Determining Compliance with 30 CFR 56/57.5002

MSHA Inspector Training

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Topics

- Objectives
- 30 CFR 56/57.5002
- Program Policy Letter
- Procedure Instruction Letter
- Surveys
- Frequency of Surveys
- Evidence of Surveys
- Scenarios
- Questions/Discussion

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Objectives

- Terminal Learning Objective
  - Assess and determine operator compliance with the requirements of 30 CFR 56/57.5002
- Enabling Learning Objectives
  - Determine whether or not surveys are being conducted
  - Determine if surveys are being conducted frequently enough

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30 CFR 56/57.5002, Exposure Monitoring

- “Dust, gas, mist and fume surveys shall be conducted as frequently as necessary to determine the adequacy of control measures”

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Questions to answer

- Who conducts surveys?
- What constitutes a survey?
- How frequent is frequent enough?
- How to verify surveys are being conducted?

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Program Policy Letter (PPL)

- Issued 10/22/2010 and available at http://www.msha.gov/REGS/COMPLIAN/PPLMEN.HTM
- Mine operators have the primary responsibility for protecting the health of miners
  - Conducted by mine operator
  - Conducted by third party
- Mine operators must demonstrate compliance rather than relying on enforcement interventions
- Emphasize:
  - Plan
  - Prevent
  - Protect

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Policy

- During MSHA inspections, MSHA inspectors will be evaluating operator activities to verify evidence of surveys and whether those surveys are being conducted frequent enough to ensure adequacy of controls.
- MSHA is providing additional information at the following website: www.msha.gov/S&HINFO/ExposureGuidance/ExposureGuidance.asp

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Procedure Instruction Letter (PIL)

- Issued 12/16/2010 and available at http://www.msha.gov/regs/complian/PILS/2010/PIL10-IV-01.asp
- Provides general instructions for assessing compliance with the requirements of 56/57.5002
- This training supplements the PIL

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What constitutes a survey?

- The term survey denotes any information collection method that
  - Yields information as to miner exposures
  - Yields information as to the effectiveness of controls
- Trained and knowledgeable persons should conduct surveys

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Surveys

- Exposure monitoring
- Workplace inspections
- Inspection of equipment
- Injury, illness, incident tracking and/or reports
- Worker input
- Occupational health assessments
- Other methods

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How frequent is frequent enough?

- 30 CFR 56/57.5002 does not require specific frequency of surveys
- Mine operator determines frequency based on several parameters

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Parameters that impact frequency

- Sampling results and established TLVs (under 30 CFR 56/57.5001)
- Changes in the job
- Changes in the hazard
- Results of inspections and/or routine/special maintenance
- Worker identified issues
- Injury and/or illness reports and/or incidents

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Evidence of Surveys

- 30 CFR 56/57.5002 does not specify any record keeping requirements
- Examples of evidence
  - Exposure monitoring records
  - Maintenance records
  - Interviews
  - Visual inspection
  - Other evidence presented by the operator

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Scenarios

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Scenarios

- Review each scenario
- Discuss the following
  - What are the facts?
  - What questions would you ask the operator?
  - What other information do you need?
  - What are the potential issues regarding the scenario?
  - What is the disposition of the scenario?

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Scenario 1

- An inspector is at a mine where there is no history of overexposures and asks the operator if he/she is doing surveys, and the operator freely admits they've never been done. The operator also freely admits they have never even thought about it nor have no idea what the hazards are. Finally the operator does acknowledge that they know there is a standard, and admits they have no excuse for not complying.

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Scenario 2

- The inspector takes a lead sample to determine compliance under 56/57.5001(a) and also asks for evidence of surveys being conducted under 56/57.5002. The operator states that they do not take any lead samples. The inspector does determine that the operator does have personnel take annual physicals where blood lead levels are assessed. The operator also says the dust collection systems are serviced routinely and are all working in accordance with manufacturer specifications. Finally, the operator states that supervisors do conduct daily walk-through inspections to ensure that no unsafe conditions exist. Upon analysis of the MSHA samples, you find that there is no citable over exposure for lead under 56/57.5001(a).

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Scenario 3

- The inspector takes a sample for silica dust and asks for evidence of surveys being conducted. The operator shows the inspector the past 3-years of exposure sampling which includes routine sampling of the several employees in those jobs where silica overexposures are expected. The mine operator has identified those jobs that have high silica exposures and has recorded several exposures over the current TLV. All feasible controls have been implemented. The MSHA sampling results indicate an overexposure to silica and a citation under 56.5001(a) is issued.

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Scenario 4

- Using the previous scenario (scenario 3), the operator states he has taken one or two silica samples but has not taken any in the past 12-18 months. Only those two samples are given as evidence of surveys that have been conducted in the past few years. The MSHA sampling results indicate an overexposure to silica and a citation under 56.5001(a) is issued.

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Scenario 5

- A mine operator has contracted for welding to be conducted on site. The Inspector finds no evidence of surveys being conducted to ensure the welder is not over exposed to welding fumes, such as lead oxide. The inspector takes a lead sample and finds that the exposure exceed the TLV listed in 56/57.5001(a).

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Questions
Comments
Open Discussion

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