

# **Part 46 Training Plan Guide**

**Mine Safety and Health Administration**

The purpose of this document is to assist you (mine operator and independent contractor) in developing a Part 46 training plan. This document was also designed to help you determine if your plan contains the minimum information required by the rule to be considered an approved plan. This document should not be considered as the final word in what is required to be considered an approved plan. The rule allows for other acceptable formats which you could utilize to be in compliance. We have identified in this document the most frequently found variations that are considered acceptable.

## Part 46 Requirements

Section 46.3 requires you to develop and implement a written training plan that includes programs for:

- new miners (§46.5),
- newly hired experienced miners (§46.6),
- new tasks (§46.7),
- annual refresher (§46.8), and
- site-specific hazard awareness training (§46.11) - - (Independent contractors do not need to include (§46.11) in their training plan).

Plans that include the minimum information specified in the rule, as outlined below, are considered approved and are not required to be submitted to us for formal review and approval. This document follows the five sections specified in the regulation that require information which must be included in a training plan if it is to be considered approved.

Part 46.3(b) provides that a training plan is considered approved by MSHA if it contains—

- (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);
- (2) The name and position of the person designated by the production-operator or independent contractor who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;
- (3) A general description of the teaching methods and the course materials that are to be used in each training program, including the subject areas to be covered and the approximate time to be spent on each subject area;
- (4) A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

Plans that do not contain the minimum information required by the rule must be submitted to one of the Regional Managers for Educational Field Services for approval (see *page 10*).



Part 46 requires that you post or provide the training plan to the miners and allow them an opportunity to comment on your proposed plan. Make sure to review the specific requirements in Sections 46.3(c) through 46.3(h).

Also, remember that you must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not kept at the mine, you must be able to provide the plan within one business day upon request.

**Q. How long is “one business day”?**

- A.** If we request that you produce a training plan for examination on Tuesday at 1:00 p.m., the deadline for producing the plan would be 1:00 p.m. on Wednesday. If we request that an operator produce a plan at 2:00 p.m. on Friday at a mine that does not operate over the weekend, the deadline for producing the plan would be 2:00 p.m. on Monday.

## Minimum Requirements for Training Plans

- 1. The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s)**

The name of the production-operator or independent contractor, mine name(s)

A plan must identify the name of the production-operator and mine name(s) or independent contractor. The name on the plan is acceptable as long as it can identify the actual name of the production-operator or independent contractor.

For example, if the Legal Identity names a company/mine as “Big Sand Incorporated,” it is acceptable if the plan lists the name as:

Big Sand,  
Big Sand No. 1, or  
Big Sand No. 1 Mine.

Also, some production-operators use the same name for their company and mine name. Mine name only becomes important when there is more than one mine listed on a training plan. If there is only one mine, there is no need to identify the production-operator and mine name separately.

### Mine ID number

The Mine ID number is always required to be listed on a production-operator's training plan.

A production-operator can list more than one Mine ID number on a training plan. For each mine identification number listed on a training plan, there needs to be a corresponding mine name.

**Q. The regulation specifically says that an independent contractor must list the MSHA identification number on the training plan (46.3(b)(1)). As an independent contractor, do I need to have an MSHA independent contractor number in order to have an approved training plan?**

**A.** No. We do not require an independent contractor to get an MSHA identification number for purposes of Part 46. However, if you wish to obtain an MSHA identification number, please contact the MSHA district office in your area, or to file online go to the MSHA Internet Home Page [WWW.MSHA.gov](http://WWW.MSHA.gov) and click on the tab titled "Forms & On-line Filings."

## **2. The name and position of the person designated by the production-operator or independent contractor who is responsible for the health and safety training at the mine.**

This does not need to be the same person listed on the Legal Identify Report in Block 12 (Person at Mine in Charge of Health and Safety) or Block 14 (Person with Overall Responsibility for Health and Safety program at All of the Operator's Mines).

The person responsible for health and safety training at the mine, for purposes of Part 46, is any person the production-operator or independent contractor chooses who has the responsibility and authority to verify and certify that the training was effective and done in accordance with the training plan and the regulations.

**Q. Can more than one person be designated by the operator in the training plan as responsible for health and safety training at the mine?**

**A.** Yes. We recognize that some operators, particularly those that operate large facilities, may want the flexibility of having more than one person who can certify that training has been given under § 46.3(b)(5). There is nothing in the Part 46 regulations that would prevent an operator from giving this responsibility to more than one person.

3. **A general description of the teaching methods and the course materials that are to be used in each training program, including the subject areas to be covered and the approximate time to be spent on each subject area**

Description of teaching methods and course materials

Description of teaching methods and course materials can be listed by individual subject, or for the entire plan. The rule requires that the plan include a general description of the teaching methods and the course materials that are to be used in each part or portion of the training plan. If you are using the same teaching methods and course materials for all programs, you do not need to describe each individually, but may state that these methods and materials will be used for all programs.

At a minimum, one teaching method and course material must be listed for each subject, where teaching methods and course materials are listed for each subject in a plan.

A training plan can indicate by listing multiple teaching methods and course materials by using the word “may” before the list. As an example, teaching methods may include lecture and discussion, visual aids, equipment operator manuals and walk-around training.

New Miner

The training plan must include the nine mandatory subjects as listed in Sections 46.5(b) & (c). The seven subjects listed in Section 46.5(b) need to total at least four hours.

The total time spent on all the subjects listed under Section 46.5 must total at least 24 hours.

Newly Hired Experienced Miner

The training plan must include the eight mandatory subjects as listed in Section 46.6 (b) & (c). While there is no minimum requirement of time for Newly Hired Experienced Miner Training, the training plan must list the approximate time or range of time to be spent on each of the mandatory subject areas.

There may be instances where two or more subjects have been developed as one training course. This is acceptable; however, the plan must identify approximate times for each of the combined subjects.

**Example:** A training plan may combine into one course:

**Section 46.5 (b)(5), *Instruction on the statutory rights of miners and their representatives under the Act,***

and

**Section 46.5 (b)(6), *A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives.***

The training plan must list approximate times for both (b)5 and (b)6.

### New Task Training

The training plan must include:

- ◆ each task,
- ◆ teaching methods to be used,
- ◆ training materials, and
- ◆ evaluation procedures.

Plans may list each task with corresponding teaching methods, training materials and evaluation procedures. A plan may also group a number of tasks together with a general listing of teaching methods, training materials and evaluation procedures.

Remember, the plan must also identify the competent person(s) that will conduct the task training and the approximate time to be spent on each task (see discussion of competent persons on page 8).

### Annual Refresher Training

Each training plan under annual refresher training must list as a subject: "Instruction on changes at the mine that could adversely affect the miner's health or safety." In addition, the plan must address other health and safety subjects that are relevant to the mining operations at the particular mine. To help you develop your training plan, in the rule under annual refresher training, we have listed a number of recommended health and safety subjects that you can choose from. You may also pick subjects that are not listed.

### Site-Specific Hazard Awareness Training

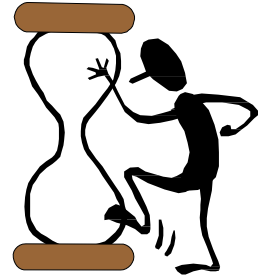
Site-specific hazard awareness training addresses the needs of miners and other persons who are on mine property. The same site-specific hazard awareness training program can be used to train both miners and non-miners.

#### **Q. What options do I have in delivering site-specific hazard awareness training?**

- A.** Part 46 provides that site-specific hazard awareness training may be provided through the use of written hazard warnings, oral instruction, signs and posted warnings, walkaround training, or other appropriate means that alert affected persons to site-specific hazards at the mine. Part 46 allows you the flexibility to tailor your hazard awareness training to the specific conditions and practices at your mine. In many cases, an effective site-specific hazard awareness training program will include a combination of different types of training. The training must be sufficient to alert affected persons to site-specific hazards.

### Approximate time to be spent on each subject (Time)

For each subject listed on the training plan, including task training, there must be a time listed. Time can be expressed in a number of ways including: approximate time, or range of time per each subject in the plan.



Time can be stated in various ways such as the following:

- 1 hour
- Approximately 2 hours
- 15 minutes to 2 hours

The following are not acceptable:

- 0 to 2 hours
- Until adequately trained
- As needed
- To be determined

**Exact** and **approximate** times for new miner and annual refresher must be equal to or exceed the number of hours required by the regulation.

Where a range of time is provided for each subject, the **maximum** time listed on the training plan must be equal to or exceed the required hours for new miner and annual refresher as required by the regulation.

**Remember:** In all cases a miner must receive no less than 24 hours of new miner training and 8 hours of annual refresher training annually.

**Note:** A training plan can list several tasks and state an approximate time or range of time for all tasks listed.

**Q. Section 46.3(b)(3) requires that the training plan indicate the subject areas to be covered in the training and the approximate time to be spent on each subject area. What does “approximate time” mean?**

**A. “Approximate time”** means the operator’s reasonable estimate of the amount of time that will be spent on a particular subject.

For example, the training plan could indicate that the course will last over a specified range of time, such as from one to two hours. The plan could also indicate that training in a particular subject may last “approximately 3 hours,” recognizing that when the training is actually given it may require more or less time than is indicated in the training plan. This flexibility allows for adjustments based on changing mine conditions or operations, including the needs and experience of the individuals who receive the training.

**4. A list of the persons and/or organizations who will provide the training and the subject areas in which each person and/or organization is competent to instruct**

Competent persons can be listed to conduct training for the entire training plan, each individual program, or for each subject. **As a reminder**, administrative codes, such as IS, AI and TD, that are used to code instructor approvals for Part 48 cannot be used for Part 46.

Example of all

Examples of correct listings:

Mike Smith	All
Marsha Davis	New miner training Experienced miner training
Joe Marks	Instruction on the statutory rights of miners and their representatives under the Act  An introduction to your rules and procedures for reporting hazards  Front End Loader

Example of individual programs

Example of specific subjects

Some operators utilize state grantees or contract trainers to provide mine training. If you list these trainers as providing training in all subject areas, check to make sure that these trainers are competent to provide all aspects of the training. Areas where these types of instructors may typically not be considered competent to provide training include subjects specific to your safety rules or mine site (mine specific) and task training portions of the training.

Examples of mine-specific could be part of the following types of training:

- ◆ New miner training (§46.5(b))
- ◆ Newly hired experienced miner training (§46.6(b))
- ◆ Changes at the mine site in annual refresher training (§46.8(b))
- ◆ Site-specific hazard awareness training (§46.11)
- ◆ New task training (§46.7)



## 5. The evaluation procedures used to determine the effectiveness of training

The method of evaluating training may be identified in a general statement for the plan, for each individual program, or each subject.

Some examples of evaluation procedures are (but not limited to):

- ◆ on the job observation/performance/demonstration
- ◆ oral feedback
- ◆ written test
- ◆ discussion



A training plan can list multiple evaluation procedures by using the word “may” before the list. As an example:

Evaluation methods may include one or more of the following: oral response, written tests, or demonstration and observation.

Need Additional Assistance ?



Additional information including an online Part 46 training plan which can be completed interactively through our Web Page and the Part 46 Compliance Guide can be found at the MSHA homepage: [WWW.MSHA.GOV](http://WWW.MSHA.GOV).

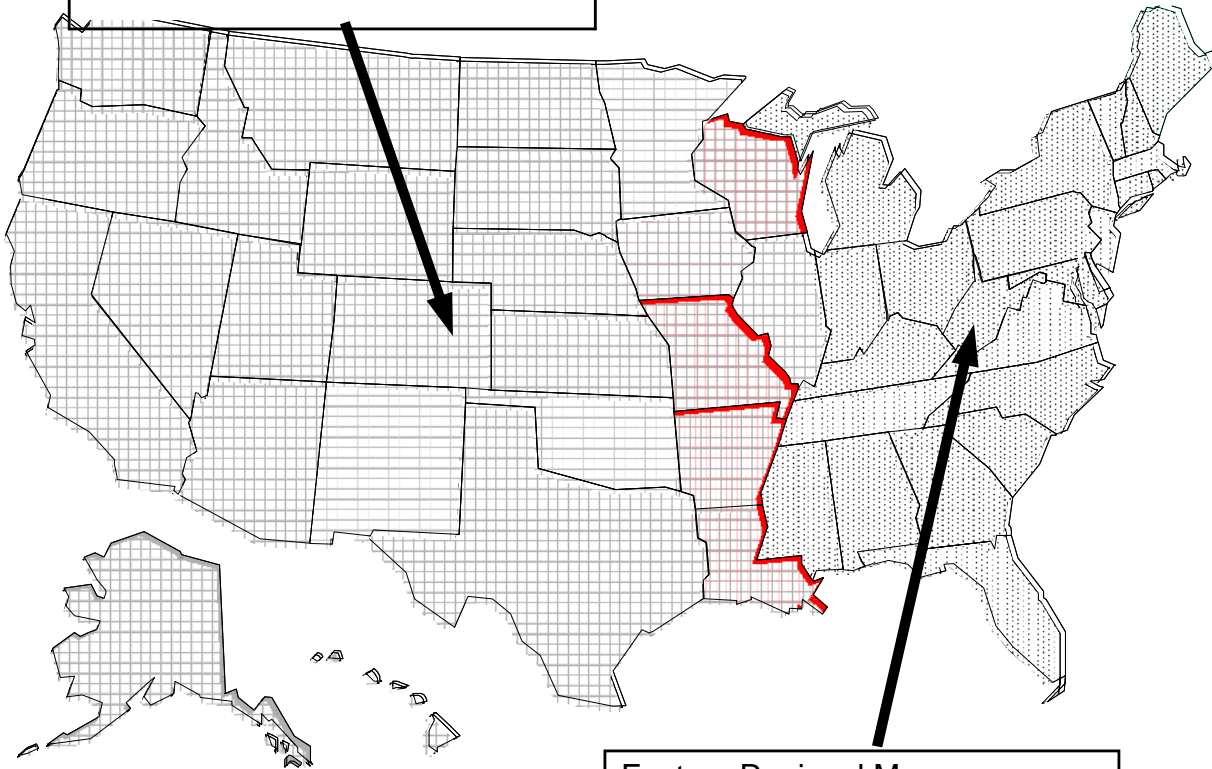
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