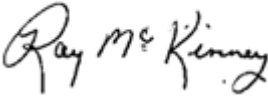


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PROGRAM INFORMATION BULLETIN NO. P05-15

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SUBJECT: Responsibility for Proper Assembly and Maintenance of Permissible
Mining Machines and Equipment

Who needs this information?

Mine Safety and Health Administration (MSHA) personnel, underground coal mine operators, underground gassy metal nonmetal mine operators, miners' representatives, mining equipment manufacturers and repair/rebuild shop facilities should have this information.

What is the purpose of this Program Information Bulletin?

This Program Information Bulletin (PIB) reminds mine operators, mining equipment manufacturers and repair/rebuild shop facilities about their duty to build, repair or rebuild, and maintain permissible equipment in approved condition in accordance with the drawing and specifications on file at MSHA's Approval and Certification Center (A&CC).

What equipment is affected by this bulletin?

This PIB addresses permissible equipment as defined and required by Title 30 Code of Federal Regulations (30 CFR) Parts 57 and 75.

Who is responsible for ensuring that permissible equipment is properly assembled and maintained?

The Federal Mine Safety and Health Act of 1977 (Mine Act) requires mine operators to use permissible equipment in underground mines as specified in 30 CFR Parts 57 and 75. The Mine Act and its implementing regulations also require operators to maintain such equipment in permissible condition. Affixing an approval or certification plate to a unit of equipment or component identifies it as permissible for use in underground mines. Use of the MSHA marking obligates the manufacturer to maintain the quality of the product, and serves as the manufacturer's assurance that it has been built in accordance with the approval requirements and the drawings and specifications upon which the original approval was issued.

To emphasize the importance of using only properly approved or certified equipment where required, §110(h) of the Mine Act provides for the imposition of criminal penalties for the knowing distribution, sale, delivery or introduction of equipment into mines which is falsely represented as complying with the Mine Act or MSHA regulations

The validity or use of approval plates is not dependent upon whether equipment or machines are new or rebuilt. Validity of approval plates depends upon whether the equipment or machine has been built or rebuilt in accordance with approval documentation and MSHA regulations. Therefore, both the original manufacturers and repair/rebuild shops have obligations under MSHA's approval requirements and the Mine Act. All equipment bearing an MSHA approval or certification plate must meet the requirements of the Mine Act and MSHA's approval requirements under which the approval was originally granted.

When a piece of approved equipment is acquired by a mine operator and placed into service, it becomes the responsibility of the mine operator to maintain that equipment in the approved condition. For operators to comply with this maintenance obligation, it is essential that proper procedures and replacement parts are used during repair or rebuilding of approved equipment. It is therefore in the operator's best interest to contract repair or rebuilding work only with reputable or manufacturer-approved shops. When equipment is repaired or rebuilt by the mine operator or some other party, the mine operator has a duty to ensure that the equipment continues to conform in all respects with the approved design. MSHA conducts regular inspections of all underground coal and metal and nonmetal mining operations. These inspections include examining all approved electric and diesel face equipment to verify that the equipment is being maintained in approved or permissible condition.

Does MSHA have programs in place to provide assistance to mine operators and others to maintain permissible equipment?

In an effort to assist mine operators and others to ensure that equipment is manufactured or rebuilt according to MSHA requirements, A&CC has implemented assistance programs. Participation in these programs is voluntary and is open to manufacturers, rebuild/repair shops, and mine operators. A number of rebuild and repair facilities are currently participating in the programs and the Agency is proactive in seeking new partnerships in this area.

What is the background for this bulletin?

MSHA is aware that the recent increase in underground mining activity has produced an increased demand for permissible mining equipment. Concerns have been expressed that some equipment being brought back into service after rebuild or repair has not been properly maintained in permissible condition.

What is MSHA's authority for this PIB?

The Mine Act; 30 CFR Parts 57 and 75

Internet Availability

This information bulletin may be viewed on the Internet by accessing MSHA's home page at <http://www.MSHA.gov> and then choosing "Compliance Info" and "Program Information Bulletins."

Who are the MSHA contact persons for this bulletin?

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