

SUPPORTING STATEMENT

Qualification/Certification Program and Man Hoist Operators
Physical Fitness, 30 CFR 75.100, 75.155, 75.159, 75.160, 75.161,
77.100, 77.105, 77.106, 77.107, and 77.107-1

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 101(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires that the Secretary must develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Under section 103(a)(2), authorized representatives of the Secretary of Labor or Secretary of Health and Human Services must make frequent inspections and investigations in coal or other mines each year for the purpose of gathering information with respect to mandatory health or safety standards.

Title 30 CFR 75.159 and 77.106 require coal mine operators to maintain a list of persons who are certified and those who are qualified to perform duties which require specialized expertise at underground and surface coal mines, i.e., conduct examinations for hazardous conditions, conduct tests for methane and oxygen deficiency, conduct tests of air flow, perform electrical work, repair energized surface high-voltage lines, and perform duties of hoisting engineer. The recorded information is necessary to ensure that only persons who are properly trained and have the required number of years of experience are permitted to perform these duties. MSHA does not specify a format for the recordkeeping; however, it normally consists of the names of the certified and qualified persons listed in two columns on a sheet of paper. One column is for certified persons and the other is for qualified persons.

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Sections 75.100 and 77.100 of Title 30 of the CFR pertain to the certification of certain persons to perform specific examinations and tests; and 30 CFR §§ 75.155 and 77.105 pertain to the qualification of electric- and steam-hoisting engineers. Sections 75.155 and 77.105 outline the requirements necessary to be qualified as a hoisting engineer or hoist man. Also, under §§ 75.160, 75.161, 77.107 and 77.107-1, the mine operator must have an approved training plan developed to train and retrain the qualified and certified people to effectively do their tasks..

These regulations recognize State certification and qualification programs. However, where State programs are not available, MSHA may certify and qualify persons. The MSHA program will continue to qualify or certify individuals as long as these individuals meet the requirements for certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for Secretarial qualification or certification are submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. Form 5000 - 41 provides the coal mining industry with a standardized reporting format that expedited the certification and qualification process while ensuring compliance with the regulations. MSHA uses the form's information to determine if applicants satisfy the requirements to obtain the certification or qualification sought. Persons must meet certain minimum experience requirements depending on the type of certification or qualification.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Under 30 CFR §§ 75.159 and 77.106, the information is used by the mine operator and MSHA enforcement personnel to determine whether certified and qualified persons, who are properly trained, are conducting tests or examinations, and operating hoisting equipment.

Form 5000-41 allows mining operators to report to MSHA the names of persons who have satisfactorily completed required mine foreman and hoisting training. MSHA uses the information to issue certification/qualification cards to those persons who are certified/qualified.

The mine operator also uses the Form to submit an application to certify miners to perform specific required examinations and test, or to qualify miners as hoisting engineers or hoist men, in States without certification programs. The Qualification and Certification Unit then mails the applicant a certificate. This certification satisfies the law where State certification programs are not available.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Currently, for Form 5000-41, no new information technology has been identified that would reduce the burden. However, to better serve the mining community, and to reduce the paperwork burdens, MSHA provides for and encourages mine operators to download the MSHA Forms electronically. The forms are accessible from the MSHA Home Page for downloading in Portable Document Format (PDF) at www.msha.gov - "Forms and On-Line Filings".

Forms are available for electronic submission including Form 5000-41. MSHA has also established the capability to allow mine operators to fax (1-303-231-5474) completed 5000-41 forms in lieu of mailing them. In FY 2004, MSHA received a total of 623 Form 5000-41 in the Qualification and Certification Unit. Paper forms received by Qualification and Certification Unit totaled 448 (includes the paper forms entered into MSIS by Q&C personnel). The number of E-GOV Forms submitted by the mining industry was 175.

Under 30 CFR §§ 75.159 and 77.106, no improved information technology has been identified that would reduce the burden. The mine operator, however, may retain the records in whatever

method he or she chooses, which may include utilizing computer technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No duplication of the information exists. Records are unique to each mine. No state agency or other party requires such permit approval. Section 101(a)(9) of the Mine Act forbids the Agency to reduce the protection given miners by any existing regulation.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This information does not have a significant impact on small businesses or other small entities. However, MSHA has made available on our web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site. To assist with compliance, these provide tips and general information on a number of various topics.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If these collections are not conducted, miners may be exposed to safety hazards such as explosion, fire, and electrical shock. The first collection, the list of qualified or certified individuals, ensures that only those qualified or certified to perform duties which require specialized expertise at underground and surface coal mines, i.e., conduct examinations for hazardous conditions, conduct tests for methane and oxygen deficiency, conduct tests of air flow, perform electrical work, repair energized surface high-voltage lines, and perform duties of hoisting engineer. While the regulations do not specify how frequently the lists are to be updated; mine operators, however, normally update them each quarter. Less frequent information collection may result in a shortage of persons qualified and certified to perform important safety and health functions at mines. This would not be consistent with the purposes of the

Mine Act. Without the lists, MSHA would not be able to effectively enforce the requirements of the Mine Act.

Form 5000-41 is an application form to MSHA for miners in States without a certification/qualification program as well as the form that notifies MSHA that specific individuals have specific training. Without this form, MSHA would be unable to certify or qualify any miner for specified jobs in states without certification/qualification programs or as hoisting engineers or hoist men. The burdens on mine operators in states without certification/qualification programs could be significant because they would not be able operate mines safely or effectively, or may be at all, under the Mine Act.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information is consistent with the guidelines in 5 C.F.R. § 1320.5.

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8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods.

There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents for certification or qualification other than nondisclosure of personal privacy information. This would include the applicant's name, address, and last four-digits of their Social Security Number. MSHA requires the last four digits of the social security number and name to assure that the certification or qualification being issued is granted to the correct miner and not someone with the same name. MSHA requires the miner's address to mail the miner his or her certification or qualification card. Instructions as to the expected content, format and required training are included with the form. Additionally, MSHA is exploring ways not to use Social Security

Numbers as a system and program identifiers but to generate and use MSHA issued unique identifier.

To the extent that records are kept by the agency, they are covered by a Privacy Act notice published in the Federal Register. Manual records are stored in locked files and are accessible only to authorized personnel during working hours.

Form 5000-41 is a Privacy Act record. Files are posted with the appropriate Privacy Act warning. During working hours, only authorized personnel have access to the files.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

There are approximately 1,351 surface and 638 underground coal

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mines, a total of 1,989 mines. Each operator is required to maintain a list of certified and qualified persons who are required to perform certain jobs. Each coal mine operator normally updates the list each quarter. The estimated time per response to update the list of certified and qualified persons is 5 minutes (0.083 of an hour). Also, the operator has to provide a training program that is approved by the Secretary to train and retrain both qualified and certified persons. MSHA estimates that each training plan takes 8 hours to develop. An additional 0.5 hours per plan is spent copying and mailing the plans.

1,989 coal mines x 8 hrs per training plan	=	15,912 hours
1,989 coal mines x 4 updates/year x 0.083 hour	=	660 hours
1,989 plans x 0.5 hours/plan to copy/mail	=	995 hrs.
TOTAL BURDEN HOURS:		<u>17,567 hours</u>

MSHA estimates that a mine supervisor will develop the training plans, update the certified/qualified person lists, and post the required items at a hourly rate of \$58.96. Training plan copying and mailing will be done by a secretary at an hourly rate of \$20.39. [Hourly wage rates obtained from information received by U.S. Coal Mine Salary, Wages, Benefits Survey Results]

15,912 hrs for plan development x \$58.96/hr	=	\$938,172
995 hrs copying/mailling training plans x \$20.38/hr	=	\$ 20,288
660 hrs to update lists x \$58.96/hr	=	\$ 38,914
Total Cost:		<u>\$ 997,374</u>

MSHA received 623 forms (5000-41) covering 1,794 miners during the period from August 2003 to August 2004.

The information collected on the Form 5000-41 is readily available to the mine operator from employee records. Additionally, on average, each 5000-41 will include only about three (3) miners seeking certification (1,794 miners divided by 623 forms). MSHA personnel are estimating that it will take approximately 10 minutes (.1666 hours) to complete the electronic version of Form 5000-41 and 17 minutes (.283 hours) to complete and mail the hard copy version of Form 5000-41. 175

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forms were submitted electronically with the remainder being hard copies that were mailed. The burden estimated by MSHA is based on our knowledge of the mining industry and our frequent interaction with the mining industry. MSHA employees, who have previously worked for the mining industry, have substantiated this estimation. Accordingly, the hour burden is calculated as follows:

448 forms(hard copy) x .283	=	127 hours
175 forms (electronic)x .1666	=	<u>29 hours</u>
Total Hours		156 hours

Cost = 156 x \$58.96 = \$9,198

Grand Total Burden Hours = 17,567 + 156 = 17,723

Grand Total Cost = \$997,374 + \$9,198 = \$1,006,572

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

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- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The cost of mailing the forms to MSHA is \$0.37 each. Accordingly, the annual postage cost is estimated as follows:

448 forms x \$0.37 per form	=	\$166
1,989 plans x \$0.37 per plan	=	<u>\$736</u>
Total	=	\$902

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA enforcement personnel examine the records during routine inspections. Therefore no cost is incurred by inspection personnel.

Based on estimates of MSHA staff specialist's computer time necessary to process the forms, annual cost to the Government is \$7,134.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The change in burden hours (from 21,002 to 17,723) is due to a decrease in the number of respondents (from 3,049 to 1,989). The increase in costs is due to an increase in postage.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the results of this information collection.

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17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA will display the expiration date on the OMB approved form.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

B. Collection of Information Employment Statistical Methods

Collection of information does not employ statistical methods.

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164**

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

TITLE I--GENERAL
MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

SEC. 103. (a) Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare shall make frequent inspections and investigations in coal or other mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards..

30 CFR § 75.100

Certified person.

(a) The provisions of Subpart D--Ventilation of this [Part 75](#) require that certain examinations and tests be made by a certified person. A certified person within the meaning of those provisions is a person who has been certified as a mine foreman (mine manager), an assistant mine foreman (section foreman), or a preshift examiner (mine examiner). A person who has been so certified is also a qualified person within the meaning of those provisions of Subpart D of this part which require that certain tests be made by a qualified person and within the meaning of [§75.1106](#).

(b) A person who is certified as a mine foreman, an assistant mine foreman, or a preshift examiner by the State in which the coal mine is located is, to the extent of the State's certification, a certified person within the meaning of the provisions of Subpart D of this part and [§75.1106](#) referred to in paragraph (a) of this section.

(c)(1) The Secretary may certify persons in the categories of mine foreman, assistant mine foreman, and preshift examiner whenever the State in which persons are presently employed in these categories does not provide for such certification. A person's initial certification by MSHA is valid for as long as the person continues to satisfy the requirements necessary to obtain the certification and is employed at the same coal mine or by the same independent contractor. The mine operator or independent contractor shall make an application which satisfactorily shows that each such person has had at least 2 years underground experience in a coal mine, and has held the position of mine foreman, assistant mine foreman, or preshift examiner for a period of 6 months immediately preceding the filing of the application, and is qualified to test for methane and for oxygen deficiency. Applications for Secretarial certification should be submitted in writing to the Health and Safety Activity, Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colorado 80225.

(2) A person certified by the Secretary under this paragraph will be a certified person, within the meaning of the provisions for Subpart D of this part and [35 FR 17890, Nov. 20, 1970, as amended at 43 FR 12320, Mar. 24, 1978; 54 FR 30514, July 20, 1989]

30 CFR § 75.155**Qualified hoisting engineer; qualifications.**

(a)(1) A person is a qualified hoisting engineer within the provisions of Subpart O of this part, for the purpose of operating a steam-driven hoist in a coal mine, if he has at least 1 year experience as an engineer in a steam-driven hoisting plant and is qualified by the State in which the mine is located as a steam-hoisting engineer; or

(2) If a State has no program for qualifying persons as steam-hoisting engineers, the Secretary may qualify persons for this purpose if the operator of the coal mine in which such persons are employed, or the independent contractor, makes an application and a satisfactory showing that each such person has had 1 year experience in operating steam-driven hoists and has held the position of hoisting engineer for a period of 6 months immediately preceding the application. A person's qualification is valid for as long as this person continues to satisfy the requirements necessary for qualification and is employed at the same coal mine or by the same independent contractor.

(b)(1) A person is a qualified hoisting engineer within the provisions of Subpart O of this part, for the purpose of operating an electrically driven hoist in a coal mine, if he has at least 1 year experience operating a hoist plant in a mine or maintaining electric-hoist equipment in a mine and is qualified by the State in which the mine is located as an electric-hoisting engineer; or

(2) If a State has no program for qualifying persons as electric-hoisting engineers, the Secretary may qualify persons for this purpose if the operator of the coal mine in which such persons are employed, or the independent contractor, makes an application and a satisfactory showing that each such person has had 1 year experience in operating electric-driven hoists and has held the position of hoisting engineer for a period of 6 months immediately preceding the application. A person's qualification is valid for as long as this person continues to satisfy the requirements for qualification and is employed at the same coal mine or by the same independent contractor.

(c) Applications for Secretarial qualification should be submitted to the Health and Safety Activity, Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225.

[35 FR 17894, Nov. 20, 1970, as amended at 43 FR 12320, Mar. 24, 1978; 54 FR 30515, July 20, 1989]

30 CFR § 75.159

Records of certified and qualified persons.

The operator of each coal mine shall maintain a list of all certified and qualified persons designated to perform duties under this [Part 75](#).

[35 FR 17890, Nov. 20, 1970, as amended at 47 FR 14706, Apr. 6, 1982; 60 FR 33719, June 29, 1995]

30 CFR § 75.160

Training programs.

[Statutory Provision]

Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining of both qualified and certified persons needed to carry out functions prescribed in the Act.

30 CFR § 75.161

Plans for training programs

Each operator must submit to the district manager, of the Coal Mine Safety and Health District in which the mine is located, a program or plan setting forth what, when, how, and where the operator will train and retrain persons whose work assignments require that they be certified or qualified. The program must provide--

- (a) For certified persons, annual training courses in first aid, principles of mine rescue, and the provisions of this part 75; and
- (b) For qualified persons, annual courses in performance of the task which they perform as qualified persons.

[53 FR 10336, Mar. 30, 1988]

SOURCE: 53 FR 2375, Jan. 27, 1988, unless otherwise noted.

30 CFR § 77.100

Certified person.

(a)(1) The provisions of this Part [77](#) require that certain examinations and tests be made by a certified person. A certified person within the meaning of these provisions is a person who has been certified in accordance with the provisions of paragraph (b) of this §77.100 to perform the duties, and make the examinations and tests which are required by this Part [77](#) to be performed by a certified person.

(2) A person who has been so certified shall also be considered to be a qualified person within the meaning of those provisions of this Part [77](#) which require that certain examinations, tests and duties be performed by a qualified person, except those provisions in Subparts F, G, H, I, and J of this part relating to performance of electrical work.

(b) Pending issuance of Federal standards, a person will be considered, to the extent of the certification, a certified person to make examinations, tests and perform duties which are required by this Part [77](#) to be performed by a certified person:

(1) If he has been certified for such purpose by the State in which the coal mine is located; or

(2) If this person has been certified for such purpose by the Secretary. A person's initial certification is valid for as long as the person continues to satisfy the requirements necessary to obtain the certification and is employed at the same coal mine or by the same independent contractor. The mine operator or independent contractor shall make an application which satisfactorily shows that each such person has had at least 2 years experience at a coal mine or equivalent experience, and that each such person demonstrates to the satisfaction of an authorized representative of the Secretary that such person is able and competent to test for oxygen deficiency with a permissible flame safety lamp, or any other device approved by the Secretary and to test for methane with a portable methane detector approved by the Bureau of Mines, MESA, or MSHA, under Part [22](#) of this Chapter (Bureau of Mines Schedule 8C), and to perform such other duties for which application for certification is made. Applications for certification by the Secretary should be submitted in writing to the Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colorado 80225.

[36 FR 9364, May 22, 1971, as amended at 43 FR 12320, Mar. 24, 1978; 54 FR 30515, July 20, 1989]

30 CFR § 77.105

Qualified hoistman; slope or shaft sinking operation; qualifications.

(a)(1) A person is a qualified hoistman within the provisions of Subpart T of this part, for the purpose of operating a hoist at a slope or shaft sinking operation if he has at least 1 year experience operating a hoist plant or maintaining hoist equipment and is qualified by any State as a hoistman or its equivalency, or

(2) If a State has no program for qualifying persons as hoistmen, the Secretary may qualify persons if the operator of the slope or shaft-sinking operation makes an application and a satisfactory showing that the person has had 1 year of experience operating hoists. A person's qualification is valid for as long as the person continues to satisfy the requirements for qualification and is employed at the same coal mine or by the same independent contractor.

(b) Applications for Secretarial qualification should be submitted to the Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225.

[36 FR 9364, May 22, 1971, as amended at 43 FR 12320, Mar. 24, 1978; 54 FR 30515, July 20, 1989]

30 CFR § 77.106

Records of certified and qualified persons.

The operator of each coal mine shall maintain a list of all certified and qualified persons designated to perform duties under this Part [77](#).

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[36 FR 9364, May 22, 1971, as amended at 47 FR 14706, Apr. 6, 1982; 60 FR 33719, June 29, 1995]

30 CFR § 77.107

Training programs.

Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining both qualified and certified persons needed to carry out functions prescribed in the Act.

30 CFR § 77.107-1

Plans for training programs.

77.107-1 Plans for training programs.

Each operator must submit to the district manager, of the Coal Mine Safety and Health District in which the mine is located, a program or plan setting forth what, when, how, and where the operator will train and retrain persons whose work assignments require that they be certified or qualified. The program must provide--

- (a) For certified persons, annual training courses in the tasks and duties which they perform as certified persons, first aid, and the provisions of this part 77; and
- (b) For qualified persons, annual courses in performance of the tasks which they perform as qualified persons.

[63 FR 53761, Oct. 6, 1998 effective Oct.6, 1999]