

unsafe conditions and practices that may be present. However, in a 5-year period, MSHA has investigated 17 serious and fatal accidents where working place examinations were not conducted or were inadequately conducted. In a significant number of these accidents, failure to conduct working place examinations was a contributing cause. Therefore, rigorous working place examinations are a fundamental accident prevention tool for the mining industry. The Federal Mine Safety and Health Act of 1977 (Mine Act) holds mine operators responsible for preventing the existence of unsafe conditions and practices and the correction of hazards before miners are exposed to them. MSHA is revising its policy concerning 30 CFR 56/57.18002 to better assure that operators conduct rigorous working place examinations.

#### *Recordkeeping*

The standard requires a record that working place examinations were conducted. Those records are required to be retained by the mine operator for one year, and made available to the Secretary of Labor or his authorized representative. MSHA has accepted annual certification of work place examinations as an alternative to the standard's recordkeeping requirement, when such certification is made available at the time of an inspection. However, given the serious and fatal accidents that have occurred, annual certification of work place examinations will no longer be accepted for compliance.

To be effective, work place examinations must be timely, made by a competent person, made in the areas where miners work, and hazardous conditions must be promptly corrected.

Therefore, for an operator to be in compliance, each working place examination record must include information essential and necessary to accomplish the intent of the standard: (1) the date and time the examination was made; (2) by whom the examination was made; (3) the area(s) examined; and (4) any hazardous conditions found. These records would need to be made available upon request to the Secretary's authorized representative.

#### *Competent Person*

A "competent person," according to 30 CFR 56/57.2, is "\* \* \* a person having abilities and experience that fully qualify him to perform the duty to which he is assigned." This definition includes any person who is fully qualified to perform the assigned task. Examinations may be made by a mine foreman, a mine superintendent, another person associated with mine management, or a miner, provided the person is fully qualified to perform the task. Fully qualified means having had adequate experience in the task or having been trained in the recognition of hazards in the working place.

#### *Working Place*

The phrase "working place" is defined in 30 CFR 56/57.2 as "\* \* \* any place in or about a mine where work is being performed." As used in the standard, the phrase applies to those locations in a mine or mill where persons work during a shift in the mining or milling processes. The working place for an individual assigned to perform maintenance or repair duties, for example, is the area where the individual performs the maintenance or repair work. For an operator to be in compliance, that area would need to be examined by a

competent individual for hazardous conditions and any hazardous conditions would need to be promptly corrected. A hazardous condition is any condition or practice which poses a risk of harm to a miner or could result in a violation of a mandatory health or safety standard.

Standard 56/57.18002 does not apply to access or other roads not directly involved in the mining process, administrative office building, parking lots, lunchrooms, toilet facilities, or inactive storage areas. Isolated, abandoned, or idle areas of mines or mills need not be examined, unless persons perform work in these areas during the shift.

#### *Frequency of Examination*

The standard requires working place examinations to be performed "at least once each shift." Although the standard permits the examination to be made at any time during the shift, MSHA strongly recommends in keeping with the remedial intent of the Mine Act and the standard that this examination be conducted before work begins on a shift or before work is performed in an area. To be in compliance with the standard, the mine operator must promptly initiate the correction of any hazardous conditions that are found. If an imminent danger is found during an examination, the operator must also withdraw all persons from the affected area except those necessary for the correction of the condition.

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