

MINE RESCUE TEAMS; FINAL RULE

30 CFR Parts 49 and 75

Questions and Answers

**U.S Department of Labor
Mine Safety and Health Administration
Revised, June 2008**

Compliance Guide

30 CFR Part 49—Mine Rescue Teams

Implementation Schedule for New Subpart B

Effective date: February 8, 2008

Applicable provisions in the existing rule remain in effect until replaced by the final rule on the compliance dates listed below.

Compliance dates:

1. By May 8, 2008

Each mine operator must send the District Manager a statement describing the mine's method of providing mine rescue coverage. [§ 49.12(h)]

2. By August 8, 2008

Each mine must have a mine rescue station located no more than 1 hour ground travel time from the mine. If equipment is not readily available, the operator must have purchase orders for the required equipment. [§ 49.12(f)]

The mine operator must have a responsible person knowledgeable about mine emergency response, who has completed the course of instruction in mine emergency response prescribed by MSHA. [§ 75.1501(a)(2)]

3. By November 10, 2008

Each operator of a large mine (more than 36 underground employees) must have either an individual mine-site team or a composite team as one of the mine's certified mine rescue teams. [§ 49.40]

4. By February 9, 2009

Mine rescue team members must have completed 96 hours of annual training, including participation in two local mine rescue contests and training at each covered mine. [§ 49.18(b)]

Each mine operator shall make available two certified mine rescue teams whose members are familiar with the operations of the mine and have participated in two local mine rescue contests. [§ 49.20(a)]

Each team providing coverage to a mine must be knowledgeable about the operations and ventilation of the mine. [§§ 49.20(b) and 49.30]

Each mine operator must certify to the District Manager that each team designated to provide mine rescue coverage to the mine meets the requirements for certification. [§ 49.50]

Subpart B—Mine Rescue Teams for Underground Coal Mines

Q. How has Part 49 been reorganized?

A. The rule retains all existing standards as Subpart A applicable only to underground metal and nonmetal mines. The rule creates a new, separate, Subpart B containing existing requirements and adds new requirements based on the MINER Act for underground coal mines.

§ 49.11 Purpose and scope

Q. What are the new requirements for mine rescue teams?

A. The table below summarizes the new requirements for mine rescue teams.

Table 49.11 - Summary of New MINER Act Requirements for Underground Coal Mine Operators and Mine Rescue Teams.

| REQUIREMENT | TYPE OF MINE RESCUE TEAM | | | |
|--|--------------------------|---------------|--|------------------|
| | Mine-Site | Composite | Contract | State-sponsored* |
| Team members must participate at least annually in two local mine rescue contests. | YES | YES | YES | YES |
| Team members must participate in mine rescue training at each mine covered by the mine rescue team. A portion of the training must be conducted underground. | Annually | Semi-annually | Quarterly at Large Mines; Semi-annually at Small Mines | Annually |
| Team must be available at the mine within 1 hour ground travel time from the mine rescue station. | YES | YES | YES | YES |
| Team members must be knowledgeable about the operations and ventilation of each covered mine. | YES | YES | YES | YES |
| Team must include at least two active employees from each covered large mine and at least one active employee from each covered small mine. | | YES | | |
| Team must be comprised of persons with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team. | | | YES | |
| All mine operators must provide for two certified mine rescue teams. Large mine operators shall provide one team that is either an individual mine-site mine rescue team or a composite team. | | | | |

* Note: Team members of state-sponsored teams who are full-time state employees whose primary job duties include (1) inspecting underground mines for compliance with state safety laws or (2) training mine rescue teams or (3) other similar duties that would enhance their mine rescue knowledge may substitute

their regular job experience for 50 percent of the training requirements (annual training which includes mine rescue contests and mine-site training) for non-state employee mine rescue team members.

Q. What are the training requirements after applying the 50% annual training substitution for state-sponsored mine rescue teams?

- A. The substitution applies to team members of state-sponsored teams who are full-time state employees whose primary job duties include (1) inspecting underground mines for compliance with state safety laws or (2) training mine rescue teams or (3) other similar duties that would enhance their mine rescue knowledge. These employees may substitute their regular job experience for 50% of the annual training requirements. These employees must complete at least 48 hours of refresher training and participate in at least one local mine rescue contest annually. However, these employees are still required to train at each covered mine, participate in smoke training at least annually and wear the breathing apparatus for at least 2 hours while under oxygen every 2 months.

§ 49.12—Availability of mine rescue teams

Q. Are current members of mine rescue teams with only one year of experience eligible to serve on contract teams?

- A. Yes. For miners who are mine rescue team members as of February 8, 2008 the underground experience requirement for contract teams is not applicable. As of February 8, 2008 any new team members, not currently on a mine rescue team, are required to have 3 years of underground experience in the last 10 years.

Q. How will MSHA determine 1 hour ground travel time from the mine rescue station?

- A. When the mine can be reached from the mine rescue station within 1 hour under normal driving conditions and speed. A device based on a global positioning system or other similar technology may be used to determine the ground travel time from the mine rescue station to the mine.

§ 49.16—Equipment and maintenance requirements

Q. What mine rescue equipment is required for anthracite mines?

- A. Mine rescue stations covering anthracite coal mines that have no electrical equipment at the face or working section must have at least the amount of equipment appropriate for the number of mine rescue team members. For example, seven self-contained oxygen breathing apparatus and seven cap lamps are required for two (2) three-person teams and one alternate.

§ 49.17—Physical requirements for mine rescue teams

Q. Will miners be disqualified from serving on a mine rescue team if they do not meet the vision requirements?

A. The final rule does not change this existing requirement. MSHA continues to permit miners to wear corrective glasses under face pieces designed for that purpose.

Q. If a team member fails a physical exam; may a second opinion be obtained before the member is removed from the team?

A. Yes.

§ 49.18—Training for mine rescue teams

Q. Can the travel time from the mine rescue station to the covered mine be included as part of the 96 hours of annual refresher training?

A. Yes. MSHA considers travel time to be part of the training because members are expected to be familiar with the route and road conditions to the covered mine.

Q. In addition to the required training, what training will MSHA consider appropriate for meeting the 96-hour annual training requirement?

A. Other training could include: first responder, communications, mine gases, gas detectors, new technology, heat stress, and hazards unique to the covered mines. Also, skills training may include building temporary stoppings and seals, using a foam generator, and using an air lock to rescue survivors.

Q. When must teams complete all training requirements?

A. Teams must have completed 96 hours of annual training, including participation in two local mine rescue contests, training at each covered mine and training in smoke by February 9, 2009.

Q. Must smoke or its equivalent be incorporated into the training?

A. Yes. All mine rescue team members, at least once during each 12-month period, must participate in training that includes wearing mine rescue apparatus while in smoke. Operators may use nontoxic theatrical smoke or an equivalent environment using glasses or face shields that reduce vision and simulate smoke.

Q. Can existing mine rescue instructors conduct training under this new rule?

A. Yes. Mine rescue team instructors who have received MSHA approval prior to February 8, 2008 can continue to conduct training under the new rule.

Q. What are the requirements for becoming an instructor under the new rule?

A. The training courses must be conducted by instructors who have been employed in an underground mine and have had a minimum of 1 year experience as a mine rescue team member at any time. Persons who have been mine rescue team instructors within the past 5 years also qualify. Instructors must be approved by the Coal District Manager prior to conducting training.

Q. Can I use a technical expert to conduct part of the training?

A. Yes. Like Part 48, MSHA allows approved instructors to use subject matter experts to conduct training in specific subjects. The approved instructor is expected to be present and is responsible for the overall training.

§ 49.20—Requirements for all coal mines

Q. Do all team members need to participate in a mine rescue contest?

A. MSHA recognizes a team as participating when the team is present and competes even if a team member is missing. When a team member is not present at a contest, that team member will not receive training credit for contest participation.

Q. Can a composite team serve as a contract team for other mines?

A. Yes, provided the team meets the requirements for a contract team.

Q. What is a state-sponsored team?

A. A team whose members are full-time state employees and whose primary job duties include: inspecting underground mines for compliance with State safety laws or training mine rescue teams or other similar duties that would enhance their mine rescue knowledge. Other full time state safety agency employees who do not meet these requirements can serve on the state team but would not be given credit for 50% of the required training. Examples include mine safety engineers, or other mine safety specialists.

Q. Will a state-sponsored team be required to train annually at each covered mine?

A. Yes, state-sponsored teams must train at each covered mine at least once each year.

Q. When teams train underground at each covered mine will the entire team be required to train together?

A. Yes, the underground training must be conducted as a team.

Q. What type of training must be conducted underground and what areas of the mine must be visited by the team in order to comply with the rule?

A. The team must become familiar with the mine layout, ventilation, roof conditions, haulage, modes of transportation, and escape routes. MSHA will consider travel to at least one working section at each covered mine as meeting the requirements of this rule. Teams should visit different sections during subsequent training sessions at mines with multiple sections.

Q. For the portions of the training required to be conducted as a team, how many members must be present in order for a team training exercise to be considered valid?

A. At least five team members must be present and participate in the team training. The same team member must not miss two consecutive training sessions.

Q. For mine site or composite teams having members who are employed at multiple mines, how much time must be spent at each covered mine to be considered regularly employed at the mine?

A. MSHA will consider a team member who is employed by an operator of multiple mines to be an employee of the covered mine when the member regularly works at each of the mines. MSHA considers “regularly works” to mean that the member has recurring job duties at each mine, exposing the member to the mine’s underground operations, conditions, and environment. For example, this may include surveyors, engineers, safety personnel, electricians, and maintenance and service personnel.

§ 49.30—Requirements for small coal mines

Q. How will the determination be made that a mine has 36 or fewer employees?

A. The operator should use the data reported for the most recent quarterly employment and coal production report required in § 50.30 to determine the number of underground workers. Independent contractors who regularly work underground at the mine and have recurring job duties at the mine, including the extraction or production process, must also be included for determination of underground employment.

§ 49.40—Requirements for large coal mines

Q. How will the determination be made that a mine has more than 36 employees?

A. The operator should use the data reported for the most recent quarterly employment and coal production report required in § 50.30 to determine the number of underground workers. Independent contractors who regularly work underground at the mine and have recurring job duties at the mine, including the extraction or production process, must also be included for determination of underground employment.

Q. Will contract or state-sponsored teams be permitted to provide coverage to a large mine?

A. Yes, however, for a large mine, one of the two certified mine rescue teams must be an individual mine-site team or a composite team. The second team may be a contract or state-sponsored team.

§ 49.50—Certification of coal mine rescue teams

Q. Does the operator need to certify that the team is available within 1 hour ground travel from the mine rescue station to the mine?

A. Yes. The operator must certify annually that each team is available within 1 hour ground travel time to the mine from the mine rescue station with which the designated mine rescue team is associated.

Q. How much training can an individual team member miss annually without the team losing certification?

A. A mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during 1 year, unless additional training is received to make up for the time missed.

Q. Will a team lose its certification when it loses members?

A. MSHA recognizes that teams will lose members. This does not mean that a team automatically loses its certification. A team member must be replaced as soon as possible. The team will lose its certification if it does not meet the certification criteria in § 49.50 within 60 days. This will provide a team with time to recruit a new member, be examined by a physician, and complete an initial 20-hour course of instruction. MSHA anticipates that teams will have alternates to fill vacant team positions and then select new alternates to fill vacancies.

Q. What is the mine operator required to submit for team certification?

A. Operators may use the optional form, “Operator’s Annual Certification of Mine Rescue Team Qualifications.” This form is attached at the end of this document and located on the MSHA Website (www.msha.gov). Operators may choose to submit their own certification for each team, which demonstrates that the team meets the requirements of Part 49 Subpart B as listed in § 49.50 Tables A and B.

Q. As of February 8, 2008, how will new mines comply with Part 49 Subpart B?

A. New mines forming new mine rescue teams must have two teams available for the initial excavation of a new underground mine entrance or the re-opening of an existing underground mine and comply with the requirements listed in Table A

of the rule. These teams then have one year to comply with the requirements listed in Table B.

Table 49.50-A – Initial Criteria to Certify the Qualifications of Mine Rescue Teams.

| Qualification | 30 CFR |
|--|----------------------|
| (1) Team is available at all times when miners are underground. | 49.12(a) 49.12(g) |
| (2) Except where alternative compliance is permitted, team has five members and one alternate. | 49.12(b) |
| (3) Members have experience working in an underground coal mine. | 49.12(c) |
| (4) Team is available within 1 hour ground travel time from the mine rescue station to the mine. | 49.12(f) |
| (5) Appropriate mine rescue equipment is provided, inspected, tested, and maintained. | 49.16 |
| (6) Members are physically fit. | 49.17 |
| (7) Members have completed initial training. | 49.18(a) |

Table 49.50-B – Annual Criteria to Maintain Mine Rescue Team Certification.

| Qualification | 30 CFR |
|--|---|
| (1) Members are properly trained annually. | 49.18(b) |
| (2) Members are familiar with the operations of each covered mine. | 49.20(a)(1) |
| (3) Members participate in at least two local mine rescue contests annually. Judges certify results. | 49.20(a)(2) |
| (4) Members participate in mine rescue training at each covered mine. | 49.20(b)(1) 49.20(b)(2)(iii) 49.20(b)(3)(ii) 49.20(b)(4) |
| (5) Members are knowledgeable about the operations and ventilation of each covered mine. | 49.20(b)(2)(ii) 49.20(b)(3)(i) 49.30 |

Q. If an operator uses a contract mine rescue team, is the operator responsible for certifying that the team meets the requirements of the rule?

A. Yes. The operator is always responsible for certification of the teams providing coverage for the mine.

Q. Will teams composed of members from metal and nonmetal mines be permitted to provide coverage for a coal mine?

A. Yes, if the team meets the requirements for certification under § 49.50.

§ 49.60—Requirements for a local mine rescue contest

Q. What constitutes a local mine rescue contest?

A. A local mine rescue contest provides an objective evaluation of demonstrated mine rescue team skills. Specifically, a local mine rescue contest must:

- 1) Be conducted in the United States;
- 2) Use MSHA recognized rules;
- 3) Use trained judges that time and evaluate the performance of each team, providing written feedback;
- 4) Have a minimum of 3 teams;
- 5) Have participants wear oxygen breathing apparatus;
- 6) Have one or more problems conducted on one or more days; and
- 7) Have a winner.

Q. Are local contest judges limited to state or MSHA employees?

- A. No. Judges are not limited to state or MSHA employees; however, contest organizers are responsible for assuring that judges are properly trained annually and have the ability to evaluate team performance and certify contest results.

Q. Will the National Mine Rescue Contest be considered a local contest.

- A. Yes. The National Contest will be considered a local contest.

Q. Are all team members, including alternates who are not under apparatus, credited with contest participation?

- A. Yes, however, a member must participate as an alternate or briefing officer at the contest to receive credit for participation.

Q. What training do judges need?

- A. Judges need annual rules training in order to administer the mine rescue contest fairly and provide appropriate and meaningful evaluations. MSHA provides annual judges' instructor (train-the-trainer) training at the Mine Health and Safety Academy. This training is expected to be made available electronically.

Q. What will MSHA consider as participation in contests for state-sponsored teams?

- A. MSHA will consider state-sponsored teams, whose members are full-time state employees, as participating in a local mine rescue contest when performing duties as contest judges or officials. However, grounds and set up crews will not be considered as participating as contest judges or officials.

Q. Must MSHA-recognized rules be used for contests?

- A. Yes. MSHA recognizes rules developed by the National Contest Rules Committee. MSHA posts recognized rules on its website. Other rules would need to be recognized by the District Manager as "MSHA-recognized rules" before use at contests.

Q. What constitutes a MERD or practical simulation exercise?

A. A MERD exercise or practical simulation exercise, such as a fire or explosion response exercise, is considered to be a local mine rescue contest. A MERD must:

- 1) Be conducted in the United States;
- 2) Use MSHA recognized rules;
- 3) Use trained judges that time and evaluate the performance of each team, providing written feedback;
- 4) Have a minimum of 3 teams;
- 5) Have participants wear oxygen breathing apparatus;
- 6) Have one or more problems conducted on one or more days; and
- 7) Have a winner.

Q. Must MSHA be notified of each designated team's schedule of participation in local mine rescue contests?

A. Yes. The operator must notify MSHA upon request of the District Manager.

§ 75.1501—Emergency evacuations

Q. What are the training requirements for the responsible person under this section?

A. The responsible person must be trained annually in a course of instruction in mine emergency response, as prescribed by MSHA's Office of Educational Policy and Development. The course includes topics such as the following:

- Organizing a command center;
- Coordinating firefighting personnel;
- Deploying firefighting equipment;
- Coordinating mine rescue personnel;
- Establishing fresh air base;
- Deploying mine rescue teams;
- Providing for mine gas sampling and analysis;
- Establishing security;
- Initiating an emergency mine evacuation;
- Contacting emergency personnel; and
- Communicating appropriate information related to the emergency.

Q. When will MSHA make the course of instruction in mine emergency response available?

A. The course will be available no later than May 8, 2008 and the responsible person must complete the course of instruction by August 8, 2008. MSHA will notify the mining industry when this program of instruction is posted on the MSHA website.