



# Examinations of Working Places in Metal and Nonmetal Mines

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



# Examinations of Working Places in Metal and Nonmetal Mines

- The Mine Safety and Health Administration's final rule amends the Agency's standards for examinations of working places in metal and nonmetal mines.
- It is effective on June 2, 2018.



# Requirements of the Final Rule

The final rule requires that mine operators:

- Designate a competent person to examine each working place at least once each shift before work begins or as miners begin work in that place, for conditions that may adversely affect safety or health
- Promptly initiate corrective action when adverse conditions are found.
- Promptly notify miners in affected areas if adverse conditions are found and not corrected before miners are potentially exposed.
- Withdraw all persons from affected areas when alerted to any conditions that may present an imminent danger, until the danger is abated;
- Make a working place examination record before the end of the shift for which the examination was conducted.



# Requirements of the Final Rule (continued)

- The examination record must include:
  - Name of the person conducting the examination
  - Date of examination
  - Location of all areas examined
  - A description of each condition found that may adversely affect the safety or health of miners that is not promptly corrected
  - The date when the described condition is corrected.
  
- Mine operators must:
  - Maintain the examination record for at least one year
  - Make the examination record available to MSHA and miners' representatives, and provide a copy upon request.



# Overview – Existing and New Standards

|  | Existing Standards   | Final Standards  |
|--|--|--|
| Who conducts the working place exam  | Competent persons designated by the mine operator  | No change  |
| When to conduct working place exam for conditions that may adversely affect safety or health | At least once each shift   | At least once each shift before work begins or as miners begin work in the working place   |
| Notification to miners   | Not Required   | Promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health that are not corrected before miners are potentially exposed   |
| Corrective action for adverse conditions   | Promptly initiate appropriate action to correct such conditions                            | No change  |
| Conditions that present an imminent danger   | Notify operator immediately and withdraw all persons in affected areas until danger abated | No change  |
| When to make exam record   | No time specified  | Before the end of the shift  |
| Contents of exam record  | Record that exam was made  | Name of person conducting exam; date; locations of areas examined; description of each adverse condition that is not corrected promptly; date of corrective action for each adverse condition that is not corrected promptly |
| Record retention   | 1 year   | No change  |
| Record availability  | Available for review by MSHA   | Available for inspection by MSHA and miners' representatives; provide a copy upon request  |



# The Final Rule Builds on Existing Definitions

- Competent Person - The rule requires that a competent person designated by the mine operator conduct the working place examination.
  - ❑ The definition for a competent person is unchanged (See §§ 56.2 and 57.2).
  - ❑ Competent person means a person having abilities and experience that fully qualify him or her to perform the duties to which he or she is assigned.
  - ❑ A competent person should be able to recognize hazards and adverse conditions that are expected or known to occur in a specific work area or that are predictable to someone in a specific work area.



# The Final Rule Builds on Existing Definitions (continued) –

- Working Place – The rule requires that each working place be examined at least once each shift.
  - ❑ The definition for working place is unchanged (see §§ 56.2 and 57.2).
  - ❑ Working place means any place in or about a mine where work is being performed.
  - ❑ MSHA has consistently maintained that a working place applies to all locations at a mine where miners work in the extraction or milling process.
    - This includes roads traveled to and from a work area.
    - This does not include roads that are not directly involved in the mining process, administrative office buildings, parking lots, lunchrooms, toilet facilities, or inactive storage areas.
  - ❑ Mine operators are required to examine isolated, abandoned, or idle areas of mines or mills when miners are performing work in these areas during a shift.



## ***New Requirement\**** contained in §§ 56/57.18002(a)

- A competent person designated by the operator must examine each working place at least once each shift ***before work begins or as miners begin work in that place\****, for conditions that may adversely affect safety or health.





# New Requirement contained in §§ 56/57.18002(a) - Explanation

- The examination should be sufficiently close in time to the start of work so that a mine operator would reasonably expect conditions to not adversely change before work begins in the examined area.
- If miners will enter a working place where an examination has not been conducted for that shift, a competent person must perform an examination before work begins or as the miners begin work in that place.
- If miners will not be working in a working place during a shift, an examination is not required there.
- An operator is not required to examine the entire mine, unless miners begin work in each working place at the entire mine.



## New Requirement contained in §§ 56/57.18002(a) – Explanation (cont.)

- Mines with consecutive shifts or 24-hour/7-day operations
  - ❑ Mine operators may conduct the working place examination for the next shift at the end of the previous shift; as long as the examination includes all places where miners will be working on that shift.
  - ❑ The examinations should be conducted sufficiently close to the start of the next shift to minimize miners' potential exposure to conditions that may adversely affect their safety or health.



## ***New Requirement\**** contained in §§ 56/57.18002(a)(1)

- ***The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health\**** and promptly initiate appropriate action to correct such conditions.



# New Requirement contained in §§ 56/57.18002(a)(1) - Explanation

- “Notify miners” means any notification that alerts miners to an adverse condition in their working places so they can take necessary precautions to avoid the adverse condition.
- “Prompt” notification is one that occurs before miners are exposed to the adverse condition – e.g., before miners begin work in an affected area, or as soon as possible after work begins if the condition is discovered while they are working in an affected area.
- Notification can take any form that effectively notifies miners of an adverse condition.
  - ❑ In most cases, verbal notification, warning signage (e.g., “Danger – loose wire”) or barricades would be needed to ensure that all miners in affected areas receive notification of the specific adverse conditions.
- Not all miners need to be notified. Only those miners who would be in areas affected by the adverse condition, and therefore potentially exposed, must be notified.



## Existing Requirement in §§ 56/57.18002(a)(2)

- Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.



# ***New Requirements\**** contained in **§§ 56/57.18002(b)**

- A record of each examination shall be made ***before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners and is not corrected promptly.\****



***New Requirement\**** contained in  
**§§ 56/57.18002(c)**

- ***When a condition that may adversely affect safety or health is not corrected promptly, the examination record shall include, or be supplemented to include, the date of the corrective action.\****



# Examination Record - Explanation

- A record of each examination must be made before the end of each shift. The record must include:
  - The name of the person conducting the examination.
  - The date of the examination.
  - A list of locations examined (this is specific to each mine/facility)
- Conditions that are corrected before miners are potentially exposed are considered to have been corrected promptly.
- If no adverse conditions are found during a workplace examination, there is no requirement to affirmatively state that no adverse conditions existed.
- Continuing adverse conditions do not need to be recorded each shift.
- Description of adverse conditions recorded should provide sufficient information to allow mine operators to notify miners of the condition and to take prompt corrective action.





# Examination Record – Explanation (continued)

- Once the condition is corrected, the record must include the date of corrective action.
- The name of the person who made the record of the corrective action is not required.
- The person who takes the corrective action does not need to be the same person who records the date of the corrective action.



# Examination Record - Format

- Mine operators may record the results of an examination using a checklist or any format, as long as the single record contains all of the required information and includes the dates of corrective actions.
- Electronic examination records are acceptable, provided they are in a secure system.
- All required information should be included in a single examination record, including the dates of corrective action, to ensure a complete record is available for inspection.



# ***New Requirements\**** contained in §§ 56/57.18002(d)

- The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary ***and the representatives of miners, and provide these representatives a copy on request\****.



ANY QUESTIONS?

