

METAL/NONMETAL INSPECTION & EDUCATIONAL FIELD SERVICES Part 46 Training Checklist

This checklist is an aid for mine inspectors and Educational Field Services (EFS) specialists to evaluate an operator's (production operator and independent contractor) compliance with the Part 46 training regulations. The checklist is not intended to replace the Part 46 regulations. Operators should review the Part 46 regulations to ensure compliance with the regulations.

Name of Inspector or EFS Specialist: _____

Date: _____ MSHA ID # _____

Mine/Independent Contractor Name _____

Documentation Required by Part 46

§46.3 Training Plan

The operator may submit a plan to EFS for approval, or it will be considered approved if it contains, at a minimum, the following:

- Name of the operator, mine name and MSHA identification number
- Name and position of person responsible for health and safety training
- General description of teaching methods, course materials, subject areas (including list of tasks), and approximate time or range of time for each subject
- List of persons and organizations who will provide the training and subject areas each is competent to instruct
- Evaluation procedures used to determine effectiveness of training

A plan that does not include the minimum information must be submitted to and approved by the EFS regional manager or designee, before it is implemented.

The operator must provide the miners' representative with a copy of the written training plan, or at mines where no representative has been designated, post or give a copy to each miner as follows:

- At least 2 weeks before the plan is implemented or submitted to MSHA for approval
- Within one week after plan approval

§46.9 Records of Training

The operator must make a record at appropriate intervals for new miner and newly hired experienced miner training, after each session of annual refresher training, upon completion of new task training and upon completion of site-specific hazard awareness training by miners. This record is not a certification. Certification takes place at the completion of each training program, such as at the end of the 24 hours of new miner training.

The operator must record and certify on one of the following:

- Form 5000-23, with the name of the competent person(s), duration of training and date of training added, **or**

- A form that contains the following:
 - Printed full name of person trained
 - Type of training: New miner, Newly hired experienced miner, Annual refresher, Task training or Site-specific hazard awareness training
(Note: No record is required for site-specific hazard training of non-miners but the operator must be able to provide evidence that such training took place; e.g., training materials, copies of written information distributed to persons upon arrival at the mine, visitor log books that indicate training has been provided, signs, videos, or any method that adequately provides a person with sufficient information to alert them to the hazards they may be exposed to at the mine.)
 - Duration of training
 - Date training was received
 - Name of competent person(s) who provided training for each course
 - Name of the mine or independent contractor
 - MSHA mine ID or contractor ID, if any
 - Location of training (if an institution, the name and address of the institution)
 - Statement that: "False certification is punishable under sections 110(a) and (f) of the Federal Mine Safety and Health Act"
 - A statement signed by the person designated in the MSHA approved training plan as responsible for health and safety training, that states: "I certify that the above training has been completed."

The operator must record training as follows:

- For a new miner, at the completion of the minimum 4 hours of training required under 46.5(b), before the miner begins work at the mine
 - within 60 calendar days after the miner begins work at the mine for training required under 46.5(c)
 - within 90 calendar days after the miner begins work at the mine for the balance of the 24 hours as required by 46.5(d)
- For a newly hired experienced miner, at
 - the completion of training required under 46.6(b), before the miner begins work at the mine, **or**
 - within 60 calendar days after the miner begins work at the mine for training required under 46.6(c)
- After new task training is provided
- After each session of annual refresher training or at the completion of a minimum of 8 hours annual refresher training
- After site-specific hazard awareness training is provided to miners

The operator must ensure that all records of training are certified by the person designated in the approved training plan as responsible for health and safety training. A copy of the certified training records must be provided to the miner as follows:

- Upon completion of 24 hours of new miner training
- Upon completion of newly hired experienced miner training
- Upon completion of 8 hours of annual refresher training
- At least once every 12 months for new task training (or if requested by the miner)
- Upon completion by miners of site-specific hazard awareness training

Copies of training records and certificates must be made available for inspection by MSHA and for examination by miners and their representatives.

Training records and certificates must be maintained for each currently employed miner, except records and certificates for annual refresher training which must be maintained for two years.

Copies of a miner's training records and certificates must be provided to the miner at the termination of employment, upon the miner's request.

Training Plan Implementation

The operator must ensure that each program, course of instruction, or training session is:

- Conducted in accordance with the written training plan
- Presented by a competent person
- Presented in a language understood by the miners who are receiving the training
- Conducted during normal working hours and at the normal rate of pay

Independent contractors who employ miners have the primary responsibility for providing those employees with new miner training, newly hired experienced miner training, annual refresher, and task training.

Operators may substitute, as applicable, health and safety training required by OSHA, or other federal or state agencies to meet Part 46 requirements.

§ 46.5 New Miner Training

Before a new miner begins work at the mine, no less than 4 hours training in the following subjects must be given:

- Introduction to the work environment (must include a site tour)
- Recognition and avoidance of electrical and other hazards
- Emergency medical procedures; escape and emergency evacuation; fire warning signals and firefighting procedures
- Health and safety aspects of the tasks to be assigned
- Statutory rights of miners and their representatives
- Authority and responsibilities of supervisors and miners' representatives
- Introduction to rules and procedures for reporting hazards

No later than 60 calendar days after a new miner begins work at the mine, the operator must provide training in the following:

- Self-rescue and respiratory devices (if applicable)
- First aid

No later than 90 calendar days after a new miner begins work at the mine, the operator must provide the balance of the 24 hours of new miner training.

Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task in 46.5(b)(4), if hazard recognition training specific to the assigned task is given before the miner performs the task.

§46.6 Newly Hired Experienced Miner Training

Before a miner begins work at the mine, the operator must provide the following:

- Introduction to work environment (must include a site tour)
- Recognition and avoidance of electrical and other hazards
- Emergency medical procedures; escape and emergency evacuation; fire warning signals and firefighting procedures
- Health and safety aspects of the tasks to be assigned
- Statutory rights of miners and their representatives
- Authority and responsibilities of supervisors and miners' representatives
- Introduction to rules and procedures for reporting hazards

No later than 60 calendar days after a newly hired experienced miner begins work at the mine, the operator must provide the following:

- Self-rescue and respiratory devices (if applicable)

No minimum time is specified for newly hired experienced miner training.

§46.7 New Task Training

The operator must provide any miner with training in the health and safety aspects and safe work procedures specific to the task as follows:

- Before the miner is reassigned to a new task in which he or she has no previous work experience
- When changes occur in a miner's assigned tasks that affects the health and safety risks encountered by the miner

The operator is not required to provide new task training to miners who have received training in a similar task or who have previous work experience in the task, and who can demonstrate the skills to perform the task in a safe and healthful manner. To determine whether task training is required, the operator must observe that the miner can perform the task in a safe and healthful manner.

Practice under the close observation of a competent person may be used to fulfill the requirement for task training, if hazard recognition training specific to the assigned task is given before the miner performs the task.

§46.8 Annual Refresher Training

The operator must provide each miner with no less than 8 hours annual refresher training no later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later. Thereafter, the training must be provided no later than 12 months after the previous annual refresher training was completed.

Refresher training must include instruction on the following:

- Changes at the mine that could adversely affect the miner's health and safety
- Health and safety subjects that are relevant to mining operations at the mine

§46.11 Site-Specific Hazard Awareness Training

- The operator must provide site-specific hazard awareness training if any person specified under 46.11 is exposed to mine hazards

Persons who do not fall within the definition of "miner" in 46.2 are required to receive site-specific hazard awareness training under 46.11. Employees of independent contractors who are "miners" must also receive site-specific hazard awareness training under 46.11 at the mines where they work. Persons who are on mine property but who are never in the area of the property where mining operations occur are not required to receive hazard training.

- The operator must provide site-specific hazard awareness training to any person who is not a miner as defined by 46.2 but is present at a mine site

These persons include: office or staff personnel, scientific workers, delivery workers, customers, including commercial over-the-road truck drivers, construction workers, independent contractors who are not miners, maintenance or service workers who do not work at a mine site for frequent or extended periods, and vendors or visitors

- Miners, such as drillers & blasters, who move from one mine to another while remaining employed by the same production operator or independent contractor, must receive site-specific hazard awareness training before they enter a new mine.

Production-operators have the primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to have the training.

Site-specific hazard awareness training is not required for any person who is accompanied at all times by an experienced miner familiar with the mine hazards. (This includes both miners and non miners).

Site-specific hazard awareness training may be provided through written hazard warnings, walkaround training, oral instruction or other appropriate means and must alert persons to hazards they could be exposed to at the mine.

Site-specific hazard awareness training must include the following:

- Information or instruction on the hazards a person could be exposed to at mine
- Applicable emergency procedures
- Site-specific health and safety risks, such as unique geological or environmental conditions
- Recognition and avoidance of hazards, such as electrical and powered haulage, traffic patterns and control and restricted areas
- Warning and evacuation signals, evacuation and emergency procedures, or other special safety procedures

§46.12 Responsibility for Independent Contractor Training

Production-operators are primarily responsible for providing site-specific hazard awareness training to employees of independent contractors who are required to receive such training under 46.11

Production-operators must provide information to each independent contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with MSHA regulations

Independent contractors who employ miners, as defined in 46.2, are primarily responsible for providing the comprehensive training required by 46.3 through 46.10, including new miner training, newly-hired experienced miner training, new task training and annual refresher training

Independent contractors must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine

Citations and Orders For Part 46

Section 104(g)(1) of the Mine Act provides for the withdrawal of untrained miners from a mine or mill until they have received the training required by Section 115 of the Mine Act. The requirements of Part 46, for the covered mines, contain the requirements of Section 115 of the Mine Act. The purpose of a Section 104(g)(1) order is to eliminate the hazards that untrained or inadequately trained miners pose to themselves and to other miners.

Section 104(g) orders shall be written for the following types of untrained miners who are working at a mine:

- new miners (cite Section 46.5);
- newly hired experienced miners (cite Section 46.6);
- miners assigned to perform a task for which they have had no previous experience (cite Section 46.7);
- miners whose annual refresher training is not up-to-date (cite Section 46.8);
- miners or applicable persons working on mine property who have not been given site-specific hazard awareness training (cite Section 46.11).

Generally, 104(a) citations should be issued instead of Section 104(g)(1) withdrawal orders if the miner cannot be trained because he or she is no longer employed at the mine or was fatally injured.

When miners have received training but there are violations involving training plans, records of training, compensation for training, untimely training, etc., a Section 104(g)(1) order of withdrawal should not be issued. Issuance of 104(a) citations are appropriate for these situations.

Violations Involving Contractors

A Section 104(g)(1) withdrawal order shall be issued to the employer, including independent contractors, of any miner who has not received the required training. **See 46.12(a)(2)**

The mine operator, depending on facts, also may be issued a withdrawal order for allowing untrained miners to work on mine property, even though the miners are employed by an independent contractor. A Section 104(g)(1) withdrawal order shall be issued to the production operator if site-specific hazard awareness training was not provided to miners or other persons covered by Section 46.11. (Note: One way for production-operators to address this responsibility is to confirm when contracting with independent contractors that the contractors' employees will receive health and safety training and to include this as a provision in the contract. It may also be prudent for them to request and maintain evidence of independent contractors' compliance with training requirements.)

Comments: