

§ 50.11

1553. The operator shall contact MSHA as described at once without delay and within 15 minutes. If communications are lost because of an emergency or other unexpected event, the operator shall notify MSHA at once without delay and within 15 minutes of having access to a telephone or other means of communication.

[71 FR 12269, Mar. 9, 2006]

§ 50.11 Investigation.

(a) After notification of an accident by an operator, the MSHA District Manager will promptly decide whether to conduct an accident investigation and will promptly inform the operator of his decision. If MSHA decides to investigate an accident, it will initiate the investigation within 24 hours of notification.

(b) Each operator of a mine shall investigate each accident and each occupational injury at the mine. Each operator of a mine shall develop a report of each investigation. No operator may use Form 7000-1 as a report, except that an operator of a mine at which fewer than twenty miners are employed may, with respect to that mine, use Form 7000-1 as an investigation report respecting an occupational injury not related to an accident. No operator may use an investigation or an investigation report conducted or prepared by MSHA to comply with this paragraph. An operator shall submit a copy of any investigation report to MSHA at its request. Each report prepared by the operator shall include,

- (1) The date and hour of occurrence;
- (2) The date the investigation began;
- (3) The names of individuals participating in the investigation;
- (4) A description of the site;
- (5) An explanation of the accident or injury, including a description of any equipment involved and relevant events before and after the occurrence, and any explanation of the cause of any injury, the cause of any accident or cause of any other event which caused an injury;
- (6) The name, occupation, and experience of any miner involved;
- (7) A sketch, where pertinent, including dimensions depicting the occurrence;

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(8) A description of steps taken to prevent a similar occurrence in the future; and

(9) Identification of any report submitted under § 50.20 of this part.

[42 FR 65535, Dec. 30, 1977, as amended at 69 FR 26499, May 13, 2004]

§ 50.12 Preservation of evidence.

Unless granted permission by a MSHA District Manager, no operator may alter an accident site or an accident related area until completion of all investigations pertaining to the accident except to the extent necessary to rescue or recover an individual, prevent or eliminate an imminent danger, or prevent destruction of mining equipment.

[42 FR 65535, Dec. 30, 1977; 43 FR 1617, Jan. 11, 1978, as amended at 69 FR 26499, May 13, 2004]

Subpart C—Reporting of Accidents, Injuries, and Illnesses

§ 50.20 Preparation and submission of MSHA Report Form 7000-1—Mine Accident, Injury, and Illness Report.

(a) Each operator shall maintain at the mine office a supply of MSHA Mine Accident, Injury, and Illness Report Form 7000-1. These may be obtained from the MSHA District Office. Each operator shall report each accident, occupational injury, or occupational illness at the mine. The principal officer in charge of health and safety at the mine or the supervisor of the mine area in which an accident or occupational injury occurs, or an occupational illness may have originated, shall complete or review the form in accordance with the instructions and criteria in §§ 50.20-1 through 50.20-7. If an occupational illness is diagnosed as being one of those listed in § 50.20-6(b)(7), the operator must report it under this part. The operator shall mail completed forms to MSHA within ten working days after an accident or occupational injury occurs or an occupational illness is diagnosed. When an accident specified in § 50.10 occurs, which does not involve an occupational injury, sections A, B, and items 5 through 12 of section C of Form 7000-1 shall be completed and mailed to MSHA in accordance

with the instructions in §50.20-1 and criteria contained in §§50.20-4 through 50.20-6.

(b) Each operator shall report each occupational injury or occupational illness on one set of forms. If more than one miner is injured in the same accident or is affected simultaneously with the same occupational illness, an operator shall complete a separate set of forms for each miner affected. To the extent that the form is not self-explanatory, an operator shall complete the form in accordance with the instructions in §50.20-1 and criteria contained in §§ 50.20-2 through 50.20-7.

(Secs. 103 (a) and (h), and 508, Pub. L. 91-173, as amended by Pub. L. 95-164, 91 Stat. 1297, 1299, 83 Stat. 803 (30 U.S.C. 801, 813, 957))

[42 FR 65535, Dec. 30, 1977, as amended at 44 FR 52828, Sept. 11, 1979; 60 FR 35695, July 11, 1995; 69 FR 26499, May 13, 2004]

§ 50.20-1 General instructions for completing MSHA Form 7000-1.

Each Form 7000-1 consists of four sheets, an original and three copies. The original form shall be mailed to:MSHA Office of Injury and Employment Information, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225, within ten working days after an accident, occupational injury or occupational illness. At the same time, the first copy shall be mailed to the appropriate local MSHA district office. If the first copy does not contain a completed Section D—Return to Duty Information—the second copy shall be retained by the operator until the miner returns to work or a final disposition is made respecting the miner. When the miner returns to work or a final disposition is made, the operator shall, within five days, complete Section D and mail the second copy to the MSHA Office of Injury and Employment Information at the above address. A third copy, containing all the information in the first and second copies shall be retained at the mine office closest to the mine for a period of five years. You may also submit reports by facsimile, 888-231-5515. To file electronically, follow the instructions on MSHA Internet site, <http://www.msha.gov>. For assistance in

electronic filing, contact the MSHA help desk at 877-778-6055.

[42 FR 65535, Dec. 30, 1977; 43 FR 1617, Jan. 11, 1978; 60 FR 35695, July 11, 1995, as amended at 69 FR 26499, May 13, 2004; 71 FR 16666, Apr. 3, 2006]

§ 50.20-2 Criteria—“Transfer to another job.”

“Transfer to another job” means transfers, either temporary, or permanent, which are occasioned by a work-related injury or illness. Permanent or temporary transfers to remove miners from further exposure to health hazards are considered preventative in nature and are not required to be reported. Controlling the amount of exposure to radiation during some period of time is one example. Transfer of a coal miner to a less dusty area of a mine when the miner elects to exercise rights under Section 203(b) of the Federal Coal Mine Health and Safety Act of 1969 is another example.

§ 50.20-3 Criteria—Differences between medical treatment and first aid.

(a) Medical treatment includes, but is not limited to, the suturing of any wound, treatment of fractures, application of a cast or other professional means of immobilizing an injured part of the body, treatment of infection arising out of an injury, treatment of bruise by the drainage of blood, surgical removal of dead or damaged skin (debridement), amputation or permanent loss of use of any part of the body, treatment of second and third degree burns. Procedures which are diagnostic in nature are not considered by themselves to constitute medical treatments. Visits to a physician, physical examinations, X-ray examinations, and hospitalization for observations, where no evidence of injury or illness is found and no medical treatment given, do not in themselves constitute medical treatment. Procedures which are preventive in nature also are not considered by themselves to constitute medical treatment. Tetanus and flu shots are considered preventative in nature. First aid includes any one-time treatment, and follow-up visit for the purpose of observation, of minor injuries such as, cuts, scratches, first degree