

Risk Management Bulletin

A Bulletin for Members of the South Dakota Public Assurance Alliance and the SDML Workers' Compensation Fund

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Administration

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MSHA Inspection Update

We have recently been visiting with different private contractors here in South Dakota concerning some recent MSHA inspections and some of the citations that the Compliance Officers have been issuing. We thought that it would be beneficial to provide you with some updated information.

Written Training Plans and Training

One of the first items that a Compliance Officer is going to want to check is your written training plan and your training records. If you do not have a written training plan you can contact us and we can send you our "MSHA Training Plan Guide". If you already have a written training plan, make sure that you have reviewed it and it is current. A private contractor was cited just last week because he had not recently updated his plan and it was outdated in several areas.

If you have hired new personnel, make sure that you have completed all of the requirements for a newly hired miner. A contractor was recently cited because one of his newest employees was 2.5 hours short on the required training. If you need assistance in this area, please contact us and request our "Newly Hired Miner Training Guide".

An Additional Reminder. Make sure that you have completed the final hour of the site specific training required as part of the 8-hours of annual refresher training that we conducted earlier this year. We are aware of 2 different counties that have been cited for not completing this in the past.

Machine Guarding

Machine guarding continues to be one of the main focuses of MSHA and it also continues to be one of the most frequently cited standards. In June of 2010, MSHA released an updated guide entitled "Guarding Conveyor Belts at Metal and Non-Metal

Mines”. You can download this very useful document from the MSHA website or contact us and we can send it to you.

We continue to strongly recommend frequent self-inspections to make sure existing guarding is in place and secured. A contractor was recently cited because the guard on a machine was loose and footprints around the area indicated that an employee was recently there and could have been exposed to the hazard.

Parking Procedures for Unattended Equipment

According to CFR § 56.14207, *“Mobile equipment shall not be left unattended unless the controls are placed in the park position and the parking brake, if provided, is set. When parked on a grade, the wheels or tracks of mobile equipment shall be either chocked or turned into a bank”.*

We have visited with at least 2 contractors who have recently been cited under this standard. In visiting with MSHA, a Compliance Officer told us that it does not make any difference as to what percent the grade is; unless the equipment is parked on a flat surface the wheels must be chocked. This week we visited with another contractor who told us that last week an MSHA Compliance Officer reminded him that this includes all vehicles (trucks and pickups), front-end loaders **and tracked equipment**. As you can see, 56.14207 clearly states it includes wheels or tracks. The Compliance Officer also told the contractor that if the equipment is turned into a bank (as noted in 56,14207) they would not have to chock the wheels or tracks.

Warnings Prior to Starting or Moving Equipment

Thanks to a tip from a County Highway employee, we recently sent out an advisory email notifying Pool members that are affected by MSHA of a private contractor receiving a citation for violating 30 CFR § 56.14200. This standard states, *“Before starting crushers or moving self-propelled mobile equipment, equipment operators shall sound a warning that is audible above the surrounding noise level or use other effective means to warn all persons who could be exposed to a hazard from the equipment”.*

If you receive this and did not receive our recent email, please let us know.

HazCom Program

This week we visited with a private contractor that had an inspection conducted this past week. He told me that the Compliance Officer asked to see his HazCom program. Listed

below are the requirements for a HazCom program and the required contents for your HazCom program.

CFR § 47.31

Requirement for a HazCom program.

Each operator must:

- (a) Develop and implement a written HazCom program,*
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and*
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.*

30 CFR § 47.32

HazCom program contents.


The HazCom program must include the following:

- (a) How this part is put into practice at the mine through the use of—*
 - (1) Hazard determination,*
 - (2) Labels and other forms of warning,*
 - (3) Material safety data sheets (MSDSs), and*
 - (4) Miner training.*
- (b) A list or other record identifying all hazardous chemicals known to be at the mine. The list must—*
 - (1) Use a chemical identity that permits cross-referencing between the list, a chemical's label, and its MSDS; and*
 - (2) Be compiled for the whole mine or by individual work areas.*
- (c) At mines with more than one operator, the methods for—*
 - (1) Providing other operators with access to MSDSs, and*
 - (2) Informing other operators about-*
 - (i) Hazardous chemicals to which their miners can be exposed,*
 - (ii) The labeling system on the containers of these chemicals, and*
 - (iii) Appropriate protective measures.*

Conclusion

We will continue to provide you with update and reminder information as we receive it. We would certainly appreciate any leads or tips that you can provide us whether your entity goes through an inspection or if you hear of any private contractors that have received specific citations.

Just A Reminder: Unlike OSHA, local governmental entities can be fined for violating MSHA standards. An MSHA Compliance Officer recently told a private contractor, “Just remember, most of the MSHA standards were written in someone’s blood”. The standards are designed to protect an entity’s most important resource and that is **YOU!**



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