



Examinations of Working Places in Metal and Nonmetal Mines

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



Examinations of Working Places in Metal and Nonmetal Mines

- A court challenge to the final examinations rule published on April 9, 2018, was decided on June 11, 2019.
- The decision by the D.C. Circuit Court vacated the 2018 final rule, and ordered MSHA to reinstate the 2017 final rule.
- On September 30, 2019, MSHA published a technical amendment, “Examinations of Working Places in Metal and Nonmetal Mines.” The technical amendment recognized the legal effect of the court’s order that MSHA revise 30 CFR 56.18002 and 57.18002 to reinstate the regulatory provisions established by the Agency’s 2017 final rule.
- This training focuses on the two provisions affected by the court’s ruling.



Provisions Changed September 30, 2019

	Provisions	Text
When to conduct working place exam for conditions that may adversely affect safety or health	§§ 56/57.18002(a)	At least once each shift before miners begin work in the working place
Contents of exam record	§§ 56/57.18002(b)	Examination record includes a description of each adverse condition found



§§ 56/57.18002(a)

- A competent person designated by the operator shall 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.



§§ 56/57.18002(b)

- A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and ***description of each condition found that may adversely affect the safety or health of miners.***



§§ 56/57.18002

Examination of working places.

- (a) A competent person designated by the operator shall 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.
- (1) The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.
- (2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.



§§ 56/57.18002

Examination of working places (continued)

(b) A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners.

(c) When a condition that may adversely affect safety or health is corrected, the examination record shall include, or be supplemented to include, the date of the corrective action.

(d) The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary and the representatives of miners, and provide these representatives a copy on request.



ANY QUESTIONS?

