

FACT SHEET

MSHA's Examinations of Working Places in Metal and Nonmetal Mines, Final Rule

Overview

- MSHA is reinstating the regulatory provisions for examinations of working places in metal and nonmetal mines published on January 23, 2017.
- The U.S. Court of Appeals for the District of Columbia Circuit issued an order on June 11, 2019, and a mandate on August 23, 2019, requiring this action.
- **The effect of the reinstated provisions is limited to two requirements:**
 - Working place examinations must be conducted before work begins; and
 - The examination record must contain a description of each adverse condition found during the working place examination.
- **The two requirements affected by the ruling are:**
 - **The option for mine operators to conduct the examination either before miners begin work or as miners begin work in a working place; and**
 - **The examination record included only those adverse conditions found that were not corrected promptly.**

Major Provisions of the Final Rule

The final rule requires that mine operators:

- Designate a competent person to examine each working place at least once each shift before miners begin work in that place, for conditions that may adversely affect safety or health.
- Promptly initiate corrective action when adverse conditions are found.
- Promptly notify miners in affected areas if adverse conditions are found and not corrected before miners are potentially exposed.
- Withdraw all persons from affected areas when alerted to any conditions that may present an imminent danger, until the danger is abated.
- Make a record before the end of the shift for which the examination was conducted. The record must contain:
 - the name of the person conducting the examination;
 - date of the examination;
 - location of all areas examined; and
 - a description of each adverse condition found and the date of the corrective action.

In addition, mine operators must:

- Maintain the examination record for at least one year.
- Make the examination record available to MSHA and miners representatives, and provide a copy upon request.

Effective Date

The final rule is effective September 30, 2019.