

§ 48.10

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certify on MSHA form 5000-23 that the miner has received the specified training. A copy of the training certificate shall be given to the miner at the completion of the training. The training certificates for each miner shall be available at the minesite for inspection by MSHA and for examination by the miners, the miner's representative, and State inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his training certificates.

(b) False certification that training was given shall be punishable under section 110 (a) and (f) of the Act.

(c) Copies of training certificates for currently employed miners shall be kept at the minesite for 2 years, or for 60 days after termination of employment.

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

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 14706, Apr. 6, 1982; 60 FR 33722, June 29, 1995]

§ 48.10 Compensation for training.

(a) Training shall be conducted during normal working hours; miners attending such training shall receive the rate of pay as provided in § 48.2(d) (Definition of normal working hours) of this subpart A.

(b) If such training shall be given at a location other than the normal place of work, miners shall be compensated for the additional cost, such as mileage, meals, and lodging, they may incur in attending such training sessions.

§ 48.11 Hazard training.

(a) Operators shall provide to those miners, as defined in § 48.2(a)(2) (Definition of miner) of this subpart A, a training program before such miners commence their work duties. This training program shall include the following instruction, which is applicable to the duties of such miners:

(1) Hazard recognition and avoidance;

(2) Emergency and evacuation procedures;

(3) Health and safety standards, safety rules, and safe working procedures;

(4) Use of self-rescue and respiratory devices, including:

(i) Hands-on training in the complete donning of all types of SCSRs used at the mine, which includes assuming a donning position, opening the device, activating the device, inserting the mouthpiece or simulating this task while explaining proper insertion of the mouthpiece, and putting on the nose clip; and

(ii) Hands-on training in transferring from one self-rescue device to an SCSR; and

(5) Such other instruction as may be required by the District Manager based on circumstances and conditions at the mine.

(b) Miners shall receive the instruction required by this section at least once every 12 months.

(c) The training program required by this section shall be submitted with the training plan required by § 48.3(a) (Training plans: Submission and approval) of this subpart A and shall include a statement on the methods of instruction to be used.

(d) In accordance with § 48.9 (Records of training) of this subpart A, the operator shall maintain and make available for inspection certificates that miners have received the hazard training required by this section.

(e) Miners subject to hazard training shall be accompanied at all times while underground by an experienced miner, as defined in § 48.2(b) (Definition of miner) of this subpart A.

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 23640, May 25, 1982; 53 FR 10336, Mar. 30, 1988; 71 FR 12269, Mar. 9, 2006]

§ 48.12 Appeals procedures.

The operator, miner, and miners' representative shall have the right of appeal from a decision of the District Manager.

(a) In the event an operator, miner, or miners' representative decides to appeal a decision by a District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, MSHA, 1100 Wilson Boulevard, Arlington, VA 22209-3939, within 30 days of notification of the District Manager's decision.

(b) The Administrator may require additional information from the operator, the miners, or their representatives, and the District Manager, if the Administrator determines such information is necessary.

(c) The Administrator shall render a decision on the appeal within 30 days after receipt of the appeal.

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 23640, May 28, 1982; 71 FR 16666, Apr. 3, 2006]

Subpart B—Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines

§ 48.21 Scope.

The provisions of this subpart B set forth the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working at surface mines and surface areas of underground mines. Requirements regarding compensation for training and retraining are also included. The requirements for training and retraining miners working in underground mines are set forth in subpart A of this part. This part does not apply to training and retraining of miners at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines, which are covered under 30 CFR Part 46.

[43 FR 47459, Oct. 13, 1978, as amended at 64 FR 53130, Sept. 30, 1999]

§ 48.22 Definitions.

For the purposes of this subpart B—

(a)(1) *Miner* means, for purposes of §§ 48.23 through 48.30 of this subpart B, any person working in a surface mine or surface areas of an underground mine and who is engaged in the extraction and production process, or engaged in shaft or slope construction, or who is regularly exposed to mine hazards, or who is a maintenance or service worker employed by the operator or a maintenance or service worker contracted by the operator to work at the mine for frequent or extended periods. This definition shall include the operator if the operator works at the mine on a continuing, even if irregular,

basis. Short-term, specialized contract workers, such as drillers and blasters, who are engaged in the extraction and production process or engaged in shaft or slope construction and who have received training under § 48.26 (Experienced miner training) of this subpart B, may in lieu of subsequent training under that section for each new employment, receive training under § 48.31 (Hazard training) of this subpart B. This definition does not include:

(i) Construction workers under subpart C of this Part 48;

(ii) Any person covered under paragraph (a)(2) of this section.

(2) *Miner* means, for purposes of § 48.31 (Hazard training) of this subpart B, any person working in a surface mine, including any delivery, office, or scientific worker or occasional, short-term maintenance or service worker contracted by the operator, and any student engaged in academic projects involving his or her extended presence at the mine. This definition excludes persons covered under paragraph (a)(1) of this section and subpart C of this part.

(b) *Experienced miner* means:

(1) A miner who has completed MSHA-approved new miner training for surface miners or training acceptable to MSHA from a State agency and who has had at least 12 months of surface mining experience; or

(2) A supervisor who is certified under an MSHA-approved State certification program and who is employed as a surface supervisor on October 6, 1998; or

(3) An experienced surface miner on February 3, 1999.

(4)(i) A person employed as a surface shaft or slope construction worker on the June 28, 2006; or,

(ii) A person who has six months of surface shaft or slope experience within 24 months before June 28, 2006.

(c) *New miner* means a miner who is not an experienced miner.

(d) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work. This definition does not preclude scheduling training classes on the sixth or seventh working day if such a work schedule