

MSHA Part 46 New Miner Online Training

Module 8

Miner Rights and Responsibilities

MSHA Training Requirement:

Instruction on the statutory rights of miners and their representatives and the authority and responsibilities of supervisors and miners' representatives under the Federal Mine Safety and Health Act of 1977. [Section 46.5(b)(5), Section 46.5(b)(6)].

Learning Objectives:

1. Understand the fundamental rights afforded to miners and their representatives in the workplace.
2. Identify the duties miners have to adhere to regulations and report safety concerns.
3. Recognize miners' representatives and understand how to identify mining safety and health information contacts.
4. Understand specific rights regarding incident reporting, protections against retaliation, and representation in safety matters.
5. Explain the importance of information access, regular training, proper individual health protections, and accurate health records in accordance with regulations.

Module Sections

- 8.1 Introduction and Definitions
- 8.2 Miner Representation Rights
- 8.3 Employment, Reporting, and Protections
- 8.4 Information Access and Training
- 8.5 Health Protections and Records

Code of Federal Regulations Reference Material

This module covers important topics from the Federal Mine Safety and Health Act of 1977 and 30 CFR Parts 40 (Representative of Miners), 43 (Procedures for Processing Hazardous Conditions Complaints), 46 and 48 (Training and Retraining of Miners), 62 (Occupational Noise Exposure), and 75 (Mandatory Safety Standards).

Regulations: Federal Mine Safety and Health Act of 1977

- Section 101(c) Decision to not implement a rule.
- Section 101(d) Challenging a new health or safety rule.
- Section 101(e) Sending and posting new health or safety standards.
- Section 103(c) Regulations for record-keeping and access to exposure information.
- Section 103(d) Accident investigation and record-keeping.
- Section 103(h) Participation in mine inspections.
- Section 105(a) Handling citations and penalties.
- Section 105(b) Factors for proposing a penalty.
- Section 105(c) Protection against discrimination.
- Section 109 Office and notification requirements.
- Section 110(f) Penalties for false statements.
- Section 110(g) Penalties for violating smoking safety standards.
- Section 111 Compensation for miners affected by mine closure orders.
- Section 302(a) Roof control system requirements.
- Section 305(e) Roof bolt recovery guidelines.
- Section 312(b) Availability of mine maps.
- Section 316 Communication requirements.
- Section 501 Study and research.
- Section 501 (a)(11) Potential hazard assessment.

Regulations: Title 30 Parts 40 (Representative of Miners), 43 (Procedures for Processing Hazardous Conditions Complaints), 46 and 48 (Training and Retraining of Miners), 62 (Occupational Noise Exposure), and 75 (Mandatory Safety Standards)

- 40.1 Act.
- 40.1 Representative of miners.
- 43.2 Special inspections.
- 43.4 Requirements for giving notice.
- 43.7 Informal review upon written notice given to an inspector on the mine premises.
- 46.2 Act.
- 46.2 Competent person.
- 46.2 Equivalent experience.

- 46.2 Experienced miner.
- 46.2 Independent contractor.
- 46.2 Mine site.
- 46.2 Miner.
- 46.2 Mining operations.
- 46.2 New miner.
- 46.2 Newly hired experienced miner.
- 46.2 Normal working hours.
- 46.2 Operator.
- 46.2 Production-operator.
- 46.2 Task.
- 48 Training and retraining of underground miners.
- 57.5060 Limit on exposure to diesel particulate matter.
- 62.110 Noise exposure assessment.
- 62.120 Action level.
- 62.130 Permissible exposure level.
- 62.140 Dual hearing protection level.
- 62.170 Audiometric testing.
- 62.171 Audiometric test procedures.
- 62.172 Evaluation of audiograms.
- 62.180 Hearing conservation program training.
- 75.222 Roof control plan approval criteria.
- 75.223(c) Evaluation and revision of roof control plan.
- 75.508 Map of electrical system.

8.1 INTRODUCTION & DEFINITIONS

This module will provide you with an awareness of your rights and the rights of your representatives, under the Federal Mine Safety and Health Act of 1977. It also presents a review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives.

Introduction to Miner Rights & Responsibilities

Understanding the statutory rights of miners (**your rights!**) and the authority and responsibilities of their representatives is essential to ensure a safe and compliant mining operation. This module will introduce you to the Federal Mine Safety and Health Act of 1977 and other regulations that directly impact your rights and responsibilities as a miner. You will also review relevant definitions that will help you as you complete this training.

Module Warmup

Why Miner Rights Matter: The Evolution of Miner Rights & Responsibilities

As you start your new role as a miner, understanding your rights is crucial for your safety, health, and overall well-being. Mining can be demanding and challenging, and knowing your rights ensures you are protected under the law.

Let's review how safety concerns led to the Federal Mine Safety and Health Act of 1977 (referred to in this training as **"the Act"**).

One of the worst disasters, the Monongah mining disaster of 1907, led to the creation of the U.S. Bureau of Mines. The incident occurred in Monongah, West Virginia. An explosion in the Fairmont Coal Company's No. 6 and No. 8 mines killed at least 362 miners, with some estimates exceeding 500 fatalities. Poor safety practices, inadequate ventilation, and faulty equipment contributed to the catastrophe. This tragedy highlighted the urgent need for improved mining regulations and labor protections, leading to significant reforms in workplace safety standards.

However, early regulations focused more on mining production than miner safety. It was not until the Farmington Mine Disaster in 1968 that serious changes began. This tragedy led to the 1969 Federal Coal Mine Health and Safety Act, which mandated inspections and safety standards, thanks to the efforts of Congressman Ken Hechler and Senator Robert C. Byrd.

The Farmington Mine disaster of 1968, in Farmington, West Virginia, was a catastrophic event where a methane explosion in a coal mine killed 78 miners. This disaster underscored the dire need for improved safety measures and better monitoring of methane levels in mines. The tragedy led to the passage of the Federal Coal Mine Health and Safety Act of 1969, which introduced stricter regulations and protections for miners, enhancing overall workplace safety.

In 1977, Senator Harrison Williams introduced the Federal Mine Safety and Health Act to bring all mining operations under one set of regulations. **The Act** moved oversight of mining to the U.S. Department of Labor, emphasizing worker safety. It required more inspections, safety training, and rescue teams, giving miners better protections and rights.

The Act represents a major milestone in improving working conditions for miners in the U.S. Passing this Act was a big win for miner safety, driven by the lessons from past disasters and the push from labor unions and lawmakers. It remains a crucial part of ensuring safe working conditions and fair treatment for miners today.

Scope of Miner Protections and Regulations

In addition to the FMSH Act of 1977, the MINER Act of 2006 and Title 30 of the CFR also grant various rights to protect the safety and treatment of miners, their representatives, and mine job applicants, encouraging active roles in mine safety.

While this training outlines these primary rights and responsibilities, it is not an official or complete legal source. MSHA interpretations and subsequent legal decisions may modify your rights as workplace processes and protections emerge. It is good practice to contact the nearest Mine Safety and Health Administration (MSHA) office for detailed inquiries about the most current direction on your rights and responsibilities

To learn about new regulations, you can also consult:

- Your miners' representative
- Your local MSHA office
- The MSHA website

MSHA contacts and governance office listings are included for your convenience in the Module Resource Materials.

Before you begin work at any mine, you should make sure you know the MSHA jurisdiction that your worksite falls under! The jurisdictions can be found in the Module Resource Materials of this document.



8.1: Every miner must understand their rights to enable their own safety, health, and overall well-being.

Key Terms: Common Concepts and Definitions

Let's review some common concepts and definitions.

- **Act:** The Federal Mine Safety and Health Act of 1977.
- **Miner:** Anyone working at a mine, including operators, supervisors, and contractors doing mining tasks. This also includes construction workers exposed to mining risks. It does not include scientists, delivery drivers, customers (like truck drivers), vendors, or visitors. Maintenance workers who do not regularly work in active mining areas are also not considered miners.
- **New miner:** A person starting work as a miner for a mining company or contractor, and who has not done the job before and is not an experienced miner.
- **Newly hired experienced miner:** An experienced miner starting a new job with a mining company or contractor. Experienced miners who switch mines but stay with the same employer, like drillers and blasters, are not considered newly hired experienced miners.
- **Operator:** Any production-operator, or any independent contractor whose employees perform services at a mine.
- **Representative of miners:** A person who has been chosen by two or more miners at a mine to represent them in safety and health matters under the Act at their mine. Additionally, the Act provides that applicants for mining jobs cannot be denied a job because they have exercised rights given them by the Act.

The rest of this module will prepare you to understand how:

- You
- Your miner representative

- Your mine operator
- MSHA

uphold different rights to protect your safety.

Super! Now you have a basic understanding of how mining production and worker rights evolved. Let's learn more about the specific rights and protections that you have in terms of reporting information, access to information, proper training, and healthcare records.

8.2 MINER REPRESENTATION RIGHTS

Knowing your rights regarding representation as a miner is key to having a voice in your workplace. Whether it is through representatives, or directly contacting the MSHA yourself, being able to speak up about your working conditions and address any issues is crucial for a fair and respectful environment.

This section will help you understand the authority and responsibilities of supervisors and miners' representatives at your mine should you need assistance or representation. Before you begin work at a mine, you will want to know how to identify each supervisor and their responsibilities, your miners' representative and their responsibilities, as well as the right people to contact in your direct chain of command.

Supervisor, Miners' Representatives, and MSHA Responsibilities

Here is a breakdown of common key roles and responsibilities within direct mine worksite and broader MSHA oversight for mining operations. It is helpful to familiarize yourself with these stakeholders and their roles to support your safety and representation as a miner.

1. **Area, Section, or Shift Leader:** Each area, section, or shift in the mine has a designated leader who oversees daily operations and ensures adherence to safety protocols. Their responsibilities include supervising tasks, managing personnel, and addressing any immediate issues that arise during their designated time.
2. **Miners' Representative:** The Miners' Representative is chosen by at least two miners to advocate for safety and health concerns within the mine. Their role includes accompanying MSHA inspectors during inspections, participating in safety meetings, and ensuring that miners' rights under the Mine Safety and Health Act are upheld. They are crucial in representing miners' interests and ensuring compliance with safety regulations.
3. **Safety Committeeman:** A Safety Committeeman is typically elected or appointed to serve on the mine's safety committee. Their responsibilities include identifying potential hazards, recommending safety improvements, and participating in safety audits and inspections. They collaborate with management and miners to promote a safe working environment, conduct safety training, and facilitate communication on safety-related matters.
4. **Company Instructor:** Company Instructors are responsible for providing training to miners on safety procedures, equipment operation, and emergency protocols. They ensure that all miners receive adequate training to perform their jobs safely and effectively. Company Instructors play a vital role in maintaining compliance with MSHA training requirements and promoting a culture of safety within the workforce.
5. **Company Safety Director:** The Company Safety Director oversees the overall safety program at the mine. Their responsibilities include developing and implementing safety policies, conducting safety audits, investigating incidents, and ensuring compliance with

MSHA regulations. They work closely with management, safety committees, and miners to continuously improve safety practices and mitigate risks in the workplace.

6. **MSHA Inspector:** The MSHA Inspector is responsible for conducting inspections at mining operations to enforce compliance with safety and health regulations. They inspect equipment, review records, interview personnel, and issue citations for violations. MSHA Inspectors play a critical role in ensuring that mines adhere to safety standards to protect miners' health and well-being.
7. **MSHA Inspection Supervisor:** The MSHA Inspection Supervisor oversees a team of inspectors and coordinates inspection activities at mining sites. They assign inspection tasks, review inspection reports, and ensure consistency in enforcement of regulations. MSHA Inspection Supervisors may also provide guidance to inspectors and address complex safety issues during inspections.
8. **MSHA District Manager:** The MSHA District Manager is responsible for overseeing regulatory enforcement within a designated district. They manage inspection activities, review inspection findings, and collaborate with mine operators, miners' representatives, and other stakeholders. MSHA District Managers play a pivotal role in promoting safety, resolving disputes, and ensuring compliance with federal mining laws and regulations.

You should have access to contact information for each area, section, and shift leader, as well as the Safety Director for your mine. This information should be readily available and easily accessible to you, ensuring quick communication in urgent situations to address safety concerns or operational issues effectively.

Take a moment now to identify the individuals in your direct supervisory and regulatory chain of command and gather their contact information. This will allow you to access it quickly during urgent situations! Use the table below to record the information.

Safety and Health Information Contacts

Title	Name	Phone Number
Miners' Representative		
Safety Committeeman		
Company Instructor		
Company Safety Director		
MSHA Inspector		
MSHA Inspection Supervisor		
MSHA District Manager		

Every Miner's Responsibilities Under the Act

While supervisors, miners' representatives, and the MSHA have key responsibilities under the Act, so do you! As a miner, you must adhere to all federal and state laws, company safety policies, and notify your mine operator of unsafe conditions. It is your duty to provide accurate information during inspections, investigations, or when filing documents with MSHA.

Your Responsibility to Comply

Active participation in safety programs reduces workplace incidents. It is your responsibility as a miner to comply with laws and mine policies and notify supervisors of unsafe conditions promptly to mitigate risks. We will cover specific reporting responsibilities later in this section, but here are some key responsibilities that you must follow under the Act:

- **Never Make False Statements or False Representations:** The Act mandates truthful statements during inspections, investigations, or document submissions, with penalties including fines and imprisonment under the Federal Comprehensive Crime Control Act.
- **Never Give Advance Notice of an Inspection:** Under the Act, any person who gives advance notice of an inspection conducted by MSHA may be fined, imprisoned, or both.

Great! You now understand the authority and responsibilities of supervisors, miners' representatives, and MSHA regulatory bodies for mining operations. You also know some key miner responsibilities that you must uphold under the Act. Next, we will look more closely at your rights regarding employment, reporting, and protections.

8.3 EMPLOYMENT, REPORTING, AND PROTECTIONS

Whether you are a miner, a representative of miners, or an applicant for employment, you have rights regarding employment, reporting, and representation.

- **If you are a miner, representative of miners, or applicant for employment**, you have the right to be protected against discrimination when you exercise your rights under the Act, including reporting violations and unsafe conditions at any mine.
 - **If you are a miner or representative of miners**, you have the right to request that MSHA inspect your mine when you believe that an imminent danger, a violation of the Act, or a violation of a safety or health standard exists. You also have the right to be informed of, and participate in, enforcement proceedings under the Act.
 - **If you are a miner**, you have the right to be paid for certain periods of time when a mine, or part of a mine, has been closed because of a withdrawal order. You have the right to receive health and safety training during your normal working hours and to be paid for that time at your regular rate of pay. You, and a fellow miner, have the right to have a representative accompany an MSHA inspector during inspections at your mine.
 - **If you are a representative who is also a miner**, you have the right to be paid for time spent participating in health and safety inspections at your mine under certain circumstances.
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Protection Against Discrimination

As a miner or representative, you are protected against discrimination when exercising your rights under the Act, such as reporting violations and unsafe conditions. You cannot be:

- Fired
- Demoted
- Harassed
- Transferred
- Refused employment
- Lose wages

face any discrimination for exercising your rights.

What type of activities does the Act protect me from?

Protected activities include a range of filing, reporting, inspection, and work considerations:

Filing complaints about safety or health violations to agencies, mine operators, agents, or miners' representatives.

- Filing complaints, testifying, or participating in proceedings with the Federal Mine Safety and Health Review Commission.

- Participating in any inspection or investigation under the Act.
- Receiving medical evaluations or job transfers due to harmful agents, like coal miners getting chest x-rays for black lung disease and potential transfers if diagnosed.
- Withdrawing from the mine due to lack of required health and safety training.
- Refusing to work in unsafe or unhealthy conditions.
- Using statutory rights, such as being paid while accompanying an MSHA inspector or during required training.

Note: Other activities not listed may also be protected.

Types of Discriminatory Conduct

Congress wanted the Act to be broadly interpreted and clearly meant to protect you from discrimination if you, in good faith, exercise any of these rights. Some examples of discriminatory conduct include, but are not limited to, the following:

- Discharge or termination
- Layoff
- Demotion
- Refusal of employment
- Reduction in your benefits, vacation, bonuses, or rates of pay
- Changes in your pay and hours of work
- Threats of reprisal
- Transfer to another position that is less desirable or with compensation less than the regular rate of pay you received immediately prior to the transfer
- Interference with the exercise of your statutory rights

How to File a Discrimination Complaint

If you believe you have faced discrimination for exercising your rights as a miner, representative, or job applicant, you must file a complaint *within 60 days* of the incident. Extensions may be granted if you were unaware or unable to file on time.

Complaints should include detailed information such as:

- Names
- Dates
- Events

Proper documentation, especially of financial impacts like demotion or loss of overtime, is crucial and can be reviewed in MSHA's handbook on back pay. For example, if you report a safety hazard and are unable to work because the hazard was not addressed, you might have the right to back pay for the downtime incurred due to the unresolved issue.

Discrimination complaints can be filed with any MSHA office, where trained staff can assist. If your working conditions changed due to exercising your rights or if you believe you were the target of retaliatory behavior, you may request temporary reinstatement.

Once you have filed a complaint, MSHA will investigate and notify you of its decision *within 90 days*. If discrimination is found, the Department of Labor attorneys will seek appropriate relief, such as reinstatement or back pay.

If no violation is found, you can independently pursue the matter with the Commission.

Discrimination on the basis of race, sex, age, religion, handicap, union activity, or any other non-mining status, is **not** covered by the Act. However, MSHA may assist you in contacting the appropriate federal agency for assistance.

Right to Pay for Miners Idled by a Withdrawal Order

Miners and their representatives may be entitled to compensation when a mine is idled by a withdrawal order (also known as a 'stop work order'). For example, a mine may be idled while equipment is being repaired or if a safety violation has not been resolved. Here are your rights if this occurs:

- Miners or their representatives are entitled to *regular pay* if a mine or part of it is closed due to a withdrawal order.
- Miners on shift when the order is issued are paid for the *balance* of their shift.
- If the order extends to the next shift, those miners receive *up to four hours* of pay.
- If withdrawn due to the mine operator's non-compliance with safety standards, miners are paid for lost time *up to one week*.
- If the mine operator disregards a withdrawal order and miners continue working, they receive *double compensation* for that period.
- Miners correcting the condition causing the withdrawal are *not* entitled to double pay.

Complaints for unpaid compensation must be filed with the Commission *within 90 days* of the idle period's *start* and you can seek further assistance from your MSHA District Office for specific procedures. See the Module Resource Materials to locate your MSHA District Office.

Miners are protected against discrimination for a range of activities related to safety and health concerns. This includes:

- Filing complaints about safety or health violations to any relevant parties, such as agencies, mine operators, agents, or miners' representatives.
- Refusing to work in unsafe or unhealthy conditions, which is a crucial right to ensure personal and coworker safety.
- Participating in any inspection or investigation under the Act, which helps ensure that mines comply with safety standards and regulations.

These protections are in place to encourage miners to report unsafe conditions without fear of retaliation. If you face any discriminatory actions after exercising these rights, you should file a discrimination complaint with MSHA to safeguard your rights and seek appropriate remedies.

MSHA's National Hazard Reporting System: "One Call Does It All!"

You learned about hazard reporting earlier in this course. To recap, you can report a hazardous condition at a mine to MSHA, by calling 1-800-746-1553 or by visiting MSHA's website (www.msha.gov). You do not need to identify yourself!

To help the MSHA better understand your concern, remember to include any or all of the following information:

- Name of company
- Name of mine
- Location of mine (city/town and state)
- MSHA ID number (if known)

Depending upon the report, MSHA will determine whether an investigation is needed at your mine site.

Your Right to Be Represented or Participate in Inspections

While you may not directly be involved in reporting a complaint or safety hazard, you still have the right to be represented or participate in mine inspections.

The Act allows miners' representatives to join Federal mine inspections and conferences to provide insights and better understand effective practices for mine worksite safety. Of special note is that representatives can accompany MSHA inspectors without loss of pay if they are mine employees, but this excludes confidential investigations. MSHA advises having a representative for every shift as inspections are unannounced. If no representative is present, MSHA will consult miners directly. Participation in technical consultations or off-site meetings is generally unpaid.

Your Rights to Request a Health and Safety Inspection or Report Hazardous Conditions, Imminent Dangers, Violations of the Act or Health and Safety Standards

The mining industry has stringent safety regulations designed to protect you from accidents and hazardous conditions. Knowing your rights, and the protocols for reporting unsafe practices, means you can advocate for a safe working environment and ensure that safety measures are properly implemented. You can always directly report a hazard to your mine operator or supervisor if your work environment is unsafe. Additionally, you can anonymously request a MSHA inspection for hazardous conditions or violations via:

- The 24/7 MSHA hotline (1-800-746-1553)
- The MSHA website (www.msha.gov)
- Your designated MSHA office

There are two ways to report unsafe work conditions with MSHA:

1. File a Hazardous Condition Complaint

A hazardous condition complaint can be any communication to MSHA about *potential* dangers, violations, or unsafe conditions. Complaints can be made in writing, electronically, or orally at any time. MSHA will take any valid safety or health concern seriously and inspect the mine if enough information is provided. The mine operator *may* not be informed of the complaint, but MSHA will issue a citation or withdrawal order *if* a violation or imminent danger is found.

2. File a Formal Section Request for Inspection

Formal inspection requests differ from other complaints. Under Section 103(g) of the Act, you or your representative can request a written, signed MSHA inspection if you believe there is an *imminent* danger or *violation* of safety standards. The mine operator gets a copy of the complaint during the inspection, but your identity remains confidential. Benefits of filing a Formal Section 103(g) Request for Inspection include:

- Receiving a written notice if MSHA doesn't inspect the mine worksite
- Receiving a written notice if MSHA finds no violation
- The right to appeal MSHA's decision

Appealing MSHA's Determination

You or your representative can appeal MSHA's decision not to issue a citation after a Section 103(g) inspection. You must submit a written appeal with supporting information to the District Manager *within 10 days* of receiving MSHA's notice. The District Manager may hold an informal conference to hear your views, then either affirm the *no violation* finding or require a *new investigation*.

Nice work! You have a foundational understanding of your rights regarding employment, the different steps you can take to report hazards or participate in inspections, and your legal protections regarding these activities. Let's continue to explore your rights regarding information access about mining operations and training.

8.4 INFORMATION ACCESS AND TRAINING

Part of your rights under the Act ensure that you have the information access and additional training that you need to safely conduct your work. Understanding your rights regarding records, plans, maps, evacuation procedures, emergency preparedness drills, and site or job-specific training is crucial for maintaining safety and preparedness in your mine. Let's take a closer look at your rights to information at various types of mine worksites.

1. Underground Coal Mines

Roof Control Plans: You and your representative have the right to inspect and access the approved roof control plan of your underground coal mine, including any revisions, and affected individuals must be trained on approved plan changes before implementation.

Mine Maps: You or your representative have the right to inspect maps of the underground coal mine, including the roof fall plot map and the map of electrical installations. The mine must maintain and update escapeway maps, which show routes to safety exits, refuge alternatives, and self-contained self-rescuers (SCSR) storage locations. Additionally, your mine operator must post these maps in key areas such as:

- Working sections
- Equipment installation zones
- Refuge areas
- Surface congregational spots

The placement of these maps better ensures accessibility and immediate notification of any updates for you and your coworkers.



8.2: Mine Maps should consistently be studied, updated, and made accessible to all miners and affiliates.

Mine Emergency Response Plan: You and your representative can access your coal mine's emergency response plan, which undergoes MSHA review every six months, allowing you to provide feedback that MSHA considers to improve miner survival capabilities during emergencies.

Ventilation Plans: Your representative must receive at least five days' notice from the mine operator regarding any new ventilation plan or changes to an existing plan, with the option to request and review a copy upon notification. Immediate revisions to plans require notification and provision of copies to your representative upon submission to MSHA. Proposed plans and revisions must also be posted on the mine bulletin board until approved, withdrawn, or denied. Your representative can submit written comments on these proposals to the District Manager, whose decision on approval or denial is shared with both the mine operator and your representative. Once approved, the mine operator posts the plan on the mine bulletin board within one working day and ensures affected miners are trained in its provisions.

Records of Examinations and Reports: You and, or, your representative may look at the recorded results of examinations, tests, and reports made in underground coal mines.

These include:

- Pre-shift examinations (miners' representative only)
- Weekly examinations for hazardous conditions (miners' representative only)
- Weekly ventilation examinations (miners' representative only)

- Electrical equipment examinations (miners' representative only, except for circuit breakers which are available to miners and miners' representatives)
- Main Mine Fan pressure, fan examinations and data produced by the fan monitoring system (miners' representative only)
- Machine mounted methane monitor calibrations (miners' representative only)
- Atmospheric Monitoring System operation, examination, testing and calibration (miners' representative only)
- Training and qualification program records of persons working on diesel-powered equipment (miners' representative only)
- Records relating to seals at underground coal mines (miners' representative only)
- Procedures used for mining into inaccessible areas (these records must also be posted near the site of such mining)
- Records regarding inspection and tests of fire suppression systems installation and maintenance requirements
- Certifications regarding conduct of mine emergency evacuation training and drills (records maintained for one year)
- Respirable dust sample data (must be posted for at least 31 days on the mine bulletin board)

Rehabilitation of Areas with Unsupported Roof: You have a right to instruction on the cleanup and support procedures when you are assigned to rehabilitating each area where a roof fall has occurred, or the roof has been removed by mining machines or blasting.

Ground Failure on Longwall Mining Systems: When a ground failure blocks the tailgate side of a longwall section, miners must be notified, reinstructed on escape procedures, and on the availability and use of self-contained self-rescuers.

Mine Emergency Evacuation, Training and Drills: Miners must participate in quarterly mine emergency evacuation drills, ensuring they traverse primary or alternate escape routes, locate directional signs and self-contained self-rescuers (SCSRs), and review essential mine plans. Additionally, annual expectations training involves SCSR use in simulated smoke conditions, required within the first quarter of employment, with each session certified and records kept onsite for one year, accessible to designated representatives upon request.

Fire Suppression Systems: If regularly working in active mine areas, you must receive instruction on fire suppression system hazards and available safeguards.

2. Surface Coal Mines and Surface Areas of Underground Coal Mines

Posting of Respirable Dust Control Plan and Sample Reports: Your mine operator must post approved respirable dust control plans for each designated work position on the mine bulletin board and display respirable dust sample reports for at least 31 days upon receipt.

3. Underground Metal/Nonmetal Mines

Ground Control – Rock Fixtures: You and your representative are entitled to review the manufacturer’s certification ensuring that roof and rock bolts and accessories comply with ASTM F-432-95 standards.

Limit on Exposure to Diesel Particulate Matter –Posting of Application: Mine operators can request extensions of up to one year to comply with the final diesel particulate matter limits due to technological or economic constraints, with applications posted at the mine site for 30 days prior and copies provided to your representative, with further extensions also limited to one year each.

Your Right to Receive Health and Safety Training: Part 46 and Part 48 Training Rights

Earlier in this course, we covered your Part 46 training requirements. But did you know that Part 46, and separate Part 48 training, are protected by specific rights?

You have the right to health and safety training if you work in mining, including as an:

- Employee
- Supervisor
- Contractor

Note: Non-mining workers, including visitors and maintenance personnel not accompanied by experienced miners, are entitled to site-specific hazard awareness training.

Training during work hours must be compensated at your regular rate, with additional costs covered if training is off-site. It is your responsibility to make sure that you obtain, and maintain, the appropriate training credentials.

You must be trained *before* starting work; employers are not required to pay for training if:

- You are a new applicant
- If your training expires during a layoff

If you are already employed at a mine worksite but lack the required training, or your training has lapsed, you can withdraw from the mine without penalty, and you must be paid until training is completed and verified by MSHA.

The Code of Federal Regulations indicates that workers at sand, gravel, clay, limestone, stone, phosphate, shell dredging, marble, granite, sandstone, slate, shale, traprock, kaolin, cement, feldspar, and lime operations must undergo health and safety training. Part of this training includes site-specific hazard awareness training. This training must be conducted by a Competent Person designated by the mine operator or contractor.

Who else should receive Part 46 training?

Non-mining workers, including visitors and maintenance personnel not accompanied by experienced miners, are also entitled to site-specific hazard awareness training.

MSHA approves training plans either if they meet minimum requirements or upon submission and review. Your mine operator must inform you or your representative about plan submission, and MSHA notifies all parties of training plan approval decisions within 30 days. Appeal rights exist within 30 days of the decision; notification should be sent to:

U.S. Department of Labor

Mine Safety and Health Administration
Director for Educational Policy and Development
201 12th Street South
Arlington, VA 22202

Part 48 Training Rights

Comprehensive training is required for underground miners, including those in extraction, shaft or slope construction, or regularly exposed to mine hazards.

Who should receive Part 48 training?

Maintenance or service workers, including mine operators, receive training if they work underground intermittently. Short-term contract workers like drillers may substitute experienced miner training for hazard training.

Training is by MSHA-approved instructors, and mine operators must share plans with representatives *two weeks* before District Manager approval. Comments on plans can be submitted to the mine operator or District Manager. Returning miners need training *after 12 months*, and for major mine environment changes affecting safety upon return *within 12 months*.

Nice job! You know which regulations directly support your rights to information access and adequate training as a miner. Now, we will review how the Act also protects your health and associated health records.

8.5 HEALTH PROTECTIONS AND RECORDS

Mining can expose you to various health risks, from respiratory issues to hearing loss. Be aware of your rights related to health and wellness, including access to medical check-ups, protective gear, and the right to report health concerns without fear of retaliation.

Your Health Protection Rights

Hazardous Communications

Miners and on-site operators exposed to chemical hazards have the right to know about health risks and protective measures at a mine worksite. Mine operators, for example, are required to create and share a Hazardous Communications (HazCom) program, detailing hazards with you and other affected personnel.

Additionally, in a medical emergency, your mine operator must disclose trade secret chemical details to your health provider for proper treatment.

Note: A comprehensive review of HazCom programs is included in this course.

Noise Exposure Assessment

Mines are noisy environments, and prolonged exposure to high levels of noise can lead to health issues. You have several rights regarding noise exposure in mining:

- **Noise levels:** You are not to be exposed at any time to noise levels exceeding 115 dBA (decibels), as determined without adjustment for the use of any hearing protector.
- **Noise exposure monitoring:** The mine operator must monitor your noise exposure and notify you and your representative beforehand. You have the right to observe the monitoring. If your exposure surpasses specified levels—action noise, permissible exposure, or dual hearing protection—your mine operator must inform you within 15 days and take measures to reduce exposure, unless previously notified within the past year.
- **Hearing protection:** If exposed excessively to noise, you must join a hearing conservation program. If your exposure meets or exceeds specified levels, your mine operator must provide and train you in hearing protection. You may select from various types of hearing protection, maintained as per manufacturer instructions, with replacements supplied at no cost.

Enrollment in a Hearing Conservation Program: Your mine operator is required to enroll you in a hearing conservation program if your noise exposure equals or exceeds the established action level, also known as the level at which hearing protection is required.

General Hearing Health

In addition to noise exposure assessments and protections, you are entitled to certain rights related to your hearing health, such as:

- **Audiometric Testing:** Your mine operator must provide you with audiometric tests if your exposure equals or exceeds the established MSHA approved action level, which must be conducted by a physician or an audiologist, or by a qualified technician under the direction or supervision of a physician.
- **Permissible Exposure Level:** You are not to be exposed at any time to noise levels exceeding 115 dBA (decibels), as determined without adjustment for the use of any hearing protector.
- **Dual Hearing Protection Level:** If your noise exposure exceeds the dual hearing protection level during a shift, your mine operator must provide and ensure the simultaneous use of both earplugs and earmuffs.

Remember, it is up to **you** to remember and utilize these protections for your health and safety! Ask your mine operator about these programs and standards before you begin work at a mine worksite.



8.3: Noise levels can fluctuate at a mining work site. Always be sure to monitor noise levels and adjust your communication and hearing protection accordingly.

Toxic Substances and Hazardous Physical Agents and Equipment Studies

As a miner or miner representative, you have certain health protection rights regarding hazardous chemicals, toxic substances, and your overall health and wellness related to general job hazards. Importantly, you also have the right to petition MSHA to modify new and existing safety standards and regulations regarding toxic substances, hazardous physical agents and equipment studies.

For example, your miner representative can request MSHA or U.S. Department of Health and Human Services (DHHS) in writing to study substances or equipment in your mine for potential health hazards. Results from these activities will be promptly shared with you and the mine operator.

Additionally, coal miners receive periodic free-of-charge examinations, including chest x-rays, spirometry, symptom assessment, and occupational history at NIOSH-approved facilities. Upon starting work in a coal mine and three years later, miners have the opportunity for chest x-rays, with additional screenings scheduled based on findings. Your mine operator must maintain a posted plan for these tests. Results are provided by MSHA and can be sent to a designated physician upon request.

Smoking Prohibited! Smoking is strictly prohibited in underground coal mines, gassy underground metal/nonmetal mines, areas near combustible or flammable storage, explosives magazines, and other surface areas where smoking could pose a fire or explosion risk. Violations may result in fines for each offense!

Your Rights Relating to New and Revised Standards or Regulations, and Information

You may find that certain standards are not adequately protecting your health and safety. In this case, you have rights to petition or appeal certain regulations by following procedures.

The Act mandates MSHA to publish proposed health and safety standards in the Federal Register and distribute copies to your representative and the operator. Your mine operator must display these proposed standards. You and your representative can submit comments or objections to new or revised proposed standards within specified dates provided in the Federal Register.

Additionally, if you believe you are negatively affected by a new standard, you may petition the U.S. Circuit Court of Appeals *within 60 days* after its final publication in the Federal Register. The court will only consider objections raised during the proposal period, unless there is "good cause" to consider otherwise.

Petitions for Modification of a Safety Standard or Regulation

Your representative can request MSHA to modify how it applies a safety standard if the alternative ensures the same level of protection or if enforcing the standard would reduce safety at your mine. MSHA will notify your representative when it receives a modification petition from the mine operator or others at your mine.

What should I expect when preparing and submitting a petition?

- Your representative can submit written views or request a hearing with a Department of Labor Administrative Law Judge (ALJ) after MSHA makes its decision.
- ALJ rulings can be appealed to the Assistant Secretary for Mine Safety and Health.
- Your representative will also receive a copy of MSHA's final decision on the modification.

The U.S. Department of Labor has additional resources on petitions for modification.

Your Rights to Information

You or your representative have rights to access most records from MSHA or U.S. Department of Health and Human Services (HHS). Your mine operator must provide copies of your exposure records to toxic materials. You can examine all HazCom materials (except trade secrets)—both initial and revised—free of charge. Your mine operator must also disclose trade secret chemicals in writing upon request for occupational health reasons. Noise control procedures must be posted, and noise exposure records are accessible. Designated representatives can access training certificates and exposure notices at reasonable cost.

Here are some examples of how specific health information must be communicated:

Information Type	Access Method
Monitoring and Recording of Exposure to Toxic Materials or Harmful Physical Agents	You and your representative can observe exposure monitoring by the mine operator. Miners have access to their exposure records and must be informed about overexposure incidents and corrective actions.
Accident Investigations	Mine operators are required to investigate accidents, determine causes, and prevent recurrence. Accident records are open for inspection by you and/or your representative.
Notice of Proposed Civil Penalty	MSHA will notify the mine operator and your representative of proposed civil penalties for safety or health violations. They will also send your representative a copy of proposed civil penalties for failure to correct violations.
Posting Documents	MSHA will deliver required orders, citations, notices, and decisions to your mine office. Your mine operators must promptly post copies on the mine's bulletin board, and MSHA also sends them to your representative.

Make sure you know how information is shared at your mine worksite before you begin work.

Good work! You now have awareness of your rights regarding new and revised standards or regulations, and your access to information about your health and mining operations. Remember, all of these rights and protections work together to keep you safe and healthy at a mine worksite.

Miner Rights and Responsibilities: Let's Review What You've Learned!

You learned a lot of new information in this module. Some concepts might be completely new to you, or, you might have been familiar with some of the concepts or terms.

Either way, take a minute to review what you should now be able to do after completing this module.

You can now:

- Understand the foundational concepts and definitions related to miners' rights and safety regulations.
- Describe the roles, authorities, and responsibilities of both supervisors and miners' representatives in ensuring workplace safety and advocating for miners' rights.
- Identify your supervisor and understand their responsibilities, recognize the role of the miners' representative and their duties, and know how to contact key personnel in your direct chain of command or the MSHA for support.
- Follow reporting procedures, understand protections against retaliation, and recognize the importance of representation in safety matters.
- Access critical information, maintain proper training to ensure compliance with safety standards, and understand health protections along with your rights regarding the maintenance of accurate health records.

If you are confident that you can accomplish these tasks above, proceed to the Quiz.

If you want more time to review and reflect on these tasks, return to the specific pages you want to review. You can also review additional expanded content in the Module Resource Materials section.

MODULE RESOURCE MATERIALS

List of Common Miner Rights and Responsibilities Concepts and Definitions

- **Act:** The Federal Mine Safety and Health Act of 1977.
- **Competent person:** A person designated by the production-operator or independent contractor who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. The competent person must be able both to effectively communicate the training subject to miners and to evaluate whether the training given to miners is effective.
- **Independent contractor:** Any person, partnership, corporation, subsidiary of a corporation, firm, association, or other organization that contracts to perform services at a mine under this part.
- **Mine:** Generally any surface or underground location involved in the extraction, preparation, or processing of coal or other minerals.
- **Miner:** Generally any person working in a mine, including contractors, construction or demolition workers, and truck drivers who are regularly exposed to mine hazards. Therefore, all persons working in a mine may exercise the rights given them by the Act. Supervisors who may not normally perform actual physical mining activities but who work in a mine are also “miners.”
- **Mine site:** An area of the mine where mining operations occur.
- **Mining operations:** Mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities.
- **New miner:** A person who is beginning employment as a miner with a production-operator or independent contractor and who is not an experienced miner.
- **Newly hired experienced miner:** An experienced miner who is beginning employment with a production-operator or independent contractor. Experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners.
- **Normal working hours:** A period of time during which a miner is otherwise scheduled to work, including the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the common practice of the production-operator or independent contractor, as applicable.
- **Operator:** Any production-operator, or any independent contractor whose employees perform services at a mine.
- **Representative of miners:** A person who has been chosen by two or more miners at a mine to represent them in safety and health matters under the Act at their mine. Additionally, the Act provides that applicants for mining jobs cannot be denied a job because they have exercised rights given them by the Act.
- **Task:** A work assignment or component of a job that requires specific job knowledge or experience.

Coal Mine Safety and Health District Offices

MSHA District Office	Jurisdiction	Contact Information
District 2 - Mt. Pleasant, PA	Bituminous coal mining regions in Pennsylvania	MSHA District Office 2 Paladin Professional Center 631 Excel Drive, Suite 100 Mt. Pleasant, PA 15666 (724) 925-5150
District 3 - Morgantown, WV	Maryland, Ohio, and Northern West Virginia	604 Cheat Road Morgantown, WV 26508 (304) 225-6800
District 4 - Mount Hope, WV	Southern West Virginia to include the following counties: Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, Webster	100 Bluestone Road Mt. Hope, WV 25880 (304) 877-3900
District 5 - Norton, VA	Virginia and Eastern Kentucky	Wise County Plaza - 2nd Floor 147 Plaza Road Norton, VA 24273 (276) 679-0230
District 7 - Barboursville, KY	Central Kentucky, North Carolina, South Carolina, and Tennessee	3837 S. U.S. Hwy. 25E Barboursville, KY 40906 (606) 546-5123
District 8 - Vincennes, IN	Illinois, Indiana, Iowa, Michigan, Minnesota, Northern Missouri, Wisconsin	2300 Willow Street, Ste. 200 Vincennes, IN 47591 (812) 882-7617
District 9 - Denver, CO	All States west of the Mississippi River, except for Minnesota, Iowa, and Northern Missouri	Denver Federal Center 6th & Kipling, 2nd Street Building 25 E-18 Denver, CO 80225 (303) 231-5458
District 10 - Madisonville, KY	Western Kentucky	100 YMCA Drive Madisonville, KY 42431-9019 (270) 821-4180
District 11 - Birmingham, AL	Alabama, Georgia, Florida, Mississippi, Puerto Rico, Virgin Islands	1030 London Drive, Suite 400 Birmingham, AL 35211 (205) 290-7300
District 12 - Pineville, WV	Southern West Virginia to include	4499 Appalachian Highway

	the following counties: Cabell, Lincoln, Logan, McDowell, Mercer, Mingo, Wayne, Wyoming	Pineville, WV 24874 (304) 732-6410
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Office of the Administrator

Mine Safety and Health Administration
201 12th Street South
Arlington, VA 22202
(202) 693-9500

Metal/Nonmetal Mine Safety and Health District Offices

MSHA District Office	Jurisdiction	Contact Information
Northeastern - Warrendale, PA	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia	100 Thorn Hill Road, Suite 100 Warrendale, PA 15086 (724) 772-2334
South Central - Dallas, TX	Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas and Mississippi for the counties of Adams, Amite, Attala, Bolivar, Carroll, Claiborne, Coahoma, Copiah, Covington, DeSoto, Forrest, Franklin, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Jackson, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Leflore, Lincoln, Madison, Marion, Panola, Pearl River, Perry, Pike, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tunica, Walthall, Warren, Washington, Wayne, Wilkinson, and Yazoo	1100 Commerce Street, Rm. 462 Dallas, TX 75242-0499 (214) 767-8401
Southeastern - Birmingham, AL	Alabama, Florida, Georgia, Kentucky, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands and Mississippi for the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clarke, Clay, George, Greene, Grenada, Itawamba, Jasper, Kemper, Lafayette, Lauderdale, Lee, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Newton,	1030 London Drive, Suite 400 Birmingham, AL 35211 (205) 290-7297

	Noxubee, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha	
Rocky Mountain - Denver, CO	Arizona, Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming, and in the state of Idaho for the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Caribou, Bannock, Power, Bear Lake, Franklin and Oneida	Denver Federal Center 6th & Kipling, 2nd Street Building 25 E-16 Denver, CO 80225 (303) 231-5465
North Central - Duluth, MN	Illinois, Indiana, Iowa, Michigan, Minnesota, Wisconsin	Fed. Bldg., U.S. Courthouse 515 W. 1st St., Rm. 333 Duluth, MN 55802-1302 (218) 720-5448
Western - Vacaville, CA	Alaska, California, Hawaii, Idaho not to include the counties of Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Caribou, Bannock, Power, Bear Lake, Franklin and Oneida; Nevada, Oregon, Mohave County, Arizona, Washington County Utah, State of Washington, and Pacific Territories	991 Nut Tree Road Vacaville, CA 95687 (707) 447-9844

Office of the Administrator

Mine Safety and Health Administration
201 12th Street South
Arlington, VA 22202
(202) 693-9502

Office of Assessments, Accountability, Special Enforcement and Investigations

Office of Assessments, Accountability, Special Enforcement and Investigations

201 12th Street South
Arlington, VA 22202
(202) 693-9700

Office of Assessments, Accountability, Special Enforcement and Investigations

7 N Wilkes-Barre Blvd.
Stegmaier #432
Wilkes-Barre, PA 18702
(570) 826-6431

Educational Field and Small Mine Services Assistant Managers**Eastern Operations**

1301 Airport Road
Beaver, WV 25813
(304) 256-3223

Western Operations

PO Box 25367
Denver, CO 80225
(303) 231-5434

Federal Mine Safety and Health Review Commission**Federal MS&H Review Commission**

1331 Pennsylvania Avenue, NW, Suite 520N
Washington, DC 20004
(202) 434-9900

MSHA Headquarters Office**Mine Safety and Health Administration**

201 12th Street South
Arlington, VA 22202
(202) 693-9500

Note: To contact your local MSHA office, please consult your local telephone directory under U.S. Government, Department of Labor.

Submitting Documentation

Under the Act, specific procedures are mandated for submitting pre-operation checks, work orders, workplace exams, and related documentation in mining operations. Here is a review of how these processes typically work:

1. **Pre-Operation Checks:** Before commencing any mining activities, mine operators are required to conduct pre-operation checks on equipment and machinery to ensure they are safe and operational. These checks involve inspecting key components such as brakes, lights, safety guards, and emergency shut-off mechanisms. Documentation of these checks must be completed and kept on file as per regulatory requirements.
2. **Work Orders:** Work orders are used to initiate maintenance or repair work on equipment, infrastructure, or safety systems within the mine. These orders detail the scope of work, required resources, timelines, and any safety precautions. They are typically submitted to maintenance departments or contractors responsible for executing the work.
3. **Workplace Exams:** Workplace examinations involve inspecting the mine's physical conditions, including tunnels, shafts, ventilation systems, and working areas. These exams are conducted to identify hazards, verify compliance with safety regulations, and ensure safe working conditions for miners. Examinations must be conducted regularly, documented, and any issues identified must be promptly addressed.
4. **Submission Procedures:** According to the FMSH Act, all documentation related to pre-operation checks, work orders, and workplace exams must be accurately completed, signed, and maintained on-site. These records serve as crucial evidence of compliance during inspections by Mine Safety and Health Administration (MSHA) inspectors.
5. **Compliance and Enforcement:** Failure to comply with submission requirements under the FMSH Act can result in citations, fines, or other enforcement actions by MSHA. It is imperative for mine operators to establish clear procedures for documenting and submitting pre-operation checks, work orders, workplace exams, and related records to ensure compliance with federal safety regulations and maintain a safe working environment for miners.

By following these procedures outlined in the Act, mine operators can improve safety, reduce risks, and show they're following the rules when MSHA or other regulators come for inspections and audits.

Designating a Miners' Representative

Under 30 CFR 40, a miners' representative can be designated by two or more miners, and they don't need to be employed at your mine. To be recognized officially, the representative must file required documents with the District Manager. Once recognized by MSHA, your mine operator must post a copy of this information on the mine bulletin board and keep it updated.

Multiple Representatives

In mines, multiple miners' representatives can exist due to two main reasons: groups of miners may designate different individuals as representatives, and one group may designate several representatives to ensure representation during different shifts. During inspections, MSHA inspectors decide on the number of representatives allowed based on their familiarity with the mine or specific areas. Mine operators must pay only one designated representative per inspection unless multiple MSHA inspectors are present separately, in which case each group may have a representative without loss of pay. This rule does not apply if multiple inspectors are conducting a joint inspection in the same mine section.

Responsibilities of the Miners' Representative

The miners' representative plays a crucial role in ensuring miners' voices are heard and their rights protected in matters of safety and health at the mine. Responsibilities include:

1. **Representation:** Acting as the voice of miners in discussions with mine management, MSHA inspectors, and during safety meetings.
2. **Inspections:** Accompanying MSHA inspectors during inspections to ensure compliance with safety standards and reporting any hazards or violations observed.
3. **Training:** Participating in health and safety training sessions to stay informed and ensure miners are adequately trained.
4. **Reporting:** Reporting unsafe conditions, accidents, or health hazards to mine management and MSHA promptly.
5. **Communication:** Keeping miners informed about safety regulations, procedures, and any developments that affect their health and safety.
6. **Advocacy:** Advocating for improvements in safety procedures and equipment to enhance the overall safety culture at the mine.
7. **Conflict Resolution:** Helping to resolve disputes related to safety issues between miners and mine management.

The miners' representative plays a critical role in maintaining a safe working environment and ensuring miners' rights are upheld according to the Act.

Identifying Your Miner Representative

It is crucial for you to identify your miners' representative because they are your voice when it comes to safety and health issues at the mine. Here is why it matters:

1. **Representation:** Your miners' representative advocates for your safety rights and ensures your concerns are heard by mine management and regulatory authorities like MSHA.
2. **Inspections:** They accompany MSHA inspectors during mine inspections to help identify hazards and ensure compliance with safety regulations.
3. **Training and Information:** They keep you informed about safety procedures, training opportunities, and any changes that affect your health and safety.
4. **Reporting:** They report unsafe conditions, accidents, or health hazards on your behalf to ensure prompt action is taken.

To identify your miners' representative, you can:

- **Ask Your Colleagues:** They might know who the designated representative is for your shift or area.
- **Check the Bulletin Board:** The miners' representative's information should be posted there as required by MSHA regulations.
- **Contact MSHA or Your Union:** They can provide information on who is designated as your miners' representative.

Simplified Federal Mine Safety & Health Act of 1977 Regulations Listing

- **Decision to not implement a rule.** If the Secretary decides not to put a new health or safety rule into effect, they must explain why they made that decision within the time limits given in the Act. [Section 101(c)]
- **Challenging a new health or safety rule.** If someone is affected by a new mandatory health or safety rule, they can challenge it in court within 60 days of its announcement. The petition can be filed with the U.S. Court of Appeals for the District of Columbia Circuit or a local court. The court clerk will promptly send a copy to the Secretary. Filing the petition does not automatically delay the rule unless the court says so. Only objections previously raised with the Secretary will be considered, and challenges cannot be based on missed deadlines. This is the only way to contest the rule's validity. [Section 101(d)]
- **Sending and posting new health or safety standards.** The Secretary will send a copy of every new mandatory health or safety standard or regulation to each mine operator and the miners' representative when it's published in the Federal Register. The operator or their agent must post this copy on the mine's bulletin board right away. Even if someone does not receive this notice, they are still required to follow the new standard or regulation. [Section 101(e)]
- **Regulations for record-keeping and access to exposure information.** The Secretary, with help from the Secretary of Health, Education, and Welfare, will set rules requiring mine operators to keep accurate records of employee exposure to toxic materials or harmful agents that need to be monitored under health and safety standards. These rules must allow miners or their representatives to observe the monitoring process and access these records. Miners or former miners should be able to see records showing their own exposure levels. Operators must quickly inform any miner exposed to harmful levels of toxic materials or agents about the exposure and the corrective actions being taken. [Section 103(c)]
- **Accident investigation and record-keeping.** All accidents, including accidental roof falls (except in abandoned or unsafe areas), must be investigated by the operator or their agent to find out the cause and how to prevent future incidents. Records of these accidents and investigations must be kept and made available to the Secretary, their representative, and the relevant State agency. These records must also be open for inspection by interested parties. [Section 103(d)]
- **Participation in mine inspections.** When a mine is inspected, both the operator's representative and a miner's representative can join the Secretary or their representative. They can help with the inspection and attend any meetings about it. If there's no miner representative, the Secretary's representative will talk to some miners about health and safety. A miner who works for the operator won't lose pay during the inspection. The Secretary can allow more than one representative from each side if needed, but only one miner representative who works for the operator will be paid during the inspection. [Section 103(h)]
- **Handling citations and penalties.** After an inspection, if the Secretary issues a citation or order, they will notify the operator by certified mail of the proposed civil penalty and give them 30 days to contest it. The Secretary will also send a copy of this notice to the

miners' representative. If the operator does not respond within 30 days, and no miner or miners' representative files a notice to contest, the citation and penalty will be final and not subject to review. [Section 105(a)]

- **Factors for proposing a penalty.** When deciding whether to propose a penalty, the Secretary will consider: the operator's history of past violations, how appropriate the penalty is for the size of the business, whether the operator was negligent, the impact of the penalty on the operator's ability to stay in business, the seriousness of the violation, and the operator's efforts to quickly correct the violation after being notified. [Section 105(b)]
- **Protection against discrimination.** No one is allowed to fire, discriminate against, or otherwise interfere with a miner, miners' representative, or job applicant for exercising their rights under this Act. This includes actions such as filing a complaint related to safety or health violations, notifying about dangers in the mine, undergoing required medical evaluations or transfers, participating in legal proceedings under the Act, or exercising any statutory rights. [Section 105(c)]
- **Office and notification requirements.** Each mine must have an office with a clearly marked sign and a bulletin board where required orders, citations, notices, and decisions can be posted for everyone to see. These documents must be delivered to the mine's office and posted immediately by the operator. [Section 109]
- **Penalties for false statements.** Anyone who knowingly makes false statements or certifications in any documents required by this Act can face a fine of up to \$10,000, up to five years in prison, or both, upon conviction. [Section 110(f)]
- **Penalties for violating smoking safety standards.** Any miner who deliberately breaks the safety rules about smoking or carrying smoking materials, matches, or lighters can face a civil penalty of up to \$250 [currently \$338] for each violation, as assessed by the Commission. [Section 110(g)].
- **Compensation for miners affected by mine closure orders.** If a mine or part of a mine is closed by an order issued under sections 103, 104, or 107, all miners working during the shift when the order was issued are entitled to full compensation at their regular pay rates for the rest of that shift. If the order remains in place for the next shift, miners on that shift are entitled to compensation for up to four hours. If the closure is due to non-compliance with health or safety standards under sections 104 or 107, miners will be fully compensated for lost time after a public hearing, but no more than one week. [Section 111]
- **Roof control system requirements.** Operators must continuously improve their roof control systems to ensure safety in coal mines. All active underground areas must have proper support to prevent roof or rib falls. Operators need to have an approved roof control plan within 60 days, detailing support types and spacing. [Section 302(a)]
- **Roof bolt recovery guidelines.** Roof bolts cannot be removed when completely extracting pillars, near clay veins, or in areas with irregularities that create extra hazards. If roof bolt removal is allowed, it must follow the methods outlined in the approved roof control plan. [Section 305(e)]
- **Availability of mine maps.** The coal mine map and any updates must be available for inspection by the Secretary, state mine inspectors, miners and their representatives, nearby mine operators, and people on adjacent surface areas. [Section 312(b)]

- **Communication requirements.** Telephone service or equivalent two-way communication systems, approved by the Secretary, must be installed between the surface and each landing of main shafts and slopes, as well as between the surface and each working section of a coal mine that is more than 100 feet from a portal. [Section 316]
- **Study and research.** The Secretary of the Interior and the Secretary of Health, Education, and Welfare will carry out studies, research, experiments, and demonstrations as needed. [Section 501]
- **Potential hazard assessment.** The Secretary of the Interior and the Secretary of Health, Education, and Welfare will, upon written request from any operator or miners' representative detailing specific concerns, determine whether any substance, physical agents, or equipment in a coal mine could be toxic or hazardous at the concentrations or conditions found there. [Section 501 (a)(11)]

Simplified Miner Rights and Responsibilities Code of Federal Regulations Listing

- **Act.** This refers to the Federal Mine Safety and Health Act of 1977, which is a law designed to ensure safety and health in mines. [40.1]
- **Representative of miners.** Any individual or group that represents at least two miners at a coal mine or other type of mine according to the Act, or any person who is officially chosen by the miners or by a miners' group to represent them, as mentioned in the Act. [40.1]
- **Special inspections.** A miner or their representative can request a special inspection by giving written notice of safety issues to the Secretary. The notice must be signed and anonymized when shared with the operator. The Secretary will inform the person if no issue is found. During an inspection, miners can report safety concerns in writing. If the Secretary's representative decides not to issue a citation, they must provide written reasons. [43.2]
- **Requirements for giving notice.** A miner or their representative can request a special inspection if they believe there's a safety issue or imminent danger. They need to notify the Secretary or their representative. The notice must describe the problem and its location and be signed. The Secretary or their representative will give a copy of the notice to the operator when the inspection begins. If there's imminent danger, the operator will be notified right away. Names of those reporting the issue will be kept confidential. [43.4]
- **Informal review upon written notice given to an inspector on the mine premises.** If a miner or their representative believes there's a safety issue or imminent danger, they can notify the Secretary's representative in writing during an inspection. If the representative refuses to issue a citation, the miner can request an informal review. The review request must be sent to the district manager within 10 days and include any supporting information. The district manager may hold an informal conference to discuss the request. The district manager will decide whether to uphold the refusal or order a new inspection and will provide a written explanation. Their decision is final. [43.7]
- **Act:** The Federal Mine Safety and Health Act of 1977. [46.2]
- **Competent person:** Someone chosen by the mine operator who has the right skills and knowledge to train miners. [46.2]
- **Equivalent experience:** Similar work experience to mining, such as operating heavy equipment. [46.2]
- **Experienced miner:** A person who has worked as a miner for a certain amount of time or has completed specific training. [46.2]
- **Independent contractor:** A person or organization hired to perform work at a mine. [46.2]
- **Mine site:** The area where mining operations happen. [46.2]

- **Miner:** Anyone who works at a mine, including operators, supervisors, and certain contractors. [46.2]
- **Mining operations:** Activities like drilling, blasting, and extracting minerals. [46.2]
- **New miner:** Someone new to mining and not yet experienced. [46.2]
- **Newly hired experienced miner:** An experienced miner starting at a new mine. [46.2]
- **Normal working hours:** The regular work schedule for a miner. [46.2]
- **Operator:** The person or company running the mine. [46.2]
- **Production-operator:** The owner or person in charge of the mine. [46.2]
- **Task:** A specific job or part of a job that requires particular skills. [46.2]
- **Training and retraining of underground miners.** Part 48 outlines the rules for training and retraining miners working in underground mines, including how to submit and get approval for training programs and the compensation for training time. Those working on the surface or in surface areas of underground mines, can refer to training requirements in Part 48, Subpart B. [48]
- **Limit on exposure to diesel particulate matter.** In underground mines, a miner's exposure to diesel particulate matter (DPM) must not exceed an average of 308 micrograms of elemental carbon per cubic meter of air over an eight-hour shift. This limit is temporary until a final DPM exposure limit is set, which will be announced in the Federal Register. [57.5060]
- **Noise exposure assessment.** Mine operators must regularly monitor miners' noise exposure to ensure safety. They should use a dosimeter or a specific formula to measure noise levels and convert results as needed. Noise dose calculations must not adjust for hearing protectors and should include all noise levels during the work shift. Operators must notify miners in writing within 15 days if exposure exceeds safety limits and keep these records for at least six months. [62.110]
- **Action level.** If a miner's noise exposure meets or exceeds the action level during any work shift, the mine operator must enroll the miner in a hearing conservation program as required by CFR 62.150. [62.120]
- **Permissible exposure level.** Mine operators must ensure that no miner is exposed to noise levels above the permissible exposure level during any shift. If noise levels exceed this limit, the operator must use all possible engineering and administrative measures to lower the noise to acceptable levels and enroll the miner in a hearing conservation program as per CFR 62.150. Additionally, no miner should be exposed to sound levels above 115 dBA at any time, even with hearing protectors. [62.130]
- **Dual hearing protection level.** If noise levels during a work shift are too high, the mine operator must provide both earplugs and earmuffs to protect miner hearing. If a miner's noise exposure is below the standard MSHA action level, no action is needed. If it meets or exceeds the action level but is below the permissible exposure level (PEL), the mine operator must enroll the miner in a Hearing Conservation Program (HCP) that includes monitoring, optional hearing protectors, voluntary audiometric testing, training, and record keeping. When noise exceeds the PEL, the operator must use all feasible controls to reduce noise to PEL, ensure mandatory use of hearing protectors, post administrative controls, and avoid exposure above 115 dBA. If noise exceeds the dual protection level,

the operator must continue the HCP, ensure all previous requirements are met, and mandate the use of both earplugs and earmuffs. [62.140]

- **Audiometric testing.** The mine operator must offer free hearing tests to miners, conducted by a qualified professional including a baseline audiogram, annual audiogram, and revised baseline audiogram. [62.170]
- **Audiometric test procedures.** Audiometric testing must follow scientifically validated methods, specifically measuring hearing thresholds at frequencies of 500, 1000, 2000, 3000, 4000, and 6000 Hz for each ear separately. The mine operator is responsible for maintaining comprehensive records for each miner tested. These records should include the miner's name and job classification, copies of all audiograms, proof that the tests followed proper procedures, details of the miner's noise exposure, and results from any follow-up examinations. Records must be kept for the duration of the miner's employment plus at least 6 months and should be available for inspection by an authorized representative of the Secretary of Labor. [62.171]
- **Evaluation of audiograms.** The mine operator must ensure that those evaluating audiograms are informed of the requirements and have access to the miner's test records. A qualified professional must verify the audiogram's validity and check for any significant hearing loss. Specific findings not related to occupational noise should not be shared without the miner's consent. Results and interpretations must be received within 30 days. [62.172]
- **Hearing conservation program training.** Within 30 days of enrolling a miner in a Hearing Conservation Program (HCP), the mine operator must provide training. If noise exposure continues to meet or exceed the action level, training must be repeated every 12 months. This training should cover the effects of noise on hearing, the importance of hearing protectors, their benefits and drawbacks, types and usage of protectors, general requirements, responsibilities for noise control, and the purpose of audiometric testing. [62.180]
- **Roof control plan approval criteria.** When creating or updating roof control plans, the mine operator must follow specific criteria for each mine. The District Manager may require additional measures and can approve plans that don't fully meet these criteria if effective roof, face, and rib control can still be maintained. [75.222]
- **Evaluation and revision of roof control plan.** The mine map showing plotted roof falls must be available at the mine site for inspection by both authorized representatives of the Secretary and miner representatives. [75.223(c)]
- **Map of electrical system.** The mine map must show the locations and electrical ratings of all key equipment, like cables, switchgear, transformers, and trolley wires. It should also include settings for circuit breakers. Any changes to this information must be updated on the map right away. The map must be available for inspection by both authorized representatives and miners. [75.508]