

# Changes to the Workplace Examination Standard 56/57.18002 and the Top Ten Standards Issued in Ohio During FY2019

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# Changes to the Current Workplace Examination Rule

On September 30, 2019, the Mine Safety and Health Administration published a notice in the *Federal Register* regarding the reinstatement of the regulatory provisions for examinations of working places in metal and nonmetal mines originally published on January 23, 2017. The rule is being reinstated as the result of an order from the U.S. Court of Appeals for the District of Columbia Circuit. The rule took effect on September 30, 2019. MSHA plans to fully implement the rule during the 90-day period that ends on December 31, 2019. Starting on January 1, 2020, MSHA will enforce the 2017 final rule and issue citations to mine operators not in compliance with the 2017 rule requirements.

# 56/57.18002 as it is currently published in the 30 CFR

- ▶ (a) A competent person designated by the operator shall examine each working place at least once each shift before work begins **or as 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.
- ▶ (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 and **is not corrected promptly**.
- ▶ (c) **When a condition that may adversely affect safety or health is not corrected promptly**, 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.



# 56/57.18002 as it will be published in the 30 CFR

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- ▶ (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

# Major Changes

## Current Version

(a) A competent person designated by the operator shall examine each working place at least once each shift before work begins **or as miners begin work in that place**, for conditions that may adversely affect safety or health.

## New Version

(a) A competent person designated by the operator shall examine each working place at least once each shift **before work begins in that place**, for conditions that may adversely affect safety or health

The examination will have to be conducted **prior** to miners beginning work in an area as opposed to being able to perform the examination as work was beginning.

# Major Changes

## Current Version

(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 and **is not corrected promptly.**

## New Version

(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.

**All** conditions found during the examination that may adversely affect the safety or health of miners are to be documented.

# Major Changes

## Current Version

(c) When a condition that may adversely affect safety or health is **not corrected promptly**, the examination record shall include, or be supplemented to include, the date of the corrective action.

## New Version

(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.

**All** conditions found during the examination that may adversely affect the safety or health of miners are have a corrective action date.

# FAQ's

## Timing of Examination

The required timing of the examination has changed. Now, mine operators must perform a working place examination at least once per shift before miners begin work in that place.

- ▶ **Does that mean the mine operator must examine the whole mine before work begins?**

Mine operators are not required to examine the entire mine, unless miners begin work in each working place at the entire mine at the same time. If miners are not working in a particular working place at the mine, an examination is not required for that place.

- ▶ **So, if no one is working in a working place, the examination doesn't need to be done?**

That's correct. The mine operator must perform a working place examination before miners begin work in a working place. Examinations are only required where miners are going to work.

# FAQ's

## Examination Record

### ► What adverse conditions need to be included in the examination record?

A description of each condition found during the examination that may adversely affect the safety or health of miners needs to be included in the record.

### ► What does the record have to include?

The record must include:

The name of the person conducting the examination;

Date of the examination;

Locations of all areas examined;

Description of each condition found that may adversely affect miners' safety or health. The description must include sufficient information to inform mine management and miners of the adverse condition; and

Dates of corrective actions for those conditions.

# Top Ten Citations In Ohio – FY2019

Rank	Regulation	Issued	Issued S&S	% S&S	Percent Issued
1	56.14112(b)	77	12	15.58%	5.20%
2	56.20003(a)	76	27	35.53%	5.13%
3	56.12032	68	6	8.82%	4.66%
4	56.12004	67	4	5.97%	4.52%
5	56.14107(a)	66	14	21.21%	4.45%
6	56.14100(b)	60	8	13.33%	4.05%
7	56.11001	49	35	71.43%	3.31%
8	56.12028	47	0	0.00%	3.24%
9	56.12018	42	0	0.00%	2.83%
10	56.14112(a)(1)	42	1	2.38%	2.83%
<b>Total For Top Ten</b>		594	107	18.01%	40.74%
<b>All Ohio Citations</b>		1458	277	18.90%	100%

\*\*\* No 30CFR 50.30 – Quarterly Reports (first time in recent memory)

# Top Ten Citations In Ohio – FY2019

Rank	Regulation	Issued	Description
1	56.14112(b)	77	Guards not Securely in Place
2	56.20003(a)	76	Housekeeping
3	56.12032	68	Inspection and Cover Plates
4	56.12004	67	Electrical Conductors (Size, Type as well as Exposure to Damage)
5	56.14107(a)	66	Guarding Moving Machine Parts
6	56.14100(b)	60	Timely Correction of Defects Affecting Safety
7	56.11001	49	Safe Access
8	56.12028	47	Testing of Grounding Systems
9	56.12018	42	Identification of Principal Power Switches
10	56.14112(a)(1)	42	Guards Constructed to Withstand Vibration, Shock, etc..

# FATAL INITIATIVE

- ▶ **MSHA MINE FATALITY** – On Wednesday, August 7, 2019, a 42-year-old preparation plant electrician with 15 years of mining experience was electrocuted when he contacted an energized connection of a 4,160 VAC electrical circuit. The victim was in the plant's Motor Control Center (MCC) adjusting the linkage between the disconnect lever and the internal components of the 4,160 VAC panel supplying power to the plant feed belt motors.
- ▶ **MSHA MINE FATALITY** – On Friday August 15, 2019, a 44-year-old contract electrician with 10 weeks of mining experience was electrocuted when he contacted a 120V cable while working inside a fire suppression system's electrical panel.
- ▶ **MSHA MINE FATALITY** – On September 17, 2019, an electrician was electrocuted when he contacted an energized conductor. The victim contacted a 995 VAC connector while attempting to troubleshoot the scrubber motor circuit on a continuous mining machine.

# FATAL INITIATIVE

- ▶ These three recent fatal accidents could have all been prevented by locking and tagging out the incoming electrical power.
- ▶ There is an extremely fine line between “troubleshooting” and performing electrical work. Troubleshooting should only be performed with appropriate “hotline tools” and the proper PPE.
- ▶ Working on energized components should be a last resort. No miner has ever been electrocuted when lock out and tag out has been properly performed.

# Questions or Comments

