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PROGRAM INFORMATION BULLETIN NO. P09-09

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SUBJECT: Re-Issue P07-04 - Clarification of Requirements of Title 30 Code of Federal Regulations §57.11050 Escapeways and refuges

Scope

Metal and Nonmetal mine operators, miners and miners' representatives, Mine Safety and Health Administration (MSHA) enforcement personnel, and other interested parties should have this information.

Purpose

MSHA is issuing this Program Information Bulletin (PIB) to re-emphasize to the metal and nonmetal mining industry the requirements for escapeways to the surface and for refuge areas.

Information

Under CFR § 57.11050(a) an underground mine is required to provide miners with two separate escapeways. Each escapeway must provide escape from the lowest level and must be positioned such that damage to one of the escapeways will not lessen the effectiveness of the other escapeway. Until the second escapeway is established a refuge area must be provided. A secondary escapeway is recommended but not required during exploration and development. This means that mine areas awaiting the establishment of a second escapeway or areas of exploration or development must have at least one escapeway and one method of refuge if miners cannot reach the surface by two separate escapeways.

To clarify when "exploration or development of an ore body" is occurring, operators should refer to the MSHA Program Policy Manual (PPM). The guidance provided by the PPM is clear: "*…In this application, exploration or development of an ore body should be used in its narrowest sense, i.e., while an ore body is being initially developed, or development or exploration work is being conducted as an extension of a currently producing mine. Where mining occurs along a mineralized zone and production and development are indistinguishable as separate activities, the standard must be applied as it would to a producing mine.*" (Italics and underlining added.)

Under 30 CFR § 57.11050(b) refuge areas are required when any employee, using the normal travel means, cannot reach the surface within one hour from at least two separate escapeways. Miners working in any mine area which is not provided two separate escapeways (i.e., positioned such that damage to one of the escapeways will not lessen the effectiveness of the other escapeway) must be provided a refuge area they can access within thirty minutes using normal means of travel. This applies to all mine areas regardless of status (i.e., includes those in exploration or development, or where a second escapeway is being developed or where two escapeways exist but one of them requires more than one hour travel time to reach the surface). Refuge areas required under this section of the standard must be located where employees can reach the refuge areas within 30 minutes from the time they leave their workplaces.

In summary:

1. Every mine shall have at least two separate escapeways to the lowest levels. Acceptance of one escapeway during development of a second escapeway and during exploration and development is to be applied in the "narrowest sense."
2. In mines with only one escapeway (those developing a second escapeway or in exploration or development), miners must have access to a refuge area.
3. In mines with two escapeways, miners must have access to a refuge area they can reach within 30 minutes after leaving their workplace if they cannot reach the surface within one hour through both escapeways using normal means of travel.
4. Miners working in any mine area which is not provided two separate escapeways must be provided a refuge area they can access within thirty minutes using normal means of travel.

Background

The ability of underground miners to escape or find shelter in times of emergency is critical. The requirements for two escapeways, developing a second separate escapeway, the requirements during development or exploration of ore bodies and when and where refuge areas must be provided need to be understood. This bulletin clarifies the compliance responsibilities of metal and nonmetal underground mine operators under 30 CFR § 57.11050, Escapeways and refuges.

Authority

Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq. and 30 CFR § 57.11050, Escapeways and refuges

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