A Guide to

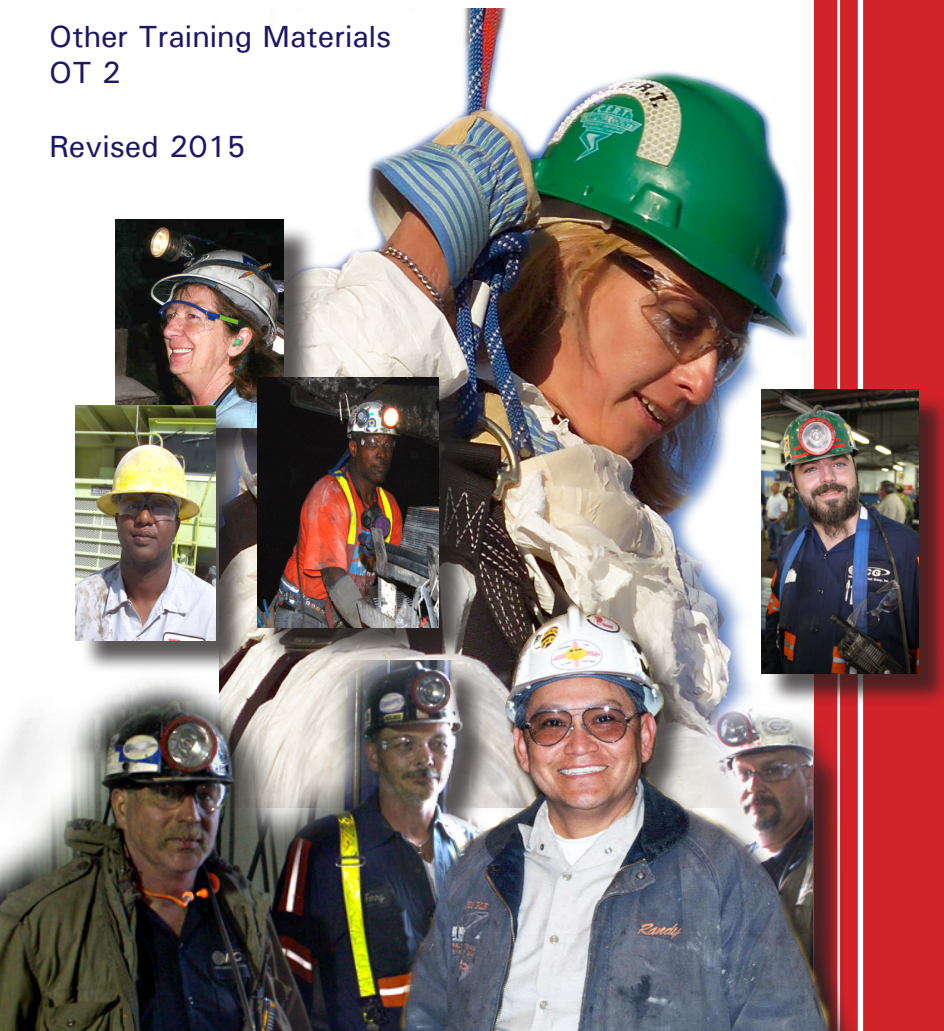
Miners' Rights and Responsibilities

Under the Federal Mine Safety and Health Act of 1977

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

Other Training Materials
OT 2

Revised 2015



MSHA's National Hazard Reporting System

"One Call Does It All!"

To report a hazardous condition at a mine to MSHA, call:

(800) 746-1553

You do not need to identify yourself!

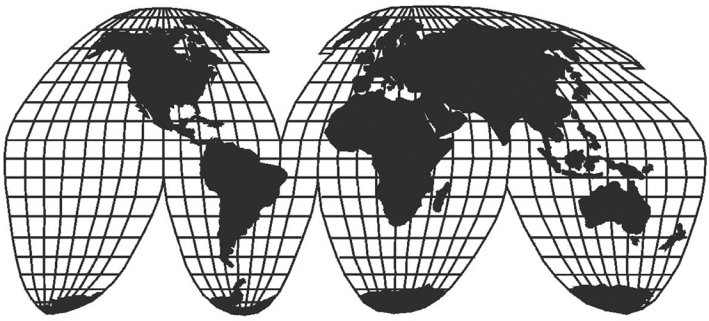
OR

You may also report a hazardous condition by visiting MSHA's Web site listed below.

To help us help you, please include any or all of the following information:

Name of company
Name of mine
Location of mine (city/town)
State where mine is located
If you know the MSHA ID for the mine, please include it.

Visit our Web site at www.msha.gov



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Introduction

The Federal Mine Safety and Health Act of 1977 (referred to in this booklet as "the Act") and the Mine Improvement and New Emergency Response Act of 2006 (MINER Act), and Title 30 of the Code of Federal Regulations (30 CFR) grant a variety of rights for individuals employed as miners, designated representatives of miners, and applicants for employment in mine related jobs. Congress wanted to encourage each to take an active, responsible role in matters of mine safety and health.

This booklet summarizes those rights and responsibilities but must not, however, be considered an "official" statement of the law and should not be used as a source for legal interpretations of the Act. Some of the rights and responsibilities described in this booklet may involve interpretations of the Act by the Mine Safety and Health Administration (MSHA) and could be modified by subsequent Commission and court decisions.

If you are a miner, representative of miners, or job applicant, and you have questions about your rights and responsibilities under the Act beyond what is provided here, please contact the nearest MSHA office. A list of District Offices is located in the back of this booklet.

To find out about proposed and final MSHA regulations, contact your miners' representative, the nearest MSHA office, or log onto MSHA's home page at www.msha.gov. MSHA sends copies of all new regulations to all known miners' representatives. A good safety and health program depends on the active participation and interest of everyone at the worksite. If you and your fellow miners take advantage of these rights and adhere to your responsibilities, you can help decrease workplace deaths, injuries, and illnesses.

A "mine" is generally any surface or underground location involved in the extraction, preparation, or processing of coal or other minerals.

A "miner" is generally any person working in a mine, including contractors, construction or demolition workers, and truck drivers who are regularly exposed to mine hazards. Therefore, all persons working in a mine may exercise the rights given them by the Act. Supervisors who may not normally perform actual physical mining activities but who work in a mine are also "miners."

The Act gives certain rights to a "representative of miners." This is a person who has been chosen by two or more miners at a mine to represent them in safety and health matters under the Act at their mine. Additionally, the Act provides that applicants for mining jobs cannot be denied a job because they have exercised rights given them by the Act.

There are time limits on many of the rights described in this booklet. You may risk losing some rights if certain time limits are not met.

For all of these rights included in this booklet, it is very important that you be heard by the operator, MSHA and the courts when your health or safety is at stake. For this reason, MSHA urges that you keep good records when you believe your rights have been violated. Things that you may need include a good calendar for dates of events and copies of any documents you receive or send including emails or text messages, and phone records. Finally, hold all important conversations with management in the company of others. Do not take any documents that belong to your employer such as required books and records in order to document these events. Do not break the law while attempting to secure your rights. If your rights are being violated, notify MSHA at 1-800-746-1553.

Your Rights Under the Act

If you are a miner, representative of miners, or applicant for employment:

You have the right to be protected against discrimination when you exercise your rights under the Act, including reporting violations and unsafe conditions at any mine.

If you are a miner or representative of miners:

You have the right to request that MSHA inspect your mine when you believe that an imminent danger, a violation of the Act, or a violation of a safety or health standard exists. You also have the right to be informed of, and participate in, enforcement proceedings under the Act.

If you are a miner:

You have the right to be paid for certain periods of time when a mine, or part of a mine, has been closed because of a withdrawal order.

You have the right to receive health and safety training during your normal working hours and to be paid for that time at your regular rate of pay.

You, and a fellow miner, have the right to have a representative accompany an MSHA inspector during inspections at your mine.

If you are a representative who is also a miner:

You have the right to be paid for time spent participating in health and safety inspections at your mine under certain circumstances.

Every Miner's Responsibilities Under the Act

You have the responsibility to comply with all Federal and State laws and regulations, and company safety and health policies.

When refusing to work in unsafe or unhealthy conditions, you have the responsibility to notify the operator, supervisor, or other responsible person. This gives the operator an opportunity to address the situation.

You have the responsibility to provide truthful statements and representations (orally or in writing) during any inspection or investigation, or on any applications, records, reports, plans, training certificates, or other documents required to be kept or filed with MSHA.

Your Protection Against Discrimination Under the Act

Section 105(c) protects you from discrimination for exercising any of your rights under the Act.

You may not be fired, demoted, harassed, intimidated, transferred, refused employment, suffer any loss of wages, or discriminated against for exercising your rights under the Act.

You are protected under Section 105(c) of the Act when you engage in the following activities:

- File or make a complaint of an alleged danger or safety or health violation to a Federal or State agency, a mine operator, an operator's agent, or a miners' representative.
- File a complaint with the Federal Mine Safety and Health Review Commission, testify, or otherwise participate in any proceeding.
- Become involved in any inspection or investigation conducted under the Act.

- Have a medical evaluation or are considered for transfer to another job location because of harmful physical agents and toxic substances. For example, coal miners have the right to a chest x-ray and physical examination for black lung disease (pneumoconiosis) and potential transfer to a less dusty position if the diagnosis is positive.
- Withdraw from the mine for not having the required health and safety training.
- Refuse to work in conditions you reasonably believe to be unsafe or unhealthy.
- Use any statutory right given by the Act, such as being paid as a miners' representative while accompanying an MSHA inspector during an inspection or the right to be paid while receiving required training under the Act.

Activities that are not listed above may be protected.

Types of Discriminatory Conduct

Congress wanted the Act to be broadly interpreted and clearly meant to protect you from discrimination if you, in good faith, exercise any of these rights.

Some examples of discriminatory conduct include, but are not limited to, the following:

- discharge or termination
- layoff
- demotion
- refusal of employment
- reduction in your benefits, vacation, bonuses, or rates of pay
- changes in your pay and hours of work
- threats of reprisal
- transfer to another position that is less desirable or with compensation less than the regular rate of pay you received immediately prior to the transfer
- interference with the exercise of your statutory rights

If you are a miner, representative of miners, or applicant for employment and you believe that you have been the subject of discriminatory conduct as a result of exercising your rights, you must file a discrimination complaint within **60 days** of the discriminatory event. You may have additional time to file your complaint under special circumstances. If you were not aware of the discrimination during the **60 day** period, or other factors prevented you from filing your complaint, your delay may be excused if you have a good reason. You should always try to file the complaint during the **60 day** period or as soon as possible if the **60 days** have expired.

Be sure the complaint includes relevant details such as names, dates, places, times, events, and actions of/or relating to the discrimination. Anything that may assist MSHA or your lawyer in a case should be documented. Documentation is essential if the discrimination has affected you financially. Whether it is due to a demotion, firing, or loss of overtime, these financial losses could possibly be returned to you if they are properly documented. Please visit chapter 2, Exhibit 2-6, Information on Backpay for Miners, http://www.msha.gov/READROOM/HANDBOOK/PH05-I-4.pdf for more information about back pay and other related financial losses.

You may file your complaint with any MSHA or local Black Lung office. MSHA staff are specially trained to assist you, answer your questions and provide you with the documents you need to file your complaint. MSHA's headquarters office also has specially trained persons to answer questions and help you in filing a complaint.

If you are a miner and you have been discharged, or have otherwise suffered a change in working conditions, such as a transfer to a less desirable position for exercising your rights under the Act, you may be eligible for temporary reinstatement. Upon your request for temporary reinstatement, MSHA will examine your complaint for its potential merit. If MSHA finds that your complaint appears to have merit, Department of Labor attorneys may ask the Federal Mine Safety and Health Review Commission (Commission) to order your temporary reinstatement or, if necessary, your temporary reassignment to a comparable job at your regular pay until a final decision is reached on your complaint.

For all cases, with or without temporary reinstatement, MSHA will investigate your complaint and within **90 days** of the date you filed your complaint you will be notified in writing of MSHA's decision. If MSHA determines that you have been discriminated against under Section 105(c), Department of Labor attorneys will file an action with the Commission requesting appropriate relief in your complaint. Relief may include permanent reinstatement to your old job, back pay, restoration of seniority rights, transfer (reassignment to a comparable job), or any other remedy needed to correct the discrimination.

If MSHA determines that no violation of Section 105(c) occurred, you will be notified in writing and informed of your right to pursue the matter without MSHA's assistance. To do this, you need to file an action on your own behalf with the Commission within **30 days** of being notified of MSHA's determination in your complaint. If the Commission agrees with you and finds that discrimination has occurred, the Commission may order an appropriate remedy.

PLEASE NOTE: Discrimination on the basis of race, sex, age, religion, handicap, union activity, or any other non-mining status, is not covered by Section 105(c) of the Act. However, MSHA may assist you in contacting the appropriate agency for relief.

Your Rights to Request a Health and Safety Inspection or Report Hazardous Conditions, Imminent Dangers, Violations of the Act or Health and Safety Standards

You have the right to request that MSHA inspect your mine when you believe that a hazardous condition, imminent danger, violation of the Mine Act or MINER Act, or violation of a mandatory safety or health standard exists. MSHA maintains a hotline, "One Call Does It All" at 1-800-746-1553, and an online complaint system at https://lakegovprod2.msha.gov/HazardousConditionComplaint.aspx, on a 24-hour basis, 7 days a week, 365 days a year.

You can also request an inspection by directly talking to any MSHA employee or by calling or writing any MSHA inspector or office. It is important to remember that there is a difference between a formal request for inspection made under Section 103(g) of the Act and all other hazardous condition complaints. This distinction is described below.

Requirements and Benefits of Filing a Formal Section 103(g) Request for Inspection

Under Section 103(g) of the Act, you or your representative have the right to request an MSHA inspection if you believe an imminent danger, violation of the Act, or violation of a mandatory safety or health standard exists at your mine. All Section 103(g) requests for inspection must be given to MSHA in writing and require a signature from you or your representative.

A copy of the required sections of a Section 103(g) complaint is provided to the mine operator either before the start of, or during the inspection. If the complaint states that an imminent danger exists, or the information indicates an imminent danger may exist, MSHA will immediately contact the operator about the imminent danger. Your name, the name of your representative, or any references to a specific work area, equipment, work shift, or any other information that would reveal your identity on the "Request for Inspection" will remain confidential and will not be provided to the operator.

The benefits of filing a formal Section 103(g) complaint include: a) you or your representative will receive a written notice from the District Manager if MSHA decides not to conduct the requested inspection, or if no violation or imminent danger was found; and b) you have a right to appeal MSHA's determination if they issue a negative finding.

Appealing MSHA's Determination

You or your representative may appeal MSHA's determination not to issue a citation or imminent danger order at the conclusion of the inspection conducted as a result of your Section 103(g) complaint.

You or your representative must appeal the determination, in writing, to the appropriate District Manager. The appeal must be filed **within 10 days** of when you received notice of a negative finding from MSHA. All information supporting your position should be attached to your appeal. See 30 CFR 43 for more information. After the District Manager receives your appeal, he or she may hold an informal conference. At that time, you or your representative will be allowed to present your views. Following the meeting, the District Manager may do one of the following:

- Affirm the no violation findings and provide justification for not issuing citations or orders; or
- Require that an additional or new Section 103(g) investigation be conducted.

Filing Other Hazardous Condition Complaints

A hazardous condition complaint is any communication from a miner, representative of miners, or other party received by MSHA that does not meet the criteria for Section 103(g), and describes an alleged hazardous condition, imminent danger, violation of a mandatory safety or health standard, or violation of the Mine Act or MINER Act.

You may tell MSHA in writing, electronically, or orally at any time about a potentially hazardous condition. You can contact any MSHA inspector in the nearest district office or MSHA's national hotline number or Web site listed above.

No matter who makes the complaint or how we receive it, any complaint about a safety and health concern that is clearly within MSHA's jurisdiction will be taken seriously. If the complaint provides enough information to identify the location and the hazard of concern, MSHA will inspect the mine as soon as possible to see if the alleged violation or imminent danger exists. MSHA is not required to give the operator a copy of any complaint categorized as "other complaint" and the operator may not be informed that a complaint has been made. MSHA will issue a citation if it finds a violation, or a withdrawal order if it finds an imminent danger exists.

Your Right to Be Represented or Participate in Inspections

Section 103(f) of the Act gives your representative an opportunity to participate in Federal mine inspections and in conferences before and after the inspections occur.

Congress believed that you, with your knowledge of the work site, could provide MSHA inspectors with a great deal of useful information. They also believed that if you observed what happened during an inspection, you would better understand how the Act's safety and health requirements work.

Miners' representatives have the right to accompany MSHA inspectors during their activities that involve enforcement of health and safety standards. Your representative participates in MSHA's inspection without loss of pay, under certain circumstances, if he or she is an employee of your operator.

This right does not include investigations concerning allegations of discrimination or individual liability of agents of the operator for violations of the Act or the health and safety standards found in 30 CFR. These types of investigations are confidential, and neither the company nor miners' representatives have a right to attend any interviews or be present at any step of the investigation unless the investigation involves you, and you personally request either the company representative or your representative to be present on your behalf.

MSHA recommends that you select a representative for every shift at the mine so that you can assure that your representative is included in any inspection party. MSHA will not give advance notice of an inspection, and the inspection party will not wait for your representative to arrive if he or she is not at the mine at the time of the inspection.

If no representative selected by you and your fellow miners is present, or should you decide not to select a representative, MSHA's

inspector will consult with a reasonable number of miners about health and safety matters at your mine.

Generally, the law does not provide for pay when you or your representative participates in technical consultations, equipment demonstrations, off-mine property meetings, and discussion of research.

Designating a Miners' Representative

Under 30 CFR 40, any person or organization designated by two or more miners may serve as a miners' representative. Your representative does not necessarily have to be an employee at your mine. To be recognized as a designated person or organization, your representative must file the appropriate documents with the District Manager. For additional information about designating a miners' representative, see 30 CFR 40.3 online at http://www.msha.gov/30cfr/40.3.htm.

You may also contact your local MSHA office or visit online at http://www.msha.gov/forms/elawsforms/MineRep.htm to obtain additional information on how to be a recognized representative of miners. Once a person or persons or organization has been recognized by MSHA as a representative of miners at your mine, a copy of the information provided to the operator pursuant to 30 CFR 40.3 must be posted upon receipt by the operator on the mine bulletin board and maintained in a current status.

Multiple Representatives

A mine may have more than one miners' representative for two reasons. First, because only two miners are required to agree in order to designate a miners' representative, there may be multiple groups of miners for any one mine who have designated different individuals to represent them. Second, one individual group of miners may designate several representatives so that every shift has someone present. The MSHA inspector will determine the number of representatives who travel with any given inspection party. If

the MSHA inspector decides that additional people are needed to participate in the inspection because they are familiar with the mine or with a specific problem area at the mine, the inspector may allow the operator and the miners to have an equal number of additional representatives. However, the operator is only required to pay one representative of miners. The representative must be an employee of the mine to receive compensation for accompanying the inspector.

There is one exception where multiple representatives may be compensated for participating in inspections on the same day or time.

Where two or more MSHA inspectors are at the mine at the same time, and do *not* travel together, a representative may travel with each inspector or with a separate group of inspectors. Under these circumstances, each representative participates in the inspection without loss of pay. This does not apply where two or more MSHA inspectors are conducting an inspection *together* in the same section or area of the mine.

When multiple operators are present at the mine and the work or activities of one operator affect the safety and health of the other operator(s), a miners' representative of each of the operators has the right to accompany an MSHA inspector under Section 103(f). One representative of miners of each operator is entitled to pay for the time spent accompanying the MSHA inspector during the inspection.

Right to Pay for Miners Idled By a Withdrawal Order

Under Section 111 of the Act, you are entitled to pay if you are idled because of a withdrawal order issued to the operator.

If you are working on the shift when a withdrawal order is issued, and you are idled by the withdrawal order, you are entitled to your regular pay for the time lost; *but only* for the balance of the shift.

If the withdrawal order is not terminated before the next shift, all the miners on the next shift are entitled to be paid at their regular rate for the time they are idled, up to four hours.

If you are withdrawn from the mine or part of the mine and idled because the operator does not comply with any mandatory safety or health standard, you are to be paid for lost time at your regular rate for the time you are idled, or for one week, whichever is the lesser.

If the operator fails to comply with a withdrawal order issued under the Act and keeps you working in the area where the order applies, you receive your full compensation for the time the order is issued plus an amount equal to your full compensation for the time you worked after the order was issued. If you are a miner working to correct the condition that resulted in the withdrawal order, then you are not working in violation of the order and are not entitled to double pay.

If you or your representative believes you are entitled to compensation but have not received it, you must file a complaint with the Commission **within 90 days** after the idle period began or should have begun. The Commission's procedural rules can be found at 29 CFR 2700 or at http://www.fmshrc.gov. Your MSHA District Office can inform you of other possible remedies to recover compensation to which you may be entitled.

Your Right to Be Informed of and Participate in Enforcement Proceedings Under the Act

Under Section 107(b) of the Act, you have the right to be informed of, and participate in, investigations and subsequent conferences and Commission proceedings where there is an allegation of a possible imminent danger which cannot be abated with current technology.

Sometimes MSHA finds that a mine or an area of a mine has dangerous conditions which cannot be corrected using existing technology. If the dangerous condition does not present an imminent danger,

MSHA may issue a notice to the operator describing the area where the condition exists. Your representative also gets a copy of this notice.

MSHA may investigate the matter in greater detail and your representative may present information to us about the notice during this investigation. MSHA will also hold a public hearing about the situation if it is requested. After the investigation and public hearing, MSHA will either cancel the notice or issue an order withdrawing the miners (except those who are working to correct the condition or causes described in the order) from the area of the mine closed by the order.

Once you have been withdrawn, it is illegal to reenter the area until after a public hearing has been held at which all interested persons have a chance to present their views and MSHA determines that the hazardous conditions no longer exist.

Your Right to Contest Enforcement Actions

You and your miners' representative have the right to review all citations and orders that are issued at your mine and request a conference about them. Such requests must be made **within 10 days** of the issuance of the citations and/or orders. All citations and orders are required to be posted at the mine. You and/or your miners' representative may also request to be notified and participate in any conference held and submit additional information. MSHA will consider all relevant information submitted in a timely manner and upon conclusion of the conference or expiration of conference request period. Unless the citation/order was vacated as a result of the conference, the proposed penalty will be assessed. You and your representative also have a right to a copy of the proposed assessment for the citation/order.

You or your representative have the right to challenge the issuance, modification, or termination of any citation or order issued under Section 104 of the Act, and also the reasonableness of the time fixed

for abatement. This is called a "notice of contest." The notice should state you and your representative's position on each item being challenged and the action ("relief") you want MSHA to take, and must be done **within 30 days** of when you or your representative receive your copy of the contested citation or order, modification, or termination.

You or your representative may file a copy of this notice with the Federal Mine Safety and Health Review Commission (Commission). You can find the Commission's address at the end of this booklet.

As affected parties, you or your representative have the right to participate in Commission hearings held under Section 104 of the Act that were initiated by other parties.

The mine operator must post certain documents at the mine including petitions for assessment and notices of contest. Both of these documents will tell you that there is a case open before the Commission relating to citation(s) and/or order(s) issued by MSHA. If your miners' representative has filed the proper paperwork for designation, he/she should also receive copies of these legal documents.

Additional information regarding these rights can be found in Sections 105(a), 105(b)(1)(A), and 105(d) of the Act and in 30 CFR 100.6 and 100.7, and 29 CFR 2700.

Review of Imminent Danger Orders

Under Section 107(e) of the Act, your representative has **30 days** after being notified that an imminent danger order has been issued, modified, or terminated to ask the Commission to reinstate, modify, or vacate the order. If your representative files a request, Commission Administrative Law Judges may hold a hearing and issue a decision to vacate, terminate, affirm, or modify the order.

Commission Review of Administrative Law Judges (ALJ) Decisions

The Administrative Law Judges (ALJs) work for the Commission. These judges are not employees of MSHA or the U.S. Department of Labor. You or your representative have a right to ask the Commission to review an ALJ's decision that adversely affects you. If you decide to do this, you need to file your request (in the form of a petition) with the Commission **within 30 days** after the ALJ's decision was issued. The Commission will decide whether or not to review the decision. If the Commission decides not to conduct a review, the ALJ's decision becomes final **40 days** after it is issued. For additional information see Section 113(d) of the Act or go to the Commission website at www.fmshrc.gov.

Judicial Review of Commission Decisions

Under Section 106(a) of the Act, you or your representative have the right to ask for a judicial review of a Commission decision where you were a party and the decision adversely affects you.

If you decide to do this, you must file a written petition for review with the pertinent circuit court **within 30 days** after the Commission's decision, requesting that the decision be modified or set aside. The review takes place either in the U.S. Circuit Court of Appeals for the District of Columbia or for the circuit where the violation of the Act is alleged to have occurred.

Your Right to Receive Health and Safety Training

You have a right to receive health and safety training under 30 CFR 46 or 48 if you work in a mine or if you engage in mining operations whether you are a rank and file employee or a supervisor. This includes independent contractors and the employees of independent contractors who are engaged in mining operations.

You have a right to receive health and safety training under 30 CFR 46 or 48 during your normal working hours and to be paid for that time at your regular rate of pay if you are an employee of the operator. If the training is given at a place other than your normal workplace, you must be compensated for the additional costs associated with your training. Examples of these costs include mileage, meals, and lodging.

Detailed training requirements for "New Miners," "Experienced Miners," "Annual Refresher," "New Task," and "Hazard Recognition" for Surface and Underground under CFR 46 and 48 may be found at www.msha.gov/Education&Training.htm.

You must have the proper training prior to beginning work at a mine. As an applicant, you do not have a right to have your future employer (or the operator) pay for the newly employed or experienced miner training. If you are laid off from work and your training expires during the lay off period, the operator is not required by the Act to pay for your training prior to your recall to work.

You have a right to withdraw yourself from the mine for not having the required health and safety training. You cannot be fired, discriminated against, or suffer loss of pay if you withdraw yourself or if you are withdrawn from a mine by an MSHA inspector because you lack the required training. You are entitled to be paid from the time you are withdrawn until you receive the required training and the MSHA inspector verifies the training.

Your Part 46 Training Rights

If you work in mining operations at a sand, gravel, surface clay, surface limestone, surface stone, colloidal phosphate, or shell dredging operation, surface marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime operation, you are required to have health and safety training under 30 CFR 46.

You have a right to site specific hazard awareness training if you are a worker at a mine who is not involved in mining operations. This

includes scientific workers (i.e. lab technicians); delivery workers; customers (including commercial over-the-road truck drivers); vendors; or visitors. This also includes maintenance or service workers who do not work at a mine site for frequent or extended periods. This training is not required for any person accompanied by an experienced miner.

Training under 30 CFR 46 is provided by a "Competent Person." A Competent Person is defined as a person who is designated by the production-operator or independent contractor with 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 explain the training subject matter to you and must be able to evaluate whether the training you received was effective. You may, in certain cases, be able to substitute health and safety training required by other agencies. Refer to 30 CFR 46.4(a)(3) for more information.

MSHA approves training plans under Part 46 in two ways:

- A training plan is considered approved by MSHA if it meets the minimum requirements listed in 30 CFR 46.3(b).
- Training plans not meeting the minimum requirements of 30 CFR 46.3(b) must be submitted to MSHA for review and approval.

Part 46 training plans are submitted to MSHA's Regional Manager, Educational Field Services Division (Regional Manager) for review and approval. Regional Manager's addresses can be found at the end of this booklet. The operator must inform you when a plan is being submitted to MSHA for approval. You or your representative may also request that MSHA examine and approve the Part 46 training plan for your mine.

Depending on which process for plan approval is followed, your representative must receive a copy of the plan from the operator at least two weeks before training starts, or at least two weeks before the plan is sent to the Regional Manager for approval.

If there is no representative at your mine, the operator must post the plan or give you a copy at least two weeks before training starts, or at least two weeks before the plan is sent to MSHA's Regional Manager for approval.

When a training plan is submitted to MSHA's Regional Manager for approval (or a request for plan approval is made by you or your representative), MSHA will notify you, your miners' representative, and the operator of MSHA's decision, or the status of approval, in writing **within 30 days** from the time MSHA receives it.

You or your representative may give written comments about the plan to the operator or MSHA's Regional Manager (where applicable) **within two weeks** after the plan is received by the miners' representative or posted at the mine.

If you request a review and approval of the plan by the MSHA Regional Manager, you must notify the production operator or independent contractor of such request.

Once MSHA's Regional Manager makes the decision to approve a training plan, the operator must give your miners' representative a copy **within one week**. If there is no representative at your mine, the operator must post the plan or give you a copy **within one week**.

Training plan decisions by MSHA's Regional Manager can be appealed in writing **within 30 days** after you or your representative receives notice of the decision to the:

U.S. Department of Labor
Mine Safety and Health Administration
Director for Educational Policy and Development
1100 Wilson Blvd.
Arlington, VA 22209

Additional information on Part 46 training may be found at:

www.msha.gov/Education&Training.htm

Your Part 48 Training Rights

Under 30 CFR 48, you must have comprehensive training if you work in an underground mine in extraction and production, or work in shaft or slope construction, or are regularly exposed to mine hazards, or work in maintenance or service either employed by the operator or work for a contractor at the mine for frequent or extended periods. This includes the operator if he/she works underground on a continuing, even if irregular, basis. Short-term, specialized contract workers, such as drillers and blasters, who work in extraction and production or work in shaft or slope construction and who have received experienced miner training may, in lieu of subsequent training under that section for each new employment, receive hazard training under 30 CFR 48.11.

Training must be conducted by an MSHA-approved training instructor. The operator must give your representative a copy of the training plan at least two weeks before it is sent to the District Manager for approval. If there is no representative at your mine, the operator posts a copy of the plan on the mine bulletin board or gives each miner a copy of the plan at least two weeks before it is sent to the District Manager for approval.

You or your representative may submit written comments on the plan to the operator who will forward them to the District Manager or you or your representative may submit comments directly to the District Manager.

The District Manager then evaluates and approves the plan or suggests changes to the plan before it is approved.

If you are an experienced miner, you must receive training if you are returning to the mine after an absence of more than 12 months.

You must receive training on major changes to the mine environment that could adversely affect your health and safety if you return to work at the *same* mine after being away for 12 months or less.

Additional information on Part 48 training may be found at:

www.msha.gov/Education&Training.htm

Your Health Protection Rights

Hazardous Communications

If you are a miner or an on-site operator who is exposed to chemical hazards, you have a right to be informed about physical and health hazards in your work area and the appropriate protective measures to deal with those hazards (30 CFR 47.1-47.2). The operator of your mine must develop and implement a written Hazardous Communications (HazCom) program, and share that information with you and any other operator whose miners are affected by the hazards presented.

If you have a medical emergency, the operator must immediately disclose any trade secret chemical information to your treating health professional if the identity of the hazardous chemical is necessary for emergency or first aid treatment (30 CFR 47.83-47.85).

Noise Exposure Assessment

Under 30 CFR 62.110, the mine operator is required to monitor your exposure to noise. You and your representative have the right to be notified by the operator before you are monitored for noise exposure. If you are affected, you and your representative are allowed to observe the exposure monitoring activity. The requirements for testing noise levels, and details regarding hearing protection regulations are in the Appendix.

The operator is required to take action to reduce your exposure to noise if your exposure exceeds: 1) the action noise level; 2) the permissible exposure level; or 3) the dual hearing protection level. If your noise exposure equals or exceeds any of these levels, the operator must notify you of the exposure and its action(s) to reduce your exposure **within 15 days** of determination, unless you have been notified of an overexposure within the past 12 months. If you have an excessive exposure, you must be enrolled in a hearing conservation program.

Additionally, if your noise exposure is equal to or exceeds the levels listed in 30 CFR 62.120, the operator must provide you with hearing protection. You must be trained in the use of this hearing protection. If dual hearing protection is required, you can choose a hearing protector from at least two muff types and two plug types. The operator must make sure that the hearing protector is in good condition and fitted and maintained in accordance with the manufacturer's instructions. Replacements are to be provided to you at no cost. You may choose a different hearing protector(s) if wearing the selected hearing protector(s) is subsequently precluded due to medical pathology of the ear.

Toxic Substances and Hazardous Physical Agents and Equipment Studies

Under Section 501(a)(11) of the Act, your representative may request, in writing, MSHA or the Department of Health and Human Services (DHHS) to conduct studies, research, experiments, and demonstrations to determine if any substance normally found in your mine has potentially toxic effects in its usual concentration, or if any physical agents or equipment found or used at the mine has potentially hazardous effects. MSHA or DHHS will share the results of any of these activities with you and the operator as soon as possible.

Medical Surveillance for Coal Miners

If you are a coal miner, the mine operator shall provide to you periodic examinations including chest x-rays, spirometry, symptom assessment, and occupational history.

The operator shall use facilities approved by the National Institute for Occupational Safety and Health (NIOSH) to conduct these examinations. The examinations are free-of-charge to you. The mine operator shall post on the mine bulletin board at all times the approved plan for providing these tests.

You have the opportunity for a chest x-ray when you start work in a coal mine for the first time, and again three years later if you are

working as a coal miner. If your second x-ray shows evidence of the development of black lung, you receive an additional x-ray two years later if you are still working as a coal miner.

You have an opportunity for a chest x-ray at least once every five years, or earlier, if requested by the Secretary of Health and Human Services.

MSHA will give you the results of your examination and tests. You may ask that the results of your examinations and tests be sent to your designated physician.

Transfer Rights for Coal Miners Diagnosed With Black Lung Disease

If your x-ray or other examination is positive for black lung disease, you may have a right to transfer to a less dusty position. MSHA will advise you, where appropriate of your transfer rights. Under 30 CFR 90 you may elect to work in an area of the mine where the average concentration of dust in the mine atmosphere during each shift is continuously maintained at or below 1.0 milligrams per cubic meter of air. If you are transferred you have the right to retain your regular rate of pay and receive wage increases.

If you are eligible for transfer rights, you will receive a written notice from the Chief, Division of Health, Coal Mine Safety and Health Administration. After notification, you may exercise or re-exercise the option to work in a low dust area of the mine under 30 CFR 90 by signing and dating the Exercise of Option form and mailing the form to:

U.S. Department of Labor
Mine Safety and Health Administration
Coal Mine Safety and Health
Chief, Division of Health
1100 Wilson Blvd., Room 2416
Arlington, VA 22209-3939

You may waive your rights and be removed from MSHA's active list of miners who have rights under 30 CFR 90. If rights under 30 CFR 90 are waived, you may re-exercise this portion at any time.

If you are found eligible for transfer under 30 CFR 90, the mine operator must provide you with a copy of the MSHA-approved respirable dust plan. The operator shall post the original or a copy of the plan on the mine bulletin board.

Your Protection Against Black Lung Discrimination

You cannot be fired or discriminated against if you are partly disabled from black lung and keep working. If you are fired or discriminated against because of your condition, you or your representative may apply to MSHA or the Black Lung office **within 60 days** for a review of your situation. If you have any questions relating to black lung discrimination or how to issue a discrimination complaint, please contact your local MSHA or Black Lung office.

Your Black Lung Benefits

You are entitled to compensation and medical benefits if you are a coal miner who is totally disabled by black lung disease due to your coal mine employment.

MSHA does not handle black lung benefits.

For information on black lung benefits, contact the:

U.S. Department of Labor
Office of Workers' Compensation Programs
Division of Coal Mine Workers' Compensation
Washington, DC 20210
Telephone: 1-866-487-2365

Underground Metal/Nonmetal Exposure to Diesel Particulate Matter (DPM)

If you can reasonably be expected to be exposed to diesel emissions, while working or traveling in the underground areas of a mine, you must be trained annually by the operator concerning health

risks from exposure to DPM, control methods, the personnel who are responsible for DPM controls and appropriate operation of controls.

The mine operator must monitor your full-shift personal exposure as often as necessary to verify continuing compliance. If you are affected by the monitoring, the operator must notify you and your representative before this monitoring takes place. You and your representative may observe the exposure monitoring activity.

If you have been overexposed to DPM, the operator must promptly post a notice on the mine bulletin board of how the operator intends to correct the problem. Also, the operator must initiate corrective action by the next work shift, and promptly complete the corrective action. The operator must post monitoring results, as well as sampling results from MSHA for **at least 30 days**. You and your representative are entitled to a copy of sampling results.

If you are overexposed to DPM, the operator must take action to reduce your exposure. If attempts to reduce your exposure with controls are unsuccessful, you may be placed in a respiratory protection program and fitted with a respirator, provided you do not have a medical condition that prevents you from wearing a respirator. To determine your ability to wear a respirator, you must be examined by a physician or other licensed healthcare professional (PLHCP), free-of-charge.

You have the right to a copy of your medical results and to discuss them with the PLHCP before the results are submitted to the mine operator. If you disagree with the PLHCP's determination, the mine operator must reevaluate you, or give you **up to 30 days** to provide additional information to the PLHCP to correct your medical results. Also, you will be reevaluated if the mine operator "has reason to believe" that conditions have changed regarding your ability to wear a respirator.

If you cannot wear respirator protection for medical reasons, you will not be allowed to continue to work in an area where such protection is required. If the mine operator has an existing job in an area of the

same mine where you will not need to wear a respirator, you must be transferred to work in that location **within 30 days** of the final determination by the PLHCP.

Regarding your pay, you are to be paid at no less than the regular rate of pay in the classification held by you immediately prior to the transfer. Any increases in pay after your transfer must be based on your new work classification.

Your Rights Relating to New and Revised Standards or Regulations

Section 101(e) of the Act requires MSHA to publish all proposed health or safety standards or regulations in the Federal Register and send copies of them to your representative and the operator. The operator must post copies of the MSHA proposed standards and regulations on your mine's bulletin board.

You and your representative may comment on or object to a proposed standard or regulation. The Federal Register will provide contact information and all appropriate dates for submission of comments on proposed standards or regulations. You and your representative may also notify our contact person listed in the proposed standard or regulation to request a hearing to state your views.

Under Section 101(d) of the Act, you or your representative may file a petition to challenge a new standard **within 60 days** after the standard is published in final form in the Federal Register if you believe you are adversely affected by it. You may file a petition with the U.S. Circuit Court of Appeals for the District of Columbia or for the circuit where you or your representative live. The court will not, *except* "for good cause," consider your objection to the standard unless your objection was mentioned to MSHA during the proposal period.

Petitions for Modification of a Safety Standard or Regulation

Under Section 101(c) of the Act, your representative can ask MSHA to modify how it applies a safety standard if the proposed alternative guarantees *at least* the same measure of protection afforded by the standard, or if enforcing the standard itself will cause safety to be reduced at your mine.

MSHA will notify your representative if it receives a petition for modification from the operator or anyone else at your mine. Your representative can present his or her views on the proposed modification in writing or can request a hearing before a Department of Labor Administrative Law Judge (ALJ) to discuss the proposed modification after MSHA has issued its decision. ALJ decisions can be appealed to the Assistant Secretary for Mine Safety and Health.

Your representative will also receive a copy of MSHA's final decision on the modification. For more information on petitions for modification refer to www.dol.gov.

Your Rights to Information

Under Sections 103(c) and (h) of the Act, you or your representative have the right to receive copies of most records, information, reports, findings, citations, notices, orders, and decisions that the Act calls for from the Secretary of Labor (MSHA) or the Secretary of Health, Education and Welfare (now Health and Human Services).

If you are a miner or a former miner, the operator can provide you with copies of your records of exposure to potentially toxic materials and harmful physical agents.

You and your representative have access (right to examine records) to all HazCom materials except as provided in 30 CFR 47.81 - 47.87 (provisions for withholding trade secrets).

The operator is to provide the first copy and each revision of the HazCom material free-of-charge to you or your representative. Fees for additional copies are to be non-discriminatory and reasonable.

Upon request, the operator must disclose the identity of a trade secret chemical in a non-emergency situation to an exposed miner, the miner's designated representative, or a health professional. This request has to be in writing and must describe in reasonable details an occupational health need.

If a request is denied, the denial has to be in writing and a copy of the denial is to be provided to the health professional, miner or designated representative **within 30 days** of the request.

Where administrative controls are used to reduce your exposure to noise, the operator must post the procedures for these controls on the mine bulletin board and provide you with a copy. Records related to occupational noise exposure are available to authorized representatives of the Secretaries of Labor and Health and Human Services. Upon written request, the mine operator must provide you, or with your written consent, to your designee, access to records that the mine operator must maintain for you, **within 15 calendar days of the request**.

Miners' representatives designated under 30 CFR 40 have access to training certificates prepared under 30 CFR 62.180(b) and to any notice of exposure determination under 30 CFR 62.110(d). The mine operator must provide the first copy of such record at no cost to the requestor, and additional copies at reasonable cost.

Monitoring and Recording of Exposure to Toxic Materials or Harmful Physical Agents

Under Section 103(c) of the Act, you and your representative may watch the operator's monitoring or measuring of employee exposure to potentially toxic materials or harmful physical agents.

If you are a miner or a former miner, you have a right to access records of your exposure to toxic materials or harmful physical agents. In case of overexposure, the operator must tell you about it and what is being done to correct the situation.

Accident Investigations

Section 103(d) of the Act requires operators to investigate all accidents to find the cause of any accident, and to devise a way to make sure it does not happen again. The operator's accident records and reports are open for inspection by "interested parties" which include you and your representative.

Notice of Proposed Civil Penalty

Under Section 105(a) of the Act, MSHA will send the operator and your representative notices of a proposed civil penalty for a safety or health violation cited by an MSHA inspector.

Under Section 105(b) of the Act, MSHA will notify the operator and send your representative a copy of any notice of a proposed civil penalty under Section 110(b) for failure to correct a violation within the time period permitted for its correction.

Posting Documents

Under Section 109 of the Act, MSHA will deliver to your mine office any order, citation, notice, or decision required by the Act, and the operator or its agent must immediately post copies of these on the bulletin board at your mine. MSHA also mails or delivers copies of these materials to your representative.

Your Rights Concerning Records, Plans, Maps, Evacuation and Emergency Preparedness Drills and Other Emergency Information

1. Underground Coal Mines

Roof Control Plans

Under Section 302(a) of the Act, you or your representative may inspect a copy of the approved roof control plan of the underground coal mine where you work.

30 CFR 75.220(e) says that the approved roof control plan and any revisions shall be available to you and your representative at the mine.

According to 30 CFR 75.220(d), before implementing an approved revision to a roof control plan, all persons who are affected by the revision shall be instructed in its provisions.

Mine Maps

Under Section 312(b) of the Act, you or your representative may inspect the maps of the underground coal mine where you work. This includes the mine map on which roof falls are plotted as explained in 30 CFR 75.223(c), and the map of all electrical mine installations as covered in Section 305(e) of the Act and 30 CFR 75.508.

The escapeway map for your mine must be posted and/or readily accessible to you as a miner in the following locations: in each working section; in each area where mechanized mining equipment is being installed or removed; at the refuge alternative; and at a surface location of the mine where miners congregate, such as at the mine bulletin board, bathhouse, or waiting room.

The map must show designated escapeways from the working section or the miners' work stations to the surface or the exits at the bottom of the shaft or slope, refuge alternatives, and SCSR storage locations. These maps are to be kept up-to-date. Any change in route of travel, location of doors, location of refuge alternatives, or direction of airflow is to be shown on the maps by the end of the shift on which the change is made. All miners underground on the shift when any such change is made must be notified immediately of the change, and other affected miners must be notified of the change before entering the underground areas of the mine.

Mine Emergency Response Plan

Under Section 316(b)(1)(D) of the Act, you and your representative have the right to access your coal mine's emergency response plan.

This plan is reviewed by MSHA at least every six months. You or your representative may submit comments on the plan as part of this review process. MSHA will consider all comments submitted by you or your representative that could enhance a miner's ability to survive in an emergency.

Ventilation Plans

Your representative must be given notice of a new ventilation plan or any change in an existing plan by the operator **at least five days** before the plan is submitted to MSHA. At the time of notification, a copy of the proposed plan can be made available to your representative, upon request.

Sometimes a plan has to be revised immediately. When this happens, the operator must provide notification of the proposed revision and, upon request, provide a copy of the proposed revision to the plan to your representative when it is submitted to MSHA for approval. Copies of proposed ventilation plans and any proposed revisions must also be posted on the mine bulletin board. These documents remain posted until they are approved, withdrawn, or denied.

Your representative may submit timely written comments regarding the proposed plan or revision to the District Manager. The District Manager will give copies of these comments to the operator if they are requested.

The District Manager will notify the operator, in writing, of the plan approval or denial and provide a copy of the notification to your representative.

If a plan or revision is approved, copies of the plan and any revisions to the plan are made available to your representative for inspection, upon request. If you are directly affected, the operator must instruct you in the provisions of the plan or revision before the approved ventilation plan or revision takes effect.

The approved ventilation plans and revisions must be posted by the operator on the mine bulletin board **within one working day** after

notification of approval. Approved plans and revisions stay posted on the mine bulletin board as long as they remain in effect.

Records of Examinations and Reports

You and/or your representative may look at the recorded results of examinations, tests, and reports made in underground coal mines. These include:

- Pre-shift examinations (miners' representative only)
- Weekly examinations for hazardous conditions (miners' representative only)
- Weekly ventilation examinations (miners' representative only)
- Electrical equipment examinations (miners' representative only, except for circuit breakers which are available to miners and miners' representatives)
- Main Mine Fan pressure, fan examinations and data produced by the fan monitoring system (miners' representative only)
- Machine mounted methane monitor calibrations (miners' representative only)
- Atmospheric Monitoring System operation, examination, testing and calibration (miners' representative only)
- Training and qualification program records of persons working on diesel-powered equipment (miners' representative only)
- Records relating to seals at underground coal mines (miners' representative only)
- Procedures used for mining into inaccessible areas (these records must also be posted near the site of such mining)
- Records regarding inspection and tests of fire suppression systems installation and maintenance requirements
- Certifications regarding conduct of mine emergency evacuation training and drills (records maintained for one year)
- Respirable dust sample data (must be posted for at least 31 days on the mine bulletin board)

Rehabilitation of Areas With Unsupported Roof

You have a right to instruction on the cleanup and support procedures when you are assigned to rehabilitating each area where a roof fall has occurred or the roof has been removed by mining machines or blasting.

Ground Failure on Longwall Mining Systems

When you are working on a longwall mining system, you must be notified that the tailgate is blocked when a ground failure prevents travel out of the section through the tailgate side of a longwall section. You must also be reinstructed on escape procedures, and reinstructed in the availability and use of self-contained self-rescuers. See 30 CFR 75.222(g)(2).

Mine Emergency Evacuation, Training and Drills

You must participate in a mine emergency evacuation training and drill once each quarter and escapeway drills from the working section to the main escapeway at least once every 90 days. The emergency and evacuation training must include hands on training in self rescue devices used at the mine. During the evacuation drill you must travel the primary or alternate escapeway in its entirety and physically locate directional lines and the stored Self-Contained Self-Rescuers (SCSRs). You must also review the mine and escapeway maps, firefighting plan, and the mine emergency evacuation plan for your mine. A newly hired miner, who has not participated in a mine emergency evacuation training and drill at the mine within the previous three months, must participate in the next applicable mine emergency evacuation training and drill.

Over the course of each year, you are to participate in expectations training. Expectations training includes donning and transferring SCSRs in smoke, simulated smoke, or an equivalent environment. A miner shall participate in expectations training within one quarter of being employed at the mine.

At the completion of each training or drill required in this section, the operator is to certify by signature and date that the training or drill was held in accordance with the requirements of 30 CFR 75.1504. Certifications shall be kept at the mine for a year and must be made available to your designated representative. You should receive a copy of the training certificate upon request.

Fire Suppression Systems

If you are normally assigned to the active workings of the mine, you are to be instructed about the hazards inherent to the operation of the fire suppression systems where you work and, where appropriate, the safeguards available for each system.

2. Surface Coal Mines/Surface Areas of Underground Coal Mines

Respirable Dust Control Plan and Sample Reports; Posting

The operator is required to post on the mine bulletin board a copy of each current designated work position (DWP) respirable dust control plan approved by the District Manager.

Upon receipt of respirable dust sample reports, the mine operator is required to post this data **for at least 31 days** on the mine bulletin board.

3. Underground Metal/Nonmetal Mines

Ground Control – Rock Fixtures

You and your representative have the right to examine the manufacturer's certification that roof and rock bolts and accessories are manufactured and tested in accordance with the requirements set forth in ASTM F-432-95, "Standard Specifications for Roof and Rock Bolts and Accessories."

Limit on Exposure to Diesel Particulate Matter – Posting of Application

An operator may file an application for extension of time if the mine needs time to achieve compliance with the final diesel particulate matter limits of 30 CFR 57.5060 due to technological or economic constraints. If such an application is filed, it must be posted at the mine site for **at least 30 days** prior to the date of application. Your representative must also be given a copy of the application.

The extensions are limited to a period of one year from the date of the approval. Additional extensions provided are limited to one year. See 30 CFR 57.5060(c) for additional information.

Your Responsibilities Under the Act

A good safety and health program depends on the active participation and interest of everyone at the mine site. If you and your fellow miners exercise your responsibilities, you can help decrease workplace deaths, injuries, and illnesses.

It is your responsibility to comply with all Federal and State laws and regulations and your mine's safety and health policies.

When refusing to work in unsafe or unhealthy conditions, you are responsible for notifying the operator, a supervisor, or other responsible person. This gives the operator the opportunity to address the situation.

Making False Statements and False Representations: Section 110(f)

Under Section 110(f) of the Act, you are responsible for providing truthful statements or representations (orally or in writing) during any inspection or investigation, or on any application, record, report, plan, training certificate, or other document required to be kept or filed by the Act. Criminal fines for violation under the Act are subject

to the increased penalty provisions by the Federal Comprehensive Crime Control Act, 18 U.S.C. 3571. You may be fined, or imprisoned up to five years, or both.

Smoking Prohibited

Under Section 110(g) of the Act, you are prohibited from smoking in all underground coal mines, gassy underground metal/nonmetal mines, areas around combustible/flammable storage, waste, or distribution facilities, explosives magazines, and other surface areas where smoking could cause a fire or explosion.

You are prohibited from smoking or carrying smoking materials, matches, or lighters into an underground coal mine and gassy underground metal/nonmetal mines.

You are prohibited from smoking or using an open flame at a surface coal mine in any area where it might cause a fire or an explosion.

You are prohibited, if you work in an underground metal/nonmetal mine, from smoking or using an open flame where flammable or combustible liquids, including greases, or flammable gases are used or transported in a manner that could create a fire hazard or are stored or handled.

You are prohibited from smoking within 50 feet of where explosives or detonators are stored in noncoal mines.

You are prohibited from smoking in a uranium mine where radon daughter exposure measurements are required to be taken.

You may be fined for each separate violation.

Advance Notice of Inspection

Any person who gives advance notice of an inspection conducted by MSHA may be fined, imprisoned, or both as stated in Section 110(e) of the Act.

Responsibilities for Supervisors or Other Responsible Persons

If you are a supervisor or other responsible person, you have the responsibility to take appropriate action to address the safety and health issues and concerns.

You are prohibited from interfering with, hindering, or delaying any inspection or investigation carried out under the Act.

You must admit an authorized representative (MSHA inspector or investigator) into a coal or metal/nonmetal mine for the purpose of an inspection or investigation.

You shall permit access to and copying of any information, document or record requested during an inspection or investigation.

Knowing Violations

Under Section 110(c) of the Act, if you are a director, officer or agent of a corporation, you have additional responsibilities under the Act.

If you knowingly authorize, order, or carry out a violation of a mandatory health and safety standard, or knowingly violate or refuse to comply with any order issued under the Act or any order incorporated in a final decision issued under the Act, you may be subject to civil penalties, fines, and imprisonment.

Appendix

Your Health Rights

Audiometric Testing – 30 CFR 62.170 – 62.175

The operator must provide you with audiometric tests to satisfy the requirements of the standard. These tests are to be conducted by a physician or an audiologist, or by a qualified technician under the direction or supervision of a physician.

Action Level (Enrollment in Hearing Conservation Program) – 30 CFR 62.120

The operator is required to enroll you in a hearing conservation program if your noise exposure equals or exceeds the action level.

Hearing Conservation Program – Training 30 CFR 62.180

You must receive training **within 30 days** of your enrollment in a hearing conservation program. You are to receive training every 12 months, thereafter, if your noise exposure continues to equal or exceed the action level.

Permissible Exposure Level – 30 CFR 62.130

The operator must assure that you are not exposed to noise that exceeds the permissible exposure level during any work shift.

If during any work shift your noise exposure exceeds the permissible exposure level, the operator must use "…all feasible engineering and administrative controls to reduce [your] noise exposure to the permissible exposure level, and enroll [you] in a hearing conservation program...."

You are not to be exposed at any time to noise levels exceeding 115 dBA (decibels), as determined without adjustment for the use of any hearing protector.

Dual Hearing Protection Level – 30 CFR 62.140

If during any work shift your noise exposure exceeds the dual hearing protection level, the operator must, "…in addition to the actions required for noise exposure that exceed the permissible exposure level, provide and ensure the concurrent use of both an ear plug and ear muff type hearing protector."

Additional Information

Coal Mine Safety and Health District Offices

District 2 - Bituminous coal mining regions in Pennsylvania

District 3 - Maryland, Ohio, and Northern West Virginia

District 4 - Southern West Virginia to inlcude the following counties: Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, Webster

District 5 - Virginia

District 6 - Eastern Kentucky

District 7 - Central Kentucky, North Carolina, South Carolina, and Tennessee

District 8 - Illinois, Indiana, Iowa, Michigan, Minnesota, Northern Missouri, Wisconsin

District 9 - All States west of the Mississippi River, except for Minnesota, Iowa, and Northern Missouri

District 10 - Western Kentucky

District 11 - Alabama, Georgia, Florida, Mississippi, Puerto Rico, Virgin Islands

District 12 - Southern West Virginia to inlcude the following counties: Cabell, Lincoln, Logan, McDowell, Mercer, Mingo, Wayne, Wyoming

District Offices

2. Mt. Pleasant, PA
3. Morgantown, WV
4. Mount Hope, WV
5. Norton, VA
6. Pikeville, KY
7. Barbourville, KY
8. Vincennes, IN
9. Denver, CO
10. Madisonville, KY
11. Birmingham, AL
12. Beaver, WV

Office of the Administrator
CMSH
1100 Wilson Blvd., Rm. 2424
Arlington, VA 22209-3939
(202) 693-9500

MSHA - District 2
Paladin Professional Center
631 Excel Drive, Suite 100
Mt. Pleasant, PA 15666
(724) 925-5150

MSHA - District 3
604 Cheat Road
Morgantown, WV 26508
(304) 225-6800

MSHA - District 4
100 Bluestone Road
Mt. Hope, WV 25880
(304) 877-3900

MSHA - District 5
PO Box 560
Norton, VA 24273
(276) 679-0230

MSHA - District 6
100 Fae Ramsey Lane
Pikeville, KY 41501-3294
(606) 432-0944

MSHA - District 7
3837 S. U.S. Hwy. 25E
Barbourville, KY 40906
(606) 546-5123

MSHA - District 8
2300 Willow Street, Ste. 200
Vincennes, IN 47591
(812) 882-7617

MSHA - District 9
PO Box 25367, DFC
Denver, CO 80225-0367
(303) 231-5458

MSHA - District 10
100 YMCA Drive
Madisonville, KY 42431-9019
(270) 821-4180

MSHA - District 11
1030 London Drive, Suite 400
Birmingham, AL 35211
(205) 290-7300

MSHA - District 12
1301 Airport Road
Beaver, WV 25813
(304) 253-5237

Metal/Nonmetal Mine Safety and Health District Offices

Northeastern District: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia

North Central District: Illinois, Indiana, Iowa, Michigan, Minnesota, Wisconsin

Rocky Mountain District: Arizona, Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming, and in the state of Idaho for the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Caribou, Bannock, Power, Bear Lake, Franklin and Oneida

Southeastern District Office: Alabama, Florida, Georgia, Kentucky, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands and Mississippi for the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clarke, Clay, George, Greene, Grenada, Itawamba, Jasper, Kemper, Lafayette, Lauderdale, Lee, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha

South Central District: Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas and Mississippi for the counties of Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, DeSoto, Forrest, Franklin, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Jackson, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Leflore, Lincoln, Madison, Marion, Panola, Pearl River, Perry, Pike, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tunica, Walthall, Warren, Washington, Wayne, Wilkinson, and Yazoo

Western District: Alaska, California, Hawaii, Idaho not to include the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Caribou, Bannock, Power, Bear Lake, Franklin and Oneida; Nevada, Oregon, Mohave County, Arizona, Washington County, Utah, and State of Washington

District Offices

Northeastern
Warrendale, PA

Southeastern
Birmingham, AL

North Central
Duluth, MN

South Central
Dallas, TX

Rocky Mountain
Denver, CO

Western
Vacaville, CA

Office of the Administrator
M/NMSH
1100 Wilson Blvd.
Arlington, VA 22209-3939
(202) 693-9600

MSHA - NE District
100 Thorn Hill Road, Suite 100
Warrendale, PA 15086
(724) 772-2334

MSHA - SE District
1030 London Drive, Suite 400
Birmingham, AL 35209
(205) 290-7296

MSHA - NC District
Fed. Bldg., U.S. Courthouse
515 W. 1st St., Rm. 333
Duluth, MN 55802-1302
(218) 720-5448

MSHA - SC District
1100 Commerce Street,
Rm. 462
Dallas, TX 75242-0499
(214) 767-8401

MSHA - Rocky Mtn. District
PO Box 25367, DFC
Denver, CO 80225-0367
(303) 231-5465

MSHA - Western District
991 Nut Tree Road
Vacaville, CA 95687
(707) 447-9844

Office of Assessments, Accountability, Special Enforcement and Investigations

Office of Assessments,
Accountability, Special
Enforcement and Investigations
1100 Wilson Blvd.
Arlington, VA 22209-3939
(202) 693-9700

Office of Assessments,
Accountability, Special
Enforcement and Investigations
7 N Wilkes-Barre Blvd.
Stegmaier #432
Wilkes-Barre, PA 18702
(570) 826-6431

Educational Field and Small Mine Services Assistant Managers

Eastern Operations
1301 Airport Road
Beaver, WV 25813
(304) 256-3223

Western Operations
PO Box 25367
Denver, CO 80225
(303) 231-5434

Federal Mine Safety and Health Review Commission

Federal MS&H Review Commission
1331 Pennsylvania Avenue, NW, Suite 520N
Washington, DC 20004-1710
(202) 434-9900

MSHA Headquarters Office

Mine Safety and Health Administration
1100 Wilson Blvd., 21st Floor
Arlington, VA 22209-3939
(202) 693-9500

Note: To contact your local MSHA office, please consult your local telephone directory under U.S. Government, Department of Labor.

Safety and Health Information Contacts

Title and Name	Phone Number
Miners' Representative	_____
Safety Committeeman	_____
Company Instructor	_____
Company Safety Director	_____
MSHA Inspector	_____
MSHA Inspection Supervisor	_____
MSHA District Manager	_____
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