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(Reissue of P10-IV-3)

PROGRAM POLICY LETTER NO. P11-IV-01

FROM: NEAL H. MERRIFIELD 
Administrator for Metal and Nonmetal
Mine Safety and Health

SUBJECT: Reissue of P10-IV-3: Examination of working places
(30 CFR §§ 56/57.18002)

Scope

This Program Policy Letter (PPL) applies to surface and underground metal and nonmetal mine operators, contractors, equipment manufacturers, miners, miners' representatives, and Metal and Nonmetal Mine Safety and Health enforcement personnel.

Purpose

The purpose of this PPL is to clarify that the examination of working places required under 30 CFR §§ 56/57.18002 includes the requirement that the operator shall examine each working place at least once each shift for conditions which adversely affect safety or health and a record of the examination be maintained which shall be made available for review by the Secretary or his authorized representative.

Policy

56/57.18002 Examination of Working Places

30 CFR §§ 56/57.18002, Examination of working places, provide

- a. A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.
- b. A record that such examinations were conducted shall be kept by the operator for a period of one year, and shall be made available for review by the Secretary or his authorized representative.
- c. In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until

the danger is abated.

The terms "competent person" and "working place," used in §§ 56/57.18002(a), are defined in §§ 56/57.2, Definitions.

A "competent person," according to §§ 56/57.2, is "a person having abilities and experience that fully qualify him to perform the duty to which he is assigned."

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 at a mine site where persons work in the mining or milling processes.

MSHA's Program Policy Manual (PPM) clarifies the recordkeeping requirement of standards 56/57.18002 (b). The PPM states that the record of examination must include: (1) the date the examination was made; (2) the examiner's name; and (3) the working places examined.

In addition, §§ 56/57.18002(a) require daily workplace examinations for the purpose of identifying workplace safety or health hazards. Prudent operators should include a description of the conditions found which may adversely affect safety or health in the examination record.

In order to comply with the clear terms of the record retention portion of §§ 56/57.18002(b), operators must retain workplace examination records for the preceding 12 months. MSHA is no longer accepting an alternative to the 12-month retention period.

Evidence that a previous shift examination was not conducted or that prompt corrective action was not taken constitutes a violation of §§ 56/57.18002(a). This evidence may include information which demonstrates that safety or health hazards existed prior to the working shift in which they were found.

Background

This policy letter clarifies the Agency's application of 30 CFR §§ 56/57.18002, Examination of working places. Operators have raised questions regarding what type of records would be appropriate under §§ 56/57.18002.

Authority

The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. § 801 et seq.; 30 CFR §§ 56./57.18002.

Internet Availability

This program policy letter may be viewed on the World Wide Web by accessing the MSHA home page (<http://www.msha.gov>) and by choosing "Compliance Info" and "Program Policy Letters."

Issuing Office and Contact Person

Metal and Nonmetal, Mine Safety and Health

Marvin Lichtenfels

Chief Division of Safety

(202) 693-9600

E-mail: lichtenfels.marvin@dol.gov

Distribution

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