(1)/48.23(a)(1), 48.3(a)(2)/48.23(a)(2), and 48.3(k)/48.23(k) are no longer applicable. These Sections were intended to allow operators time for initial implementation of Part 48. Each operator now has ample time to prepare a training plan prior to opening a new mine or reopening a closed mine, and is, therefore, expected to provide training prior to assigning work duties.

Each operator must submit the information required by Section 48.3(c)/48.23(c), and may use a format that is logical and reasonable. There is an optional electronic version available on the MSHA Homepage (www.msha.gov).

Operators must indicate a predicted time that training will occur, such as the first week of each quarter. Specific days and times of the training can be obtained by MSHA, as needed, upon request.

If changes are made to the list of MSHA approved instructors, they are not required to be submitted to MSHA for approval, provided that the list of approved instructors is maintained with the approved plan at the mine and is made available for MSHA inspection and examination by the miners and their representatives. Mine operators are still responsible for notifying the miners and miners' representative of any revisions to their list of MSHA approved instructors.

If a change in mine ownership results in changes in procedures or conditions at the mine, a new training plan must be submitted to MSHA for approval. If conditions and procedures do not change, the new operator may continue to utilize the current plan with appropriate administrative changes, pending a review by the District Manager. If plan changes are required in accordance with Sections

48.3(m)/48.23(m)(1,2,3), the District Manager will indicate in writing required changes and how the deficiencies can be corrected.

Limited Instructor Cards

Instructors designated by MSHA as approved instructors for surface operations (IS) or underground operations (IU) may be approved to teach all courses under the appropriate subpart of 30 CFR Part 48 or may be limited to teach only specific courses.

Effective August 1, 1988, those instructors who are approved to teach only specific courses under Part 48 must have the word "LIMITED" printed in the lower left corner of their MSHA Instructor Card.

No such designation will appear in the lower left corner of the MSHA Instructor Card for instructors who are approved without limitations.

Instructors for Task Training

Under Sections 48.3(g)/48.23(g), task training required by Sections 48.7/48.27 may be given by a qualified trainer, by an experienced supervisor, or by persons experienced in the particular task. Sections 48.3(c)(8)(ii)/48.23(c)(8)(ii) require listing in the training plan only the job titles of the persons conducting the task training, and not their names.

48.4/48.24 - Cooperative Training Program

Training requirements for new miners and experienced miners (Sections 48.5/48.25 and 48.6/48.26) provide for mine specific training. Some examples of these requirements include: introduction to work environment; mine roof, ground controls, and ventilation plans; the use of self-rescue devices; escape and emergency procedures; mine transportation and communication systems; and the health control plan. Some subject matter may contain generic and mine-specific aspects. The mine-specific aspects may be addressed by the cooperative trainers or the mine operator. In all instances, new underground miner training given through a cooperative source must provide for approximately 8 hours of training to be given at the mine site where the miner is employed.

Annual refresher training (Sections 48.8/48.28) is required to cover such mine specific matters as the use of self rescuers, the review of roof or ground control plans, and health control plans. If the

cooperative is to teach the annual refresher, the mine-specific aspects must be addressed.

48.5/48.25 - Training of New Miners; Minimum Courses of Instruction; Hours of Instruction

A. Underground Mines

An experienced surface miner who begins work in an underground mine is, for training purposes, a new miner and must receive new miner training under Section 48.5. The MSHA district manager may credit applicable surface training (Subpart B) toward the underground training (Subpart A) requirement.

B. Surface Mines and Surface Areas of Underground Mines

An experienced underground miner who begins work in a surface mine is, for training purposes, a new miner and must receive new miner training under Section 48.25. The MSHA district manager may credit applicable underground training (Subpart A) toward the surface training (Subpart B) requirements.

Job Site Training

Health and safety training may be conducted at the job site and may involve performance of actual job tasks. Job site training must be completed under close and continuous supervision of an approved instructor, with training, not production, as the primary goal. The training is acceptable if the following conditions are met:

1. Instructors must follow an outline in which each step of the job is broken down into instructional units. The students must demonstrate safe performance of each job step. Several units may be combined in the same instructional period.
2. All health and safety standards must be observed.

48.6/48.26 - Experienced Miner Training

Health and safety training may be conducted at the job site and may involve performance of actual job tasks. Guidelines for job site training are set out under Sections 48.5/48.25 above.

When an experienced miner returns to the same mine following an absence of 12 months or less, the miner must be informed about major changes affecting safety or health that have occurred at the mine during the absence before the miner starts work. Also, the miner must complete annual refresher training as required in Section 48.8/48.28 before starting work, if the miner missed that training during the absence.

With one exception, there are no time requirements for experienced miner training. However, for miners returning to mining after an absence of 5 years or more, the returning "experienced miner" must receive at least 8 hours of experienced miner training.

48.7/48.27 - Training of Miners Assigned to a Task in Which They Have Had No Previous Experience; Minimum Courses of Instruction

An appropriately completed Job Safety Analysis may be used as a training guide when conducting task training as long as it complies with the task training requirements of Part 48.

48.8/48.28 - Annual Refresher Training of Miners; Minimum Courses of Instruction; Hours of Instruction

Operators may provide annual refresher training at any time during the last calendar month of the miner's annual refresher training cycle. To illustrate this policy, miners who began work in July 2001 must complete their annual refresher training any time in July 2002. Accordingly, training records and schedules may be maintained on a monthly basis, rather than tracking each miner's individual training date. Also, operators should be encouraged to schedule annual refresher training at the beginning of the month so that if for some reason a miner misses the regularly scheduled training, there will still be a reasonable opportunity for the training to be made up before the end of the month.

Annual refresher training is required to cover such mine-specific matters as the review of roof or ground control plans and health control plans in effect at the mine. Refresher health and safety training may be conducted at the job site and may involve performance of actual job tasks. Guidelines for job site training are set out under Sections 48.5/48.25.

Refresher Training Following an Absence

The following training is required for experienced miners as defined in Sections 48.2(b)/48.22(b) who return to work following an absence:

1. When an experienced miner returns to the same mine following an absence of 12 months or less, the mine operator must provide annual refresher training based on the miner's original schedule before the absence. The miner must complete annual refresher training before starting work, if the miner missed that training during the absence. Also, the miner must receive training that covers major changes affecting safety or health that have occurred at the mine, before the miner starts work. This training may be credited toward the miner's annual refresher training.
2. When an experienced miner returns to the mine following an absence of more than 12 months, the operator must provide experienced miner training before the miner begins work. This starts a new annual refresher training date for this miner.

In either case, if the miner is assigned a new work task, the operator must provide new task training prior to having the miner perform that task.

The above does not apply to experienced miners assigned to work underground or on the surface for the first time. These miners are "new miners" under the training regulations and must receive new miner training. Credit can be given for applicable underground or surface training.

Extension of Time to Complete Annual Refresher Training

The unexpected return of miners after absences may create a strain between the completion of quality refresher training and prompt return of the miners to productive employment.

In order to accommodate unforeseeable events, district managers may consider requests for limited extensions of time to complete annual refresher training. Such requests will be considered on a case-by-case basis, and be granted only if:

1. The miners involved are experienced, as defined by Sections 48.2(b)/48.22(b).

2. Good faith efforts were made by the operator to train the miners before the annual refresher training anniversary date passed.
4. The miners, before returning to work, will be given any task training required by Sections 48.7/48.27, and will be thoroughly instructed in any changes in procedure at the mine or in the mining environment. In underground mines, these procedures must include changes in roof control, ventilation, emergency escapeways, and transportation controls.
5. The required annual refresher training will be promptly completed.

Subject to additional conditions that the district manager may require, a request for a limited extension of time to complete annual refresher training may be granted when these factors are met. In no case, however, should extensions be granted to correct poor scheduling practices or failure to anticipate foreseeable training needs, nor should provisions for an extension of time appear in an operator's approved training plan or otherwise be routinely granted.

When extensions of time to complete annual refresher training are granted, such extensions should be confirmed in writing to the operator, stating the conditions of the extension and the date that refresher training will be completed. The completion date of this refresher training cycle initiates a new anniversary date.

Annual Refresher Guidelines for Training Plans

An effective refresher training program must be adapted to changes in mining conditions, accident history, and other training concerns. Time spent for each course may vary to meet specific needs. The following guidelines should be used to evaluate provisions for annual refresher training:

1. The required annual refresher training courses listed in Sections 48.8/48.28 that are not applicable to a particular mine may be omitted from that mine's training plan. A notation of which courses are not applicable should appear in the training plan.
2. An 8-hour minimum is required for the total annual refresher training program. However, the time spent on individual

courses may vary from year to year or from one area of the mine to another depending on specific safety or health problems encountered. The mine's accident experience should significantly influence the amount and type of training miners receive throughout the year.

3. All applicable refresher training courses listed in the approved training plan are to be given during each 12- month cycle. However, two or more of the courses may be covered in one training session or safety meeting. For example, a well structured safety meeting may cover ground control, related safety standards, prevention of accidents, and other topics without the necessity of separate blocks of instruction.
4. Safety meetings of at least 30 minutes duration, conducted by an MSHA-approved instructor, and addressing appropriate course content are acceptable training sessions that satisfy the annual refresher requirements.

Training plans may be revised to reflect training needs. Requests for revisions should be submitted in accordance with Sections 48.3(j)(1)/48.23(j)(1).

48.9/48.29 - Records of Training

Approved Forms

All Part 48 training must be properly recorded by the operator on an MSHA Form 5000-23 (training certificate), or on an MSHA - approved alternate form. Alternate forms must include at least as much information as a Form 5000-23, and should be labeled ***MSHA Approved Alternate Form 5000-23 (current month and year)***. Forms proposed by the operator must be sent for approval to the Director of Educational Policy and Development, MSHA, 1100 Wilson Boulevard, Arlington, Virginia 22209-3939.

Record-Keeping Requirements

Operators are required under Sections 48.9/48.29 to give a copy of the training certificate, MSHA Form 5000-23, or an approved alternate, to the miner upon completion of each MSHA approved training program. A "training program" is any miner training (i.e., new miner,

newly employed experienced miner, task, annual refresher training or hazard training) completed during a 12- month training cycle.

In order to simplify record-keeping, all MSHA approved training programs completed within a miner's 12-month training cycle may be recorded on one Form 5000-23, provided the following procedures are used:

1. Each time a miner completes an MSHA approved training program, the operator must initial and date the form to certify that the miner has received the specified training. Initialing and dating can be done in the space on the form adjacent to the type of training. Also, the miner should be given an opportunity to sign or initial the form.
2. When an MSHA - approved program is completed and recorded by the operator, a copy of the certificate must be given to the miner upon request.
3. At the end of the 12-month training cycle, or when the miner signs item 8 of the form, a copy of the completed form listing all completed training programs and signed by the operator or the operator's representative must be given to the miner.

The training certificate, MSHA Form 5000-23, has been revised so that all training completed by a miner during the 12-month cycle may be recorded on one form.

Miscellaneous

Under Sections 48.4/48.24, Cooperative Training Program, the cooperative trainer may sign the training certificate upon partial completion of cooperative training. Final signature upon completion of the program must be by the operator or his or her representative.

For Surface Mines and Surface Areas of Underground Mines

Under Section 48.31 Hazard Training, the operator may use a Form 5000-23 for hazard training. The Form 5000-23 need not be used, however, if the following situations satisfy hazard training requirements:

1. Verbal instructions of mine hazard avoidance procedures are given by mine personnel, and the person receiving the

instructions signs a log sheet indicating receipt of the instructions.

2. Written instructions of mine hazard avoidance procedures are supplied. The written instructions, signed by the person receiving them, or a log sheet signed by the recipient must be maintained as a record.

48.10/48.30 - Compensation for Training

Sections 48.10/48.30 implement Section 115(b) of the Mine Act ("miners shall be paid at their normal rate of compensation while taking such training"). Sections 48.2(d)/48.22(d), which define "normal working hours," state in part that: "miners shall be paid at a rate of pay which shall correspond to the rate of pay they would have received had they been performing their normal work tasks."

The purpose of both the statute and the regulations is to assure that miners are not financially penalized when they receive training during work hours. For example, if a miner is "cross shifted," and the "cross shift" is considered normal working hours, the rate of pay the miner would receive if working is the rate the miner must receive while in training.

48.11/48.31 Hazard Training

The exposure to mining hazards varies according to the task. The greater the hazard exposure, the greater the need for training. Hazard training should be:

1. Mine specific, so that persons are advised of the hazards they may encounter at a particular mine; and
2. Conducted each time a person enters a different mine.

Examples of Appropriate Training

Although the amount of required training may vary, the following are examples of appropriate training:

1. Employees of Equipment Manufacturers
 - a. Employees who are on the mine site in a service or maintenance capacity must be given training in accordance

with their exposure to hazards. If the specific job will not entail frequent or extended exposure to hazards at the mine, they need only be given hazard training.

If the job assignment of a service or maintenance worker is contracted to work at a mine for frequent or extended periods, and they are exposed to mining hazards, comprehensive training must be given -- either new miner training or experienced miner training, as appropriate. In addition, if appropriate, the employees must be provided with and instructed in the use and location of the self-rescue device made available at the mine as required by 30 CFR 75.1714, or meet the requirements for self-rescue devices as provided under 30 CFR 57.15030 and 57.15031, and trained pursuant to 57.18028(b), as applicable.

- b. Manufacturers' field representatives, such as sales representatives, must be given training in accordance with their exposure to hazards at the mine. If they are regularly exposed to mine hazards, they must be given comprehensive training, either new miner training or experienced miner training, as appropriate.

2. Labor, Management or Government Officials

- a. Labor, management or government officials visiting the mine site need not be given training. However, such persons should be accompanied by experienced miners and be provided with appropriate safety equipment and self-contained self-rescuer (SCSR) training (see 30 CFR 57.15031 and 75.1714).
- b. Authorized representatives of the Secretary of Labor or Secretary of Health and Human Services need not be given any Part 48 training or be accompanied when carrying out duties required by 30 CFR or by the Mine Act.
- c. Contractors doing work for the government which requires their presence at the mine to observe conditions or to collect information must be given hazard training.

3. Customers and Delivery Persons

- a. For purposes of training, customers are individuals who are briefly on mine property to pick up mined materials.

The extent of customers' exposure to mine hazards varies. Training is not required if there is no exposure to mine hazards. Customers must receive hazard training commensurate to their exposure to mine hazards. In addition, they must be trained in the health and safety aspects and safe operating procedures of any mine machinery or equipment that they are required or allowed to operate while on mine property. Comprehensive training would apply to customers engaged in the extraction and production process.

- b. Delivery persons are individuals who enter mine property briefly to deliver supplies, who are not engaged in the extraction and production process, or do not perform maintenance and service work. Delivery persons must receive hazard training commensurate to their exposure to mine hazards. MSHA expects a realistic appraisal by the mine operator of the hazards associated with such jobs.

4. Other Visitors

- a. Underground Mines

Short-term visitors to mine sites who are not required to be provided Part 48 training must be provided with and instructed in the use and location of the self-rescue device made available at the mine as required by 30 CFR 75.1714, or meet the requirements for self-rescue devices as provided under 30 CFR 57.15030 and 57.15031, and trained pursuant to 30 CFR 57.18028(b), as applicable.

- b. Surface Mines and Surface Areas of Underground Mines

Students on field trips and other short term visitors (1 day or less) need not be given Part 48 training. However, they should be accompanied by experienced miners and be provided with appropriate safety equipment.

Compliance Guide

Part 48 Training and Retraining of Miners December 1998

1. How does the new training rule change the definition of an "experienced miner"?

The old rule required a miner to receive new miner training within 12 months or to accumulate 12 months of mining experience within the previous 36 months to be considered an "experienced miner." The new rule requires that a miner receive new miner training **and** have 12 months of mining experience to qualify as an "experienced miner."

2. Can the miner then lose that status as an "experienced miner" by being away from mining for a period of time?

No. Once a miner has received new miner training and has accumulated 12 months of mining experience, MSHA considers that miner to be experienced for life for training purposes.

If the miner is away from mining for more than 36 months after receiving new miner training, and before accumulating 12 months of mining experience, the new rule requires that miner to repeat new miner training.

After taking new miner training the miner will then have another 36 months in which to finish accumulating the 12 months of mining experience needed to be an "experienced miner" for training purposes.

Also, once a miner is experienced and leaves the mining industry for more than 5 years and then returns, the miner must receive at least 8 hours of experienced miner training.

3. What training is required for a newly-employed miner who has not gained "experienced miner" status?

If a newly-employed miner has completed new miner training within 36 months of starting work at a different mine, the miner must receive "experienced miner" training. If the miner has not completed new miner training within 36 months, however, then

the miner must repeat new miner training at the different mine. After completing this initial "experienced miner" or "new miner" training, the miner is then subject to all other training required for "experienced miners" at the mine.

For example, suppose a new miner receives new miner training and works 10 consecutive months in mining. Then, the miner leaves mining and works in an industry outside of mining for the next 3 years. If the miner returns to work in the mining industry, the new training rule requires that the miner receive new miner training because more than 36 months had passed since the miner had received this training and the miner had not accumulated 12 months of mining experience. Once the miner works an additional 2 months, the miner will be considered an "experienced miner" for life for training purposes.

4. Can the experience be either surface or underground?

An experienced underground miner must have at least 12 months of underground mining experience; and an experienced surface miner must have at least 12 months of surface mining experience.

5. Can a miner accumulate part of the mining experience underground and part on the surface to total 12 months?

No. To be an experienced underground miner, all 12 months of experience must be underground; to be an experienced surface miner, all 12 months of experience must be on the surface.

6. Can a miner be both an experienced underground miner and an experienced surface miner?

Yes, if that miner has completed the training and experience requirements for both underground and surface miners.

7. How long does a miner have to obtain the 12 months of mining experience?

There is no time limit for obtaining the 12 months of mining experience.

8. How long does an independent contractor working intermittently at mine sites have to gain the 12 months of mining experience?

There is no time limit for obtaining the 12 months of mining experience.

9. How do I track the accumulation of experience?

The rule has no specific requirements for tracking or recording the accumulation of experience. It is your responsibility to determine the miner's experience based on the miner's work and training history.

10. Does MSHA give the miner credit for work experience not gained at a mine?

Yes, under specific conditions. Surface maintenance and service contractors often have significant trade experience in environments similar to surface mines or the surface areas of underground mines. We will allow this trade experience to count towards satisfying the requirement for 12 months of surface mining experience. These service or maintenance contractors, however, must still receive new miner training.

For example, if a contractor hired to service a dozer has 12 months of experience servicing dozers in environments similar to mining, such as construction sites, that contractor will have satisfied the experience requirement and would only need to receive new miner training to be an "experienced" surface miner for training purposes.

11. Who determines whether experience should be credited?

You are responsible for determining to what extent the contract worker's past experience should be credited based on a reasonable assessment of the contract worker's work history. If you need additional guidance in determining a person's qualifications, contact us for assistance.

12. On the effective date of the new rule, what is the status of miners who are already considered "experienced" under the old rule?

If a miner is an "experienced miner" under the old rule on February 3, 1999, the effective date of the new rule, we will consider that miner to be an "experienced miner" for life under the new rule.

13. What training must new miners receive to become "experienced miners," and who can give the training?

Like the old rule, the new miner training must be approved by MSHA and given by an MSHA-approved instructor. As in the past, this training can be provided by many sources, including the mine operator, the State, universities, trade associations, and independent trainers.

14. Miners, particularly supervisors, sometimes conduct Part 48 training. Can I credit their time teaching a required course as meeting the requirement for taking that course?

Yes. For example, if a miner conducts annual refresher training in health, prevention of accidents, and electrical hazards, you can credit that miner with having taken those courses.

15. Who can sign the Certificate of Training (MSHA Form 5000-23) for a miner who conducts the training?

Any person responsible for the training, including the instructor, can sign the 5000-23 form.

16. Are there any changes in the new rule that will affect completing the MSHA Form 5000-23?

Yes. The new rule redefines experienced miner training from "Training of newly employed experienced miners; minimum courses of instruction" to "Experienced miner training." On the existing 5000-23 form, continue using "Newly Employed Experienced Miner" for all "Experienced miner training."

Also, one new course was added that is not listed in item 5 on the 5000-23 form which lists the separate subjects for partial training

purposes. If you conduct partial training you can write in "Emergency medical procedures" under other.

In the near future, we will print new 5000-23 forms with these changes. However, existing 5000-23 forms can be used until the supplies are depleted.

17. Are we going to require you to revise and resubmit existing alternate 5000-23 forms for approval?

No. However, if you choose to do so you may.

Training of Supervisors

18. What impact does this rule have on the training of supervisors?

The new rule requires all supervisors to be trained, eliminating the Part 48 training exemption for State-certified supervisors. The rule primarily affects underground coal supervisors.

19. Exactly what training must supervisors now have under the new rule?

The new rule requires that all supervisors be treated like other miners for training purposes. Accordingly, depending on their exposure to mine hazards and their duties, supervisors must receive either comprehensive training or hazard training. Comprehensive training includes "experienced miner," task, and annual refresher training.

20. Under what circumstances would a supervisor not be required to receive comprehensive training?

Supervisors who are generally office workers and are not regularly exposed to mine hazards would not need comprehensive training. Because their exposure to mine hazards is minimal, hazard training is both appropriate and sufficient.

21. For supervisors who have not been required to receive Part 48 training, how long do they have to complete annual refresher training after the rule is published?

Supervisors have until the end of October 1999 (one year) to complete the initial annual refresher training. The month in which the supervisor completes the 8 hours of initial annual refresher training then becomes the new anniversary date for subsequent refresher training.

For example, if a supervisor completes the 8 hours of annual refresher training in January, 1999, that supervisor will have to complete another 8 hours of annual refresher training by the end of January 2000.

22. Do supervisors have to take training under both Part 48 and Parts 75 or 77?

Yes. Both annual training requirements will be in effect until October 6, 1999. This will require a State-certified supervisor to receive annual refresher training under Part 48 as well as annual training for certified persons under existing Parts 75 or 77.

23. Does this mean that these supervisors will have to receive the same training twice?

No. MSHA will credit training taken under part 48 to satisfy the requirements of Parts 75 or 77 and vice versa during this transition period.

For example, you can credit the annual instruction in methane measurement and oxygen deficiency testing taken under Section 75.161(a) toward satisfying the Part 48 annual refresher training requirement under Section 48.8(b)(10) Mine Gases.

Additional Training

24. What additional training does the new rule require?

The new rule requires four new courses for "experienced miner" training. These four new courses are in addition to the 7 courses already required for newly employed experienced miners under current regulations. The new courses are—

- (1) prevention of accidents,
- (2) emergency medical procedures,
- (3) health, and
- (4) health and safety aspects of tasks.

Miners who are required to take new task training do not have to take the course on health and safety aspects of tasks.

The new rule also changes the heading for this training to "experienced miner training." This revised heading clarifies and emphasizes that, in addition to those newly employed at the mine, other kinds of "experienced miners" must take this training.

25. What are the different kinds of "experienced miners" who must take the "experienced miner training"?

"Experienced miners" are miners who are—

- (1) Newly employed by the operator,
- (2) Transferred to the mine,
- (3) Transferred from surface to underground or vice versa, and
- (4) Returning to mining after an absence of more than 12 months.

26. Are there any minimum time requirements for "experienced miner training" or individual courses?

With one exception, there are no time requirements for "experienced miner training" or any individual course, including the four new courses. The exception is for miners returning to mining after an absence of 5 years or more. After such a long absence, you must provide the returning "experienced miner" with at least 8 hours of "experienced miner training." The new rule, like the current rule, does not specify the duration of instruction on any individual course.

27. Does this mean that I can give as much of this training as I want?

Yes, to some extent. You have the flexibility to determine what amount of training is appropriate. The new rule, however, requires that you vary the instruction time and content of each course as is necessary to meet the training needs of the "experienced miner." It is your responsibility to reasonably assess the training needs of the "experienced miners." It is highly likely that these miners will have varying familiarity with aspects of their new assignments, such as the mining methods used, the environmental conditions at the mine, the tasks they are going to perform, and the mine's safety and health procedures.

28. Is there any other new training required by the rule?

Yes. When a miner has been absent from the mine for 12 months or less, the new rule requires that you inform the miner about major changes affecting safety or health that have occurred at the mine during the absence. You must provide the returning miner this information before the miner starts work.

29. What is a "major" change?

A major change is one which you know, or should know, could endanger the miners' health or safety.

30. What does "absence" mean here?

An absence is being away from the mine for any period of time for any reason including illness, vacation, work stoppage, downtime, or off shift. Events that are likely to adversely affect miners' safety or health can occur quickly and most are unrelated to the length or cause of the absence.

31. Does this training need to be conducted by an approved instructor?

No. You may designate any person knowledgeable of the changes to give this training. We expect that, usually, the supervisor or other miner-in-charge will tell the miners this information at the start of each shift. Also, there is no recordkeeping required for this training.

Removal of Duplication

32. What training requirements are eliminated, and where are they otherwise covered?

The new rule eliminates some duplicate regulatory text. This removal of duplicate text, however, does not substantively alter or eliminate any training requirements.

Training Requirements Removed

Section 75.161(a) for methane measurement and oxygen deficiency testing

Section 75.161(a) for roof and rib control and ventilation plans

Section 75.161(c) for self-contained self-rescue devices

Section 77.107-1 is revised by deleting the reference to principles of mine rescue

Covered in 30 CFR 48

Section 48.8(b)(10) (Mine gases)

Section 48.8(b)(4) (Roof or ground control and ventilation plans)

Section 48.8(b)(8) (Self-rescue devices and respiratory devices)

Section 48.28(b)(3) (Escape and emergency evacuation plans; firewarning and firefighting)

Effective Dates

33. What are the effective dates of the rule?

There are three effective dates for the rule.

Effective **October 6, 1998**, publication date of final rule:

- A supervisor who is certified under an MSHA-approved State certification program and who is employed as an underground or surface miner will be considered an "experienced miner" for training purposes.
- The new rule establishes October 1999 as the anniversary date for annual refresher training of supervisors who were previously exempt from Part 48 training. These supervisors must complete annual refresher training under Part 48 by the end of October 1999.

Effective **February 3, 1999**, 120 days after the rule was published:

- Any miner who is considered an "experienced miner" under the old rule will be considered an "experienced miner" for training purposes under the new rule.
- You must have modified your training plans to include the four new required courses in "experienced miner training."
- "Experienced miner training" must conform to the provisions in the new rule.

On October 6, 1999, 12 months after the rule was published:

- Revised Sections 75.161 and 77.107-1 became effective.

ADDITIONAL PART 48 QUESTIONS AND ANSWERS

- 1. Does the person, who signs the 5000-23 certificate of training form certifying training was provided, have to be physically present during the training session?**

No; however, the person signing the 5000-23 form should have sufficient knowledge that the training was conducted. By signing the 5000-23, the person responsible for training is certifying that the training was completed as indicated on the 5000-23.

- 2. Does an approved instructor have to sign 5000-23 forms?**

No.

- 3. Do miners who are receiving training have to sign the certificate?**

No, but miners must be afforded an opportunity to sign the 5000-23. Where possible, a statement of refusal, signed by the trainee, should be retained as documentation by the operator.

- 4. Can a "sign-in" log book be used to record both surface and underground hazard training?**

Underground hazard training must be recorded on a 5000-23.

For surface mines and surface areas of underground mines under Section 48.31 hazard training, the operator may use a 5000-23 form for hazard training. The 5000-23 form need not be used, however, if the following situations satisfy hazard training requirements:

1. Verbal instructions of mine hazard avoidance procedures are given by mine personnel, and the person receiving the instructions signs a log sheet indicating receipt of the instructions.
2. Written instructions of mine hazard avoidance procedures are supplied. The written instructions, signed by the person receiving them, or a log sheet signed by the recipient must be maintained as a record.

5. Can a new miner's 5000-23 form be signed before receiving the 8 hours at the mine site?

Yes. A certificate of training can be filled out and signed with 32 hours provided that Section 4 of the 5000-23 form is marked "not completed" and Section 5 of the 5000-23 form must record the subjects that are completed.

6. How long do 5000-23 forms have to be kept at a mine site?

Copies of training certificates for currently employed miners shall be kept at the mine site for 2 years. For miners no longer working at the site, training certificates must be kept for 60 days after employment termination.

7. Can the same 5000-23 form be used for surface and underground?

Yes; however, margin for error and completion dates, number of hours trained and subjects trained in could make accurate documentation of training difficult to identify. It is recommended that a separate form be used for underground and surface.

8. What proof can an operator produce and maintain if a miner comes to the mine and tells the operator that he/she is an experienced miner but has no 5000-23 showing comprehensive training or annual refresher?

Examples may be, but not limited to, payroll records, notarized statements from previous employer, or other documentation that verifies past mining experience.

9. If an employee works at four (4) different mines owned by the same operator, what mine identification number should be on the 5000-23 form for refresher training?

If a miner is based at one mine or at a central shop and periodically works at other mines owned by the operator, the miner must receive comprehensive training under Subparts A and B, as appropriate, supplemented by additional hazard training, as required in Sections 48.11/48.31, at each of the other mines.

10. Is documentation required for a miner demonstrating safe operating procedures for tasks performed within the past 12-month period?

No. A person who performs the task in question during the preceding 12 months does not require task training.

A miner's experience can be determined through a variety of ways. The following are several examples of determining a miner's experience.

1. Previous employment history and documentation of that history; and
2. Interviewing the miner and watching the miner demonstrate proficiency in the task in a non-production and production environment.

11. What Part 48 training records should operators keep for contractors?

Hazard training and any other training conducted by the operator.

12. If new equipment is purchased and operates the same as the equipment used previously, is task training required?

No.

13. Who can give task training?

A qualified trainer, a supervisor experienced in the assigned tasks, or other person experienced in the assigned tasks shall conduct such training (30 CFR 48.7(e) and 48.27(d)). For example, a manufacturer's representative may conduct the training.

14. Do task training instructors need to be listed on the training plan?

No. Task training and hazard training does not have to be conducted by an MSHA - approved instructor. However, the titles of personnel conducting the training shall be submitted in the training plan. (Parts 48.3(8)(ii) & 48.23(8)(ii))

15. Must task training extend beyond mobile equipment (miners, bolter, shuttle car, etc.) operators? If so, to what extent? Belt, general laborer, ventilation, utility, mechanic, equipment helpers:

Yes. Miners assigned to tasks other than mobile equipment operators shall be instructed in the safety and health aspects and safe work procedures of the assigned task, prior to performing such task.

Any person who directs or controls haulage operations at a mine shall receive and complete training courses in safe haulage procedures related to the haulage system, ventilation system, firefighting procedures and emergency evacuation procedures in effect at the mine before assignment to such duties.

16. If a mine has only one (1) type of continuous miner, roof bolter, etc., why are we required to specify type on task training?

Such specification is not required, but it is recommended to eliminate confusion when new or modified equipment is utilized.

17. What type of training is required for an independent contract coal truck driver?

If a coal truck driver is a "miner" as defined in 30 CFR 48.22, comprehensive training (newly employed miner training or experience miner training and annual refresher training, as appropriate) is required.

18. If an independent contract coal truck driver has received comprehensive training what additional training is required at other facilities?

Hazard training and task training where appropriate.

19. What training does a coal truck driver who loads his or her own truck need?

Comprehensive training and task training as appropriate.

20. Can experienced surface workers and/or independent contractors, such as truck drivers, start work after completing experienced miner training if they have not had annual refresher training in the past 12 months?

Yes. Annual refresher training is required within 12 months of receiving newly employed inexperienced miner training or experienced miner training, and annually thereafter.

21. When is hazard training and task training required for contractors?

Independent contractors covered by Part 48 and not required to have comprehensive training, (i.e., not part of the extraction and production process and not regularly exposed to mine hazards), must receive hazard training. Task training is required when performing a new task or if the individual has not performed the task within the last 12 months.

22. If a contractor does not have an MSHA identification number, who can they call for assistance in obtaining a number?

Call the local MSHA office, or log onto our website at www.msha.gov. On the left side of the webpage, click the link for Online Filing, then click the link, Mine ID Request. Click the link, File Online and follow the prompts.

<http://www.msha.gov/forms/elawsforms/MineIDRequest.htm>

23. Is the coal company responsible for seeing that a contractor and their employees have all the training required by Part 48?

MSHA's enforcement policy regarding independent contractors does not change production-operators' basic compliance responsibilities. Production-operators are subject to all provisions of the Act, and to all standards and regulations applicable to their mining operations.

This overall compliance responsibility includes assuring compliance by independent contractors with the Act and with applicable standards and regulations. As a result, both independent contractors and production-operators are

responsible for compliance with all applicable provisions of the Act, standards and regulations. For further information on this issue refer to the Program Policy Manual Volume III- Part 45.

- 24. Does a contractor performing extraction or production work going from one identification number to another—but staying only one (1) to two (2) days—require comprehensive training, even though it is for the same company?**

Comprehensive training (newly employed inexperienced miner or experience miner, and annual refresher) must be given for one of the identification numbers; hazard training at the others and task training, if appropriate).

- 25. Does a miner have to be a 1st class mine foreman to be an approved instructor?**

No.

- 26. Do persons conducting annual refresher training have to be listed on an approved training plan?**

Yes.

- 27. Does all training have to be done by an approved instructor?**

Newly employed inexperienced miner, experienced miner, and annual refresher training must be given by an MSHA - approved instructor. With the exception that a technical expert may present mine specific segments in their area or expertise under the supervision of an MSHA - approved instructor. Task training required by Sections 48.7/48.27 may be given by a qualified trainer, by an experienced supervisor, or by persons experienced in the particular task. Hazard training may be given by an experienced miner or a competent person with knowledge of the mine.

28. Will training conducted by or under the supervision of an MSHA - approved instructor in First Responder or EMT suffice for mandated annual first aid training for selected supervisors under Parts 75/77?

Yes, if the retraining was at least 5 hours in length.

29. Can two or three different mines attend the same training class?

Yes; however, this training format is not recommended. Training could be accomplished if mine specifics for each mine are covered adequately.

30. What policy applies to miners receiving a rest period between work and annual refresher training?

A reasonable rest period between a working shift and a training session should be provided.

31. Do operators pay miners time and a half for training conducted on Saturday?

Miners shall be paid at the same rate of pay they would have received had they been working. If the rate of pay is time and a half for working on Saturday, the operator is required to compensate at that rate.

32. Four (4) 10 hour shifts – Would normal pay be given for training for 10 hours if only 8 hours training given?

If a training session was 8 hours, 8 hours pay would be required.

33. Is annual refresher training required to be given on the same shift that the miners work? If a mine works five (5) days a week, can training be given on Saturday?

Training may only be conducted during "normal working hours." Normal working hours are determined on a case-by-case basis. Factors such as past practices and patterns of scheduling work should be considered. If a mine has a history of working on Saturday, miners can be brought in and trained on Saturday provided they are compensated appropriately.

34. For a surface central shop employee going underground to perform work, what are the training and accompaniment requirements?

If exposure is at irregular intervals, the miner shall receive hazard training annually and be accompanied by an experienced miner while underground.

35. What type of training is required for a miner that floats between several mines owned by the same company?

If a miner is based at one mine or at a central shop and periodically works at other mines owned by the operator, the miner must receive comprehensive training under Subparts A and B, as appropriate, supplemented by additional hazard training, as under Section 48.11/48.31, at each of the other mines.

36. An underground employee is temporarily assigned to a surface job, lamphouse/bathhouse attendant or trash pickup. What training must the operator provide before the employee is assigned to the surface job?

If the employee is not involved with extraction or production and not regularly exposed to mine hazards, then hazard training is required. If the employee is regularly exposed to mine hazards, then comprehensive training is required. In either case task training may also be required. Regularly exposed means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

37. In the above case, can the operator work the employee five consecutive days prior to conducting training or is new miner training required before assignment to the job?

No. If the employee is assigned for more than 5 consecutive workdays, comprehensive training is required before assigning duties. Also, task training must be provided if applicable.

38. If a new employee attended newly employed inexperienced miner training four years ago and never completed 12 months of mining (or equivalent) experience, what training must he/she receive?

After receiving new miner training, a miner needs to accumulate 12 months of mining experience to be considered an "experienced miner" for training purposes. If the miner leaves mining before accumulating the 12 months of mining experience and:

- a. Less than 36 months has passed since receiving new miner training, the miner must receive experienced miner training before starting work.
- b. More than 36 months has passed since receiving new miner training, the miner must repeat new miner training.

There are no specific requirements for tracking, recording or verifying the accumulation of experience. It is the operator's responsibility to determine the miner's experience based on the miner's work and training history.

39. What type of training is required for an underground experienced coal miner who works periodically as a surface mobile equipment operator?

Initially, newly employed surface miner training is required. Some credit may be given for the underground training received. First aid and authority and responsibility of supervisors and miners' representatives may be courses that can be credited. Also task training must be conducted.

40. What type of training is required for an underground experienced coal miner who does work in a surface repair shop and does not meet any of the guidelines under Section 48.22(b) for an experienced surface miner?

Initially newly employed surface miner training is required. Some credit may be given for the underground training received. First aid and authority and responsibility of supervisors and miners' representatives may be courses that can be credited.

41. Can an experienced underground miner work on the surface full-time without additional training (except task)?

If the miner does not meet the definition of an experienced surface miner, Part 48, Subpart B, comprehensive training is required.

42. Are security guards required to have comprehensive training (newly employed inexperienced miner, experienced miner, annual refresher) or hazard training?

Individuals not engaged in the extraction and production process, not regularly exposed to mine hazards, or inconsequentially exposed to mine hazards must receive the appropriate hazard training Section 48.31.

43. What is required for a UPS driver or utility person who visits mine property?

Generally, hazard training is required; it must be commensurate to the exposure to the hazards.

44. At what point do vendors or delivery persons need to have comprehensive training (newly employed inexperienced miner or experienced miner, and annual refresher) instead of hazard training?

Manufacturers' field representative, such as sales representatives and delivery personnel, must be given hazard training. If they are regularly exposed to mine hazards, comprehensive training is required. Regularly exposed means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

45. Is accompaniment required at both underground and surface mines?

No. Only in underground mines.

46. With reference to three contractor employees cleaning three different belts in an underground mine, are three experienced miners required to accompany them?

Yes, if only hazard training is given.

No, if appropriate comprehensive training is given (newly employed inexperienced miner or experienced miner, and annual refresher).

47. Who must accompany a contractor who does not have comprehensive training and is not involved with extraction or production while underground?

An experienced miner who is experienced and is knowledgeable of the hazards at that mine.

48. Can the District Manager require changes to training given by the operator and listed in the mine training plan?

Yes. Part 48 allows the District Manager the discretion to require other courses as may be needed, based on circumstances and conditions at the mine.

49. Do supervisors have to take Part 48 training?

Yes.

50. When is an inexperienced miner classified as an experienced miner?

Upon completion of new miner training and 12 months of mining (or equivalent) experience.

51. What does regular exposure mean (once a week, once a month or once a year)?

"Regularly exposed" means either frequent exposure, that is exposure to hazards at the mine on a frequent rather than consecutive day basis (a pattern of recurring exposure), or extended exposure of more than 5 consecutive workdays, or both.

52. Who needs hazard training?

Individuals covered by Part 48 training requirements and not engaged in the extraction or production process, not regularly exposed to mine hazards, or inconsequentially exposed to mine hazards must receive the appropriate Sections (48.11/48.31) hazard training.

53. What training is required at idle mines where no coal is being processed?

Comprehensive training is required if anyone is working at the mine.

54. If a regular (Part 48) miner (who possesses a State Foreman's Certificate) fills in for a foreman on a limited basis, is this miner required to have Part 75/77 training?

Yes.

55. If certified persons (foreman) are mixed in with Part 48 persons for annual retraining purposes, what additional subjects must be covered with Parts 75/77 certified foreman to comply with Parts 75/77 training requirements?

For certified persons, annual training courses including 5 hours of first aid training, principles of mine rescue, and the provisions of either Part 75 or 77 whichever is appropriate.

56. Would individuals performing construction work (i.e., building preparation plants, mine shops, etc.) be required to have Part 48 training on the surface or surface areas of an underground mine?

No.

57. What is considered construction work?

Construction work includes the building or demolition of any facility, the building of a major addition to an existing facility, and the assembling of a major piece of new equipment, such as installing a new crusher or the assembling of a major piece of equipment such as a dragline.

Underground Mines

If construction work is of a major addition that causes the mine to cease operations, no training is required under Part 48. However, Part 48 training is required if the:

1. Construction work is not of a "major addition which requires the mine to cease operations;" or
2. Mine is "operational" (that is, if the mine is producing material or if a regular maintenance shift is ongoing).

Surface Mines or Surface Areas of Underground Mines

No training is required under Part 48 if workers are performing construction work.

Persons Performing Maintenance or Repair Work

Maintenance or repair work includes the upkeep or alteration of equipment or facilities. Replacement of a conveyor belt would be considered maintenance or repair.

A person performing maintenance or repair work, whether or not the mine is operational, must receive the appropriate comprehensive or hazard training under Subpart A or B. The type of training depends upon whether the person is regularly exposed to mine hazards.

58. What is the maximum amount of time an extension may be granted for completion of annual refresher training following an absence due to illness, injury or work stoppage?

1. When an experienced miner returns to the same mine following an absence of 12 months or less, the mine operator must provide annual refresher training based on the miner's original schedule before the absence. The miner must complete annual refresher training before starting work, if the miner missed that training during the absence. Also, the miner must receive training that covers major changes affecting safety or health that have occurred at the mine, before the miner starts work. This training may be credited toward the miner's annual refresher training.

2. When an experienced miner returns to the mine following an absence of more than 12 months, the operator must provide experienced miner training before the miner begins work. This starts a new annual refresher training date for this miner.

59. What is MSHA's definition of extraction and production?

"Extraction and production" refers to the process of mining and removal of coal or ore from a mine. This process includes both the mechanical and chemical separating of coal from the surrounding rock and metal or valuable minerals from ore and concentrate; removal and milling of conglomerates or rocks by crushing, screening, or sizing; and haulage associated with these processes.

