

# Mine Operator/Contractor Responsibilities

Coordinating Safety and Health





# What is a Contractor?

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- The Mine Act defines an independent contractor in part, as "any person, partnership, corporation, subsidiary of a corporation, firm, association or other organization that contracts to perform services or construction at a mine."

# Who needs a Contractor ID Number?



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- Any independent contractor that requests an identification number will receive one from MSHA. However, unless cited for a violation, only those independent contractors performing work at mine sites, or with contracts to perform at a mine(s) any of the nine types of services or construction listed, are required by MSHA to have identification numbers.



# Types of services required to have Contractor ID Numbers:

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- Mine development, including shaft and slope sinking
- Construction or reconstruction of mine facilities; including building or rebuilding preparation plants and mining equipment, and building additions to existing facilities
- Demolition of mine facilities
- Construction of dams



# Types of services required to have Contractor ID Numbers

(cont,d)

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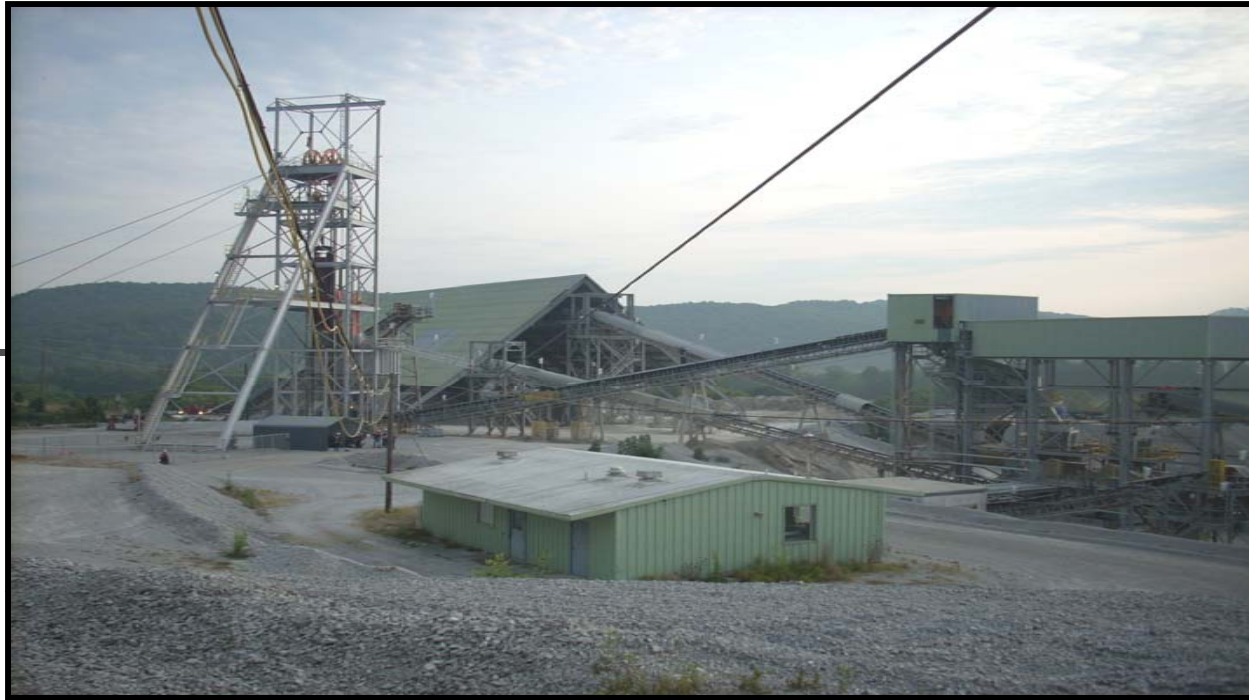
- **Excavation or earthmoving activities involving mobile equipment**
- **Equipment installation, such as crushers and mills**
- **Equipment service or repair of equipment on mine property for a period exceeding five consecutive days at a particular mine**
- **Material handling within mine property; including haulage of coal, ore, refuse, etc., unless for the sole purpose of direct removal from or delivery to mine property**
- **Drilling and blasting.**



# However!

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- If the "person, partnership, ... or other organization" contracts for the production of a mineral, the "person, partnership, ... or other organization" is classified as a mine operator, and it is required to file a Legal Identity Report.



- In addition, it will be assigned a mine identification number, and it is subject to all requirements applicable to a mine operator.



- MSHA does not require independent contractors to have identification numbers as a precondition to bidding for work contracts on mine property.



- If an independent contractor becomes a successful bidder and if the contract to be performed covers any of the nine types of service or construction listed above, the contractor must obtain an identification number.



# Who is Responsible?

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- MSHA identification numbers have no effect on the compliance responsibility of either the mine operator or the independent contractor. *Mine operators have compliance responsibility for all activities at the mine, regardless of whether or not the independent contractor in question has an MSHA identification number.*



## Who is Responsible? (cont,d)

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- The *mine operator's* overall compliance responsibility includes assuring each independent contractor's compliance with the Act and with MSHA's standards and regulations.



## Who is Responsible?(cont'd.)

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- ***Independent contractors*** are responsible for compliance with applicable provisions of the Act, standards and regulations, regardless of whether or not they have an MSHA identification number.



# What if a Contractor changes locations?

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- Each independent contractor who has an identification number uses it on all job sites
- In the event of a change in ownership (but same trade name), a new identification number should be assigned.



# Can the Operator be cited for the Contractor's violation?

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- This "overlapping" compliance responsibility means that there may be circumstances in which it is appropriate to issue citations or orders to both the independent contractor and to the production-operator for a violation.



## When Can the Operator be cited for the contractor's violation?

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- When the production-operator has contributed by either an act or by an omission to the occurrence of a violation in the course of an independent contractor's work



## When Can the Operator be cited for the contractor's violation? (cont'd)

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- When the production-operator has contributed by either an act or omission to the continued existence of a violation committed by an independent contractor



## When Can the Operator be cited for the contractor's violation? (cont'd)

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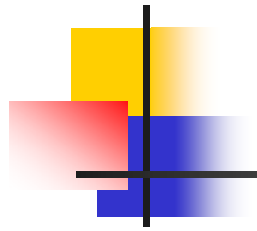
- When the production-operator's miners are exposed to the hazard



## When Can the Operator be cited for the contractor's violation? (cont'd)

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- **When the production-operator has control over the condition that needs abatement. In addition, the production-operator may be required to assure continued compliance with standards and regulations applicable to an independent contractor at the mine.**



# Training of Contractors

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Who is responsible?



# Responsibility for independent contractor training.

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- Each *independent contractor* who employs a miner, as defined in § 46.2, at the mine has primary responsibility for complying with §§ 46.3 through 46.10 of this part, including providing new miner training, newly hired experienced miner training, new task training, and annual refresher training.
- 46.4 (a)(3) requires training be in a language understood by the miners who are receiving the training.



# Who is a Miner?

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- Any person, including any operator or supervisor, who works at a mine and who is engaged in mining operations. This definition includes *independent contractors and employees of independent contractors who are engaged in mining operations.*
- Any construction worker who is exposed to hazards of mining operations.



# Who is not a Miner/Contractor?

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- The definition of "miner" does not include scientific workers; delivery workers; customers; vendors; or visitors.
- This definition also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods.



# Responsibility for independent contractor training. (cont'd)

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- The *independent contractor* must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine.



## Responsibility for independent contractor training. (cont'd)

- Each *production-operator* has primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training under § 46.11 of this part.
- *46.4 (a)(3) requires training be in a language understood by the miners who are receiving the training.*

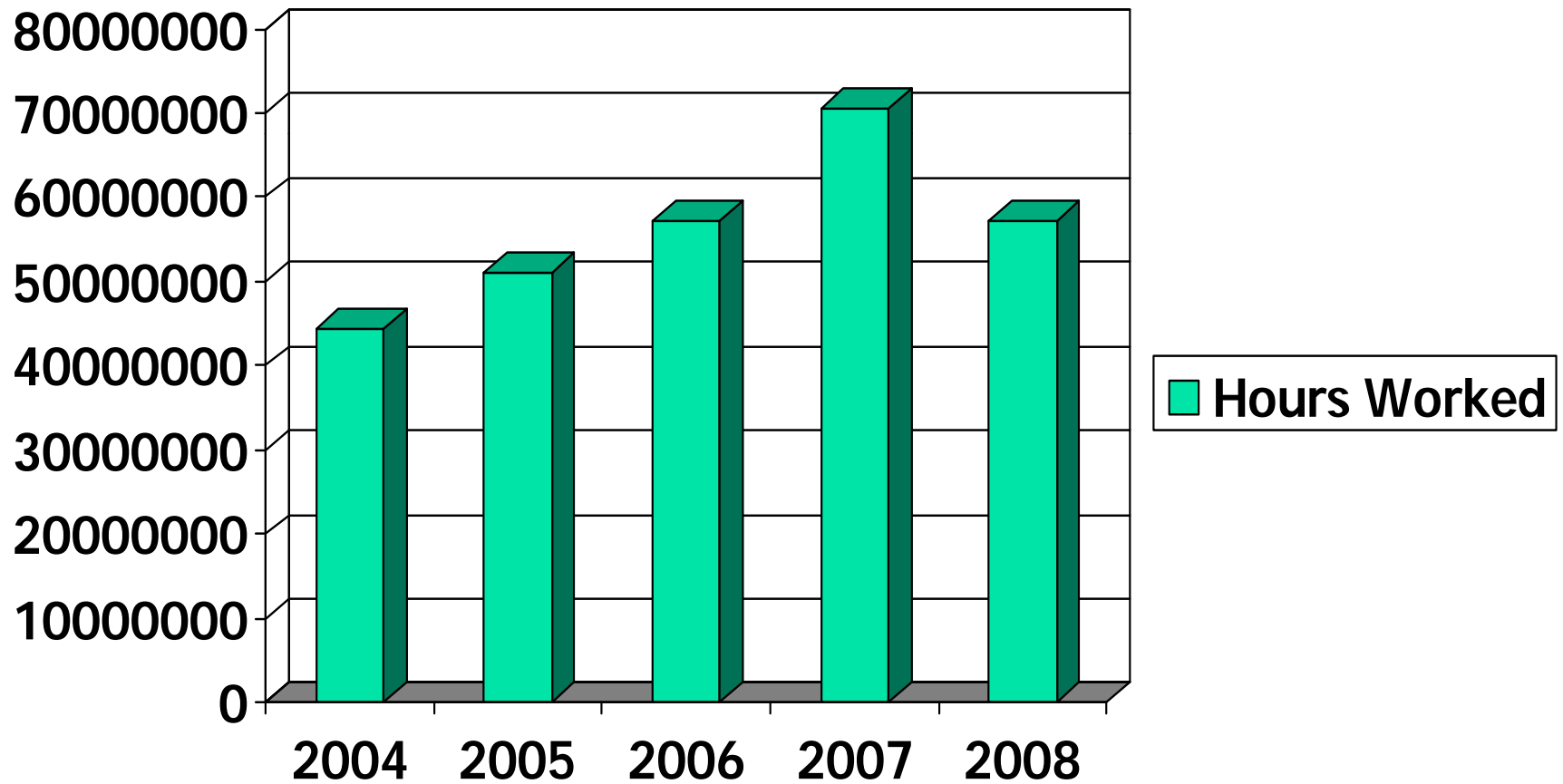


# Responsibility for independent contractor training. (cont'd)

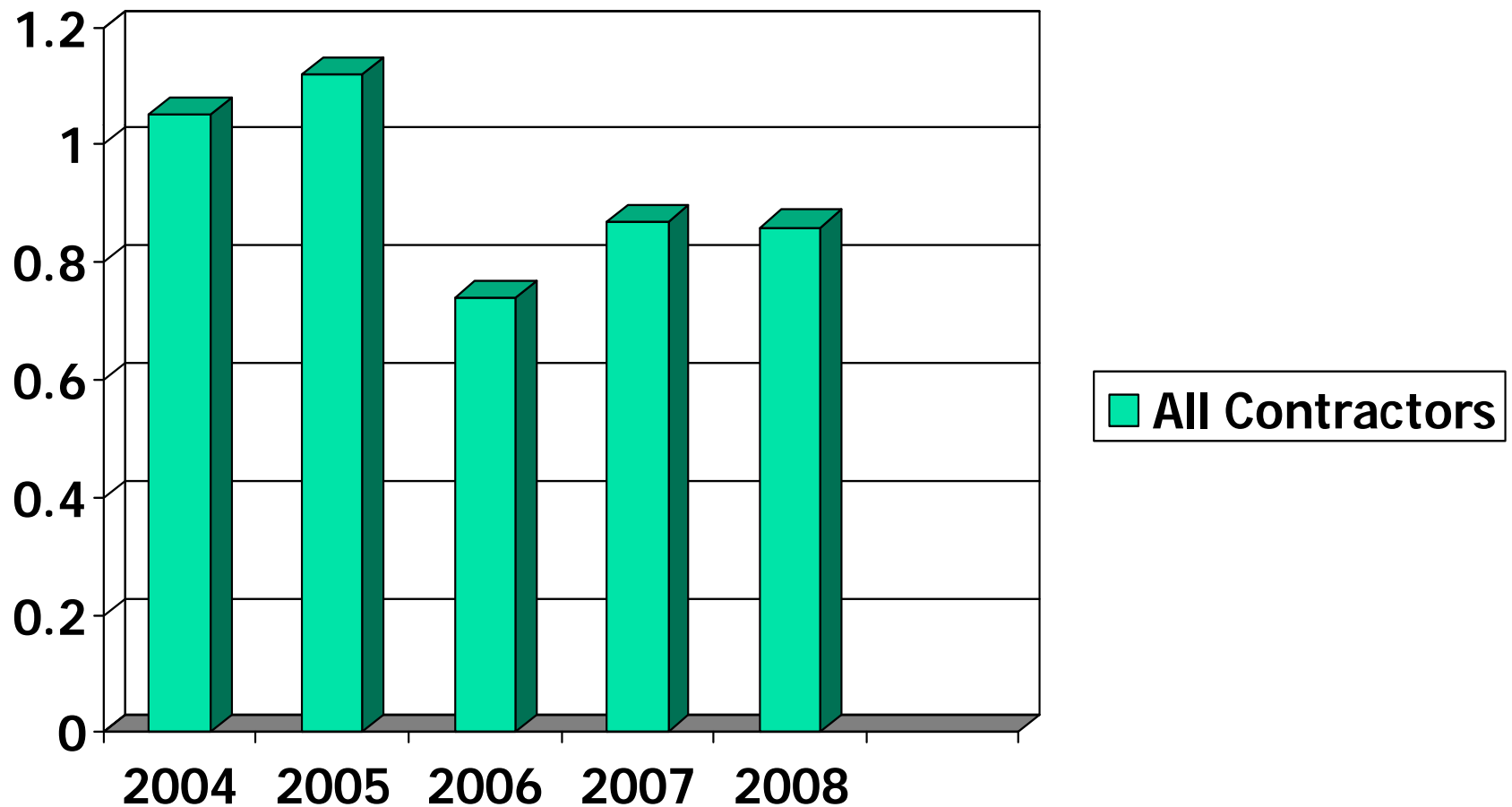
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- Each **production-operator** must provide information to each independent contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with our regulations, including the requirements of part 46.

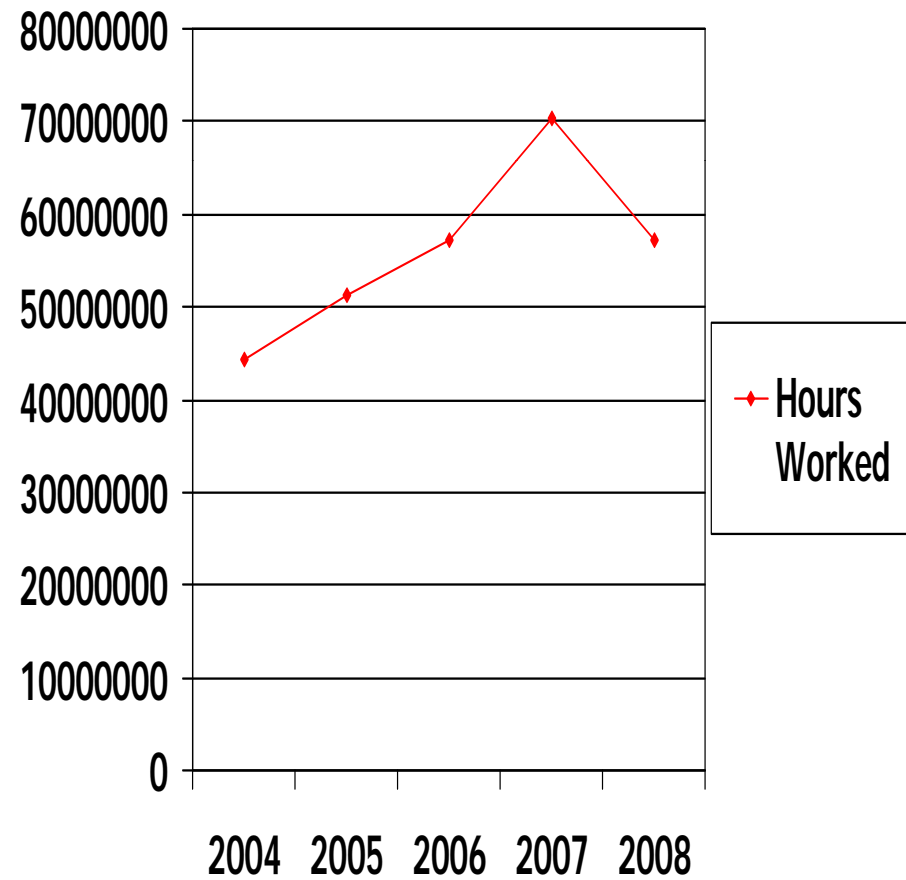
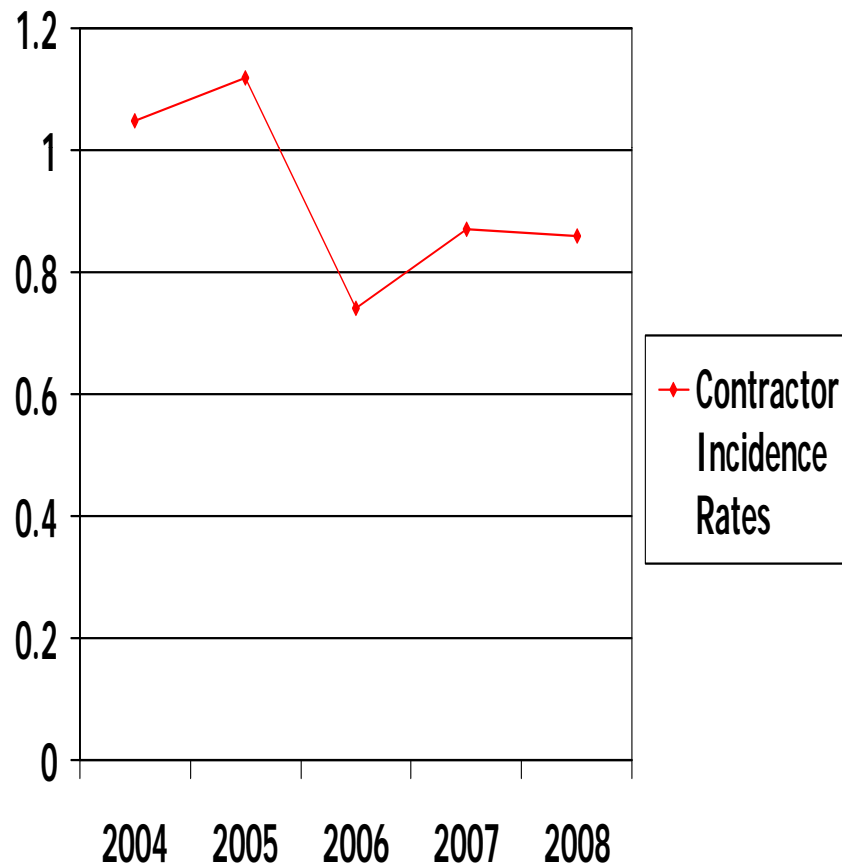
# National Contractor Hours Worked



# National Contractor Incidence Rates



# Contractor Incidence Rates vs. Hours Worked (National)





# Alcohol & Drugs On Mine Property

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- #1 Complaint on the MSHA Hotline
- Contributing Factor on 2 Fatal Accidents
- Involves Operator & Contractor Miners



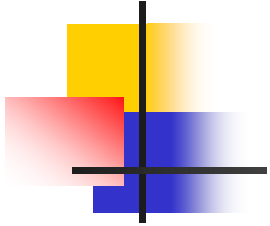
# Intoxicating Beverages & Narcotics

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## **.20001**

Intoxicating Beverages and Narcotics shall not be permitted or used in or around mines.

Persons under the influence of alcohol or narcotics shall not be permitted on the job.



# The End

