

US Mine Safety and Health Administration Holds Stakeholders' Meeting to Discuss Safety, Compliance, and Next Steps

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On May 12, 2016, the US Mine Safety and Health Administration (MSHA) held a stakeholders' meeting entitled "[Improving Compliance: Reemphasizing Rules to Live By and the Exam Rule](#)." The meeting discussed the current status of safety and compliance in the mining industry and future plans that MSHA has for outreach and enforcement of safety standards. Key points of discussion included:

Reforms to Pattern of Violation Rule

Participants discussed the change to the [pattern of violations \(POV\) rule](#) that has prompted stricter screening and monitoring of mines since 2010. This change to the POV rule expanded MSHA's authority to issue withdrawal orders to mines given a written notice of a pattern of Significant and Substantial (S&S) violations within 90 days of the notice, and clarified that a POV notice will stay in place until an inspection of the entire mine results in no S&S citations. According to the agency, the rule change has resulted in a decrease in the number of POV screened mines from 51 in 2010 to only one in 2015. Reforms to the POV rule were also credited by MSHA as contributing to the 39% decline in S&S violations among the top 200 US mines.

There has been a decrease in both the number of safety and health citations issued (from 170,000 in 2010 to 108,000 in 2015) and the dollar amount assessed for penalties (from \$162 million in 2010 to \$62 million in 2015). While these decreases may be partly due to the reduction in the number of mines in the country, one administrator suggested that it was also largely due to an increased understanding of POV and improvements in safety. Fatalities and injuries have also decreased significantly. In fact, 2015 was the safest year in history in terms of both the number of fatalities and the number of injuries. Again, while this decrease may have been partly due to the decrease in employment, MSHA credited the decrease to the ramping up of outreach and enforcement.

Rules to Live By and Part 75 Exam Rule

The meeting focused heavily on the progress the mining industry has seen since implementation of

the [“Rules to Live By”](#) (RLB) initiative, which began in 2010 and seeks to prevent mining deaths by focusing on the most commonly-cited standards that MSHA believes have caused or contributed to fatal accidents in mining. Since implementation of the RLB initiative, MSHA has seen significant reductions in both violations of RLB standards, as well as S&S designations of those violations. Despite the progress, however, more than 45,000 S&S citations have been issued for violations of RLB standards since implementation of the initiative.

MSHA provides several online tools for tracking compliance. The online [RLB Calculator](#) provides an overview of each mine operator’s RLB violations since January 1, 2010. The [Part 75 Exam Rule Calculator](#) provides underground coal mine operators with a way to view their citations involving nine key health and safety standards. MSHA inspectors will begin to notify mine operators of their RLB and Part 75 Exam Rule standing, as determined by the calculators, starting July 1, 2016. Additionally, various standards will now be categorized as “RLB IV” standards, violations of which caused or contributed to at least five mining fatalities in the last ten years. MSHA will provide online training to help ensure compliance with “RLB IV” standards.

Looking Forward

MSHA representatives provided very little information regarding potential future rulemakings. It was noted that the [proximity detection rulemaking](#), which the mining industry has been watching closely, has apparently gone “nowhere” on the metal/nonmetal side because MSHA’s “real focus” is [finalizing the rule](#) for coal mines. The proposed rule would require underground coal mine operators to equip coal hauling machines and scoops on working sections with proximity detection systems “according to a phase-in schedule for newly manufactured and existing equipment.” According to MSHA, the proposed requirements would strengthen protections for miners by reducing the potential for pinning, crushing, or striking injuries.

In order to facilitate outreach to stakeholders, MSHA has established the following monthly outreach initiatives to be scheduled in 2016:

- Materials Storage and Warehouse Safety; New Mexico Tech
- Dangers Exist at Active and Abandoned Mines; Ohio Aggregate Association
- Be Alert; National Stone, Sand & Gravel Association
- Drill Entanglement; Illinois Aggregate Association