

**Authority:** 30 U.S.C. 811, 825(e).

**Source:** 45 FR 47002, July 11, 1980, unless otherwise noted.

### **§ 49.1 Purpose and scope.**

This part implements the provisions of Section 115(e) of the Federal Mine Safety and Health Act of 1977. Every operator of an underground mine shall assure the availability of mine rescue capability for purposes of emergency rescue and recovery.

### **§ 49.2 Availability of mine rescue teams.**

(a) Except where alternative compliance is permitted for small and remote mines (§49.3) or those mines operating under special mining conditions (§49.4), every operator of an underground mine shall:

- (1) Establish at least two mine rescue teams which are available at all times when miners are underground; or
- (2) Enter into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(b) Each mine rescue team shall consist of five members and one alternate, who are fully qualified, trained, and equipped for providing emergency mine rescue service.

(c) To be considered for membership on a mine rescue team, each person must have been employed in an underground mine for a minimum of one year within the past five years. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground shall meet the experience requirement. The underground experience requirement is waived for those miners on a mine rescue team on the effective date of this rule.

(d) Each operator shall arrange, in advance, ground transportation for rescue teams and equipment to the mine or mines served.

(e) Upon the effective date of this part, the required rescue capability shall be present at all existing underground mines, upon initial excavation of a new underground mine entrance, or the re-opening of an existing underground mine.

(f) Except where alternative compliance is permitted under §49.3 or §49.4, no mine served by a mine rescue team shall be located more than two hours ground travel time from the mine rescue station with which the rescue team is associated.

(g) As used in this part, mine rescue teams shall be considered available where teams are capable presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or in an off-duty capacity. The requirement that mine rescue teams be available shall not apply when teams are participating in mine rescue contests or providing services to another mine.

(h) Each operator of an underground mine who provides rescue teams under this section shall send the District Manager a statement describing the mine's method of compliance with this part. The statement shall disclose whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location of the services shall be included in the statement. A copy of the statement shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the statement.

### **§ 49.3 Alternative mine rescue capability for small and remote mines.**

(a) If an underground mine is small and remote, an operator may provide for an alternative mine rescue capability. For the purposes of this part only, consideration for small and remote shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within two hours ground travel time of the operator's mine is less than 36.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) Each application for an alternative mine rescue capability shall contain:

- (1) The number of miners employed underground at the mine on each shift;

- (2) The distances from the two nearest mine rescue stations;
  - (3) The total underground employment of mines within two hours ground travel time of the operator's mine;
  - (4) The operator's mine fire, ground, and roof control history;
  - (5) The operator's established escape and evacuation plan;
  - (6) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;
  - (7) A statement by the operator as to the number of miners willing to serve on a mine rescue team;
  - (8) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and
  - (9) Other relevant information about the operator's mine which may be requested by the District Manager.
- (d) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.
- (e) In determining whether to approve an application for alternative compliance, the District Manager shall consider:
- (1) The individual circumstances of the small and remote mine;
  - (2) Comments submitted by, or on behalf of, any affected miner; and
  - (3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.
- (f) Where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the approved plan.
- (g) The operator shall notify the District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.
- (h)(1) An approved plan for alternative mine rescue capability shall be subject to revocation or modification for cause by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified, and given an opportunity to be heard before the appropriate District Manager.
- (2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939.

[45 FR 47002, July 11, 1980, as amended at 67 FR 38385, June 4, 2002]

#### **§ 49.4 Alternative mine rescue capability for special mining conditions.**

- (a) If an underground mine is operating under special mining conditions, the operator may provide an alternative mine rescue capability.
- (b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.
- (c) To be considered "operating under special mining conditions," the operator must show that all of the following conditions are present:
  - (1) The mine has multiple adits or entries;
  - (2) The mined substance is noncombustible and the mining atmosphere nonexplosive;

(3) There are multiple vehicular openings to all active mine areas, sufficient to allow fire and rescue vehicles full access to all parts of the mine in which miners work or travel;

(4) Roadways or other openings are not supported or lined with combustibile materials;

(5) The mine shall not have a history of flammable-gas emission or accumulation, and the mined substance shall not have a history associated with flammable or toxic gas problems; and

(6) Any reported gas or oil well or exploratory drill hole shall be plugged to within 100 feet above and below the horizon of the ore body or seam.

(d) Each application shall contain:

(1) An explanation of the special mining conditions;

(2) The number of miners employed underground at the mine on each shift;

(3) The distances from the two nearest mine rescue stations;

(4) The operator's mine fire history;

(5) The operator's established escape and evacuation plan;

(6) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(7) Other relevant information about the operator's mine which may be requested by the District Manager.

(e) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

(f) In determining whether to approve an application for alternative compliance, the District Manager shall consider:

(1) The individual circumstances of the mine operating under special mining conditions;

(2) Comments submitted by, or on behalf of, any affected miner; and

(3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.

(g) Where alternative compliance is approved by MSHA the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the alternative plan.

(h) The operator shall notify the District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

(i)(1) An approved plan for alternative mine rescue capability shall be subject be to revocation or modification by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified and given an opportunity to be heard before the appropriate District Manager.

(2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health or the Administrator for Metal and Nonmetal Mine Safety and Health, as appropriate, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939.

[45 FR 47002, July 11, 1980, as amended at 67 FR 38385, June 4, 2002]

## **§ 49.5 Mine rescue station.**

(a) Except where alternative compliance is permitted, every operator of an underground mine shall designate, in advance, the location of the mine rescue station serving the mine.

(b) Mine rescue stations are to provide a centralized storage location for rescue equipment. This centralized storage location may be either at the mine site, affiliated mines, or a separate mine rescue structure.

(c) Mine rescue stations shall provide a proper storage environment to assure equipment readiness for immediate use.

(d) Authorized representatives of the Secretary shall have the right of entry to inspect any designated mine rescue station.

## **§ 49.6 Equipment and maintenance requirements.**

(a) Each mine rescue station shall be provided with at least the following equipment:

(1) Twelve self-contained breathing apparatus, each with a minimum of 4 hours capacity (approved by MSHA and NIOSH under 42 CFR Part 84, Subpart H), and any necessary equipment for testing such breathing apparatus;

(2) A portable supply of liquid air, liquid oxygen, pressurized oxygen, or oxygen generating chemicals, and carbon dioxide absorbent chemicals, applicable to the supplied breathing apparatus and sufficient to sustain each team for eight hours while using the breathing apparatus during rescue operations.

(3) Two extra, fully-charged oxygen bottles for every six self-contained breathing apparatus;

(4) One oxygen pump or a cascading system, compatible with the supplied breathing apparatus;

(5) Twelve permissible cap lamps and a charging rack;

(6) Four gas detectors appropriate for each type of gas that may be encountered at the mines served. Gas detectors must measure concentrations of methane from 0.0 percent to 100 percent of volume, oxygen from 0.0 percent to at least 20 percent of volume, and carbon monoxide from 0.0 parts per million to at least 9,999 parts per million.

(7) [Reserved]

(8) One portable mine rescue communication system (approved under part 23 of this title) or a sound-powered communication system.

(i) The wires or cable to the communication system shall be of sufficient tensile strength to be used as a manual communication system.

(ii) These communication systems shall be at least 1,000 feet in length.

(9) Necessary spare parts and tools for repairing the breathing apparatus and communication system.

(b) Mine rescue apparatus and equipment shall be maintained in a manner that will ensure readiness for immediate use.

(1) A person trained in the use and care of breathing apparatus shall inspect and test the apparatus at intervals not exceeding 30 days and shall certify by signature and date that the inspections and tests were done.

(2) When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken.

(3) The certification and the record of corrective action shall be maintained at the mine rescue station for a period of one year and made available on request to an authorized representative of the Secretary.

[73 FR 53123, Sept. 15, 2008]

## **§ 49.7 Physical requirements for mine rescue team.**

(a) Each member of a mine rescue team shall be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first such physical examination shall be

completed within 60 days prior to scheduled initial training. A team member requiring corrective eyeglasses will not be disqualified provided the eyeglasses can be worn securely within an approved facepiece.

(b) In determining whether a miner is physically capable of performing mine rescue duties, the physician shall take the following conditions into consideration:

- (1) Seizure disorder;
  - (2) Perforated eardrum;
  - (3) Hearing loss without a hearing aid greater than 40 decibels at 400, 1,000 and 2,000 Hz;
  - (4) Repeated blood pressure (controlled or uncontrolled by medication) reading which exceeds 160 systolic, or 100 diastolic, or which is less than 105 systolic, or 60 diastolic;
  - (5) Distant visual acuity (without glasses) less than 20/50 Snellen scale in one eye, and 20/70 in the other;
  - (6) Heart disease;
  - (7) Hernia;
  - (8) Absence of a limb or hand; or
  - (9) Any other condition which the examining physician determines is relevant to the question of whether the miner is fit for rescue team service;
- (c) The operator shall have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team. These forms shall be kept on file at the mine rescue station for a period of one year.

#### **§ 49.8 Training for mine rescue teams.**

(a) Prior to serving on a mine rescue team each member shall complete, at a minimum, an initial 20-hour course of instruction as prescribed by MSHA's Office of Educational Policy and Development, in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team. The initial training requirement is waived for those miners on a mine rescue team on the effective date of this rule.

(b) Upon completion of the initial training, all team members shall receive at least 40 hours of refresher training annually. This training shall be given at least 4 hours each month, or for a period of 8 hours every two months. This training shall include:

- (1) Sessions underground at least once each 6 months;
- (2) The wearing and use of the breathing apparatus by team members for a period of at least two hours while under oxygen every two months;
- (3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;
- (4) Advanced mine rescue training and procedures; as prescribed by MSHA's Office of Educational Policy and Development; and
- (5) Mine map training and ventilation procedures.

(c) A mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during one year, unless additional training is received to make up for the time missed.

(d) The training courses required by this section shall be conducted by instructors who have been employed in an underground mine for a minimum of one year within the past five years, and who have received MSHA approval through:

- (1) Completion of an MSHA or State approved instructor's training course and the program of instruction in the subject matter to be taught.
- (2) Designation by the District Manager as approved instructors to teach specific courses, based on their qualifications and teaching experience. Previously approved instructors need not be re-designated to teach the approved courses as long as they have taught those courses within the 24 months prior to the effective date of this part. Where individuals are designated, the District Manager may waive the underground experience requirement.

(e) The District Manager may revoke an instructor's approval for good cause. A written statement revoking the approval together with reasons for revocation shall be provided the instructor. The affected instructor may appeal the decision of the District Manager by writing to the Administrator for Coal Safety and Health or Administrator for a Metal and Non-Metal Safety and Health, as appropriate, MSHA, 1100 Wilson Blvd., Room 2424 (Coal) or Room 2436 (Metal and Nonmetal), Arlington, Virginia 22209-3939. The Administrator shall issue a decision on the appeal.

(f) Upon request from the District Manager, the operator shall provide information concerning the schedule of upcoming training.

(g) A record of training of each team member shall be on file at the mine rescue station for a period of one year.

[45 FR 47002, July 11, 1980, as amended at 47 FR 23641, May 28, 1982; 47 FR 28095, June 29, 1982; 67 FR 38385, June 4, 2002]

**§ 49.9 Mine emergency notification plan.**

(a) Each underground mine shall have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services.

(b) A copy of the mine rescue notification plan shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the plan.

**Subpart B—Mine Rescue Teams for Underground Coal Mines**

**Source:** 73 FR 7648, Feb. 8, 2008, unless otherwise noted.

**§ 49.11 Purpose and scope.**

(a) This subpart implements the provisions of section 115(e) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response (MINER) Act of 2006. Every operator of an underground coal mine shall assure the availability of mine rescue capability for purposes of emergency rescue and recovery.

(b) The following Table 49.11 summarizes the new requirements for mine rescue teams contained in section 4 of the MINER Act.

**Table 49.11.—Summary of New MINER Act Requirements for Underground Coal Mine Operators and Mine Rescue Teams**

Requirement	Type of mine rescue team			
	Mine-site	Composite	Contract	State-sponsored*
Team members must participate at least annually in two local mine rescue contests	YES	YES	YES	YES.
Team members must participate in mine rescue training at each mine covered by the mine rescue team. A portion of the training must be conducted underground	Annually	Semi-annually	Quarterly at Large Mines; Semi-annually at Small Mines	Annually.
Team must be available at the mine within 1 hour ground travel time from the mine rescue station	YES	YES	YES	YES.
Team members must be knowledgeable about the operations and ventilation of each covered mine	YES	YES	YES	YES.

Team must include at least two active employees from each covered large mine and at least one active employee from each covered small mine		YES		
Team must be comprised of persons with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team			YES	
All mine operators must provide for two certified mine rescue teams. Large mine operators shall provide one team that is either an individual mine-site mine rescue team or a composite team.				

\*Note: Team members of State-sponsored teams who are full-time State employees whose primary job duties include (1) inspecting underground mines for compliance with State safety laws or (2) training mine rescue teams or (3) other similar duties that would enhance their mine rescue knowledge may substitute their regular job experience for 50 percent of the training requirements (annual training which includes mine rescue contests and mine-site training) for non-State employee mine rescue team members.

#### **§ 49.12 Availability of mine rescue teams.**

(a) Except where alternative compliance is permitted for small and remote mines (§49.13), every operator of an underground mine shall:

(1) Establish at least two mine rescue teams which are available at all times when miners are underground; or

(2) Enter into an arrangement for mine rescue services which assures that at least two mine rescue teams are available at all times when miners are underground.

(b) Each mine rescue team shall consist of five members and one alternate who are fully qualified, trained, and equipped for providing emergency mine rescue service. Mine rescue teams for anthracite coal mines, which have no electrical equipment at the face or working section, shall consist of at least three members per team and one alternate that may be shared between both teams.

(c) To be considered for membership on a mine rescue team, each person must have been employed in an underground mine for a minimum of 1 year within the past 5 years, except that members of contract mine rescue teams shall have a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground shall meet the experience requirement. The underground experience requirement is waived for those miners on a mine rescue team on February 8, 2008.

(d) Each operator shall arrange, in advance, ground transportation for rescue teams and equipment to the mine or mines served.

(e) The required rescue capability shall be present at all existing underground mines, upon initial excavation of a new underground mine entrance, or the re-opening of an existing underground mine.

(f) No mine served by a mine rescue team shall be located more than 1 hour ground travel time from the mine rescue station with which the rescue team is associated.

(g) As used in this subpart, mine rescue teams shall be considered available where teams are capable of presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or in an off-duty capacity. The requirement that mine rescue teams be available shall not apply when teams are participating in mine rescue contests or providing services to another mine.

(h) Each operator of an underground mine who provides rescue teams under this section shall send the District Manager a statement describing the mine's method of compliance with this subpart. The statement shall disclose whether the operator has independently provided mine rescue teams or entered into an agreement for the services of mine rescue teams. The name of the provider and the location

of the services shall be included in the statement. A copy of the statement shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the statement.

### **§ 49.13 Alternative mine rescue capability for small and remote mines.**

(a) If an underground mine is small and remote, an operator may provide for an alternative mine rescue capability consistent with statutory requirements. For the purposes of this subpart only, consideration for small and remote shall be given where the total underground employment of the operator's mine and any surrounding mine(s) within 1 hour ground travel time of the operator's mine is less than 36.

(b) An application for alternative mine rescue capability shall be submitted to the District Manager for the district in which the mine is located for review and approval.

(c) Each application for an alternative mine rescue capability shall contain:

(1) The number of miners employed underground at the mine on each shift;

(2) The location of the designated mine rescue station serving the mine;

(3) The total underground employment of mines within 1 hour ground travel time of the operator's mine;

(4) The operator's mine fire, ground, and roof control history;

(5) The operator's established escape and evacuation plan;

(6) A statement by the operator evaluating the usefulness of additional refuge chambers to supplement those which may exist;

(7) A statement by the operator as to the number of miners willing to serve on a mine rescue team;

(8) The operator's alternative plan for assuring that a suitable mine rescue capability is provided at all times when miners are underground; and

(9) Other relevant information about the operator's mine which may be requested by the District Manager.

(d) A copy of the operator's application shall be posted at the mine. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the application.

(e) In determining whether to approve an application for alternative compliance, the District Manager shall consider:

(1) The individual circumstances of the small and remote mine;

(2) Comments submitted by, or on behalf of, any affected miner; and

(3) Whether the alternative mine rescue plan provides a suitable rescue capability at the operator's mine.

(f) Where alternative compliance is approved by MSHA, the operator shall adopt the alternative plan and post a copy of the approved plan (with appropriate MSHA mine emergency telephone numbers) at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the approved plan.

(g) The operator shall notify the District Manager of any changed condition or factor materially affecting information submitted in the application for alternative mine rescue capability.

(h)(1) An approved plan for alternative mine rescue capability shall be subject to revocation or modification for cause by MSHA, where it is determined that a condition or factor has changed which would materially alter the operator's mine rescue capability. If such action is contemplated, the operator will be notified, and given an opportunity to be heard before the appropriate District Manager.

(2) If an application for alternative compliance is denied or revoked, the District Manager shall provide the reason for such denial or revocation in writing to the operator. The operator may appeal this decision in writing to the Administrator for Coal Mine Safety and Health.

### **§ 49.14 [Reserved]**

### **§ 49.15 Mine rescue station.**

- (a) Every operator of an underground mine shall designate, in advance, the location of the mine rescue station serving the mine.
- (b) Mine rescue stations are to provide a centralized storage location for rescue equipment. This centralized storage location may be either at the mine site, affiliated mines, or a separate mine rescue structure.
- (c) Mine rescue stations shall provide a proper storage environment to assure equipment readiness for immediate use.
- (d) Authorized representatives of the Secretary shall have the right of entry to inspect any designated mine rescue station.

### **§ 49.16 Equipment and maintenance requirements.**

(a) Each mine rescue station shall be provided with at least the following equipment. Mine rescue stations serving underground anthracite coal mines, which have no electrical equipment at the face or working section, shall have at least the amount of equipment appropriate for the number of mine rescue team members.

(1) Twelve self-contained breathing apparatus, each with a minimum of 4 hours capacity (approved by MSHA and NIOSH under 42 CFR part 84, subpart H), and any necessary equipment for testing such breathing apparatus.

(2) A portable supply of liquid air, liquid oxygen, pressurized oxygen, or oxygen generating chemicals, and carbon dioxide absorbent chemicals, as applicable to the supplied breathing apparatus and sufficient to sustain each team for 8 hours while using the breathing apparatus during rescue operations.

(3) Two extra, fully-charged oxygen bottles for every six self-contained breathing apparatus.

(4) One oxygen pump or a cascading system, compatible with the supplied breathing apparatus.

(5) Twelve permissible cap lamps and a charging rack.

(6) Four gas detectors appropriate for each type of gas that may be encountered at the mines served. Gas detectors must measure concentrations of methane from 0.0 percent to 100 percent of volume, oxygen from 0.0 percent to at least 20 percent of volume, and carbon monoxide from 0.0 parts per million to at least 9,999 parts per million.

(7) [Reserved]

(8) One portable mine rescue communication system (approved under part 23 of this title) or a sound-powered communication system.

(i) The wires or cable to the communication system shall be of sufficient tensile strength to be used as a manual communication system.

(ii) These communication systems shall be at least 1,000 feet in length.

(9) Necessary spare parts and tools for repairing the breathing apparatus and communication system.

(b) Mine rescue apparatus and equipment shall be maintained in a manner that will ensure readiness for immediate use.

(1) A person trained in the use and care of breathing apparatus shall inspect and test the apparatus at intervals not exceeding 30 days and shall certify by signature and date that the inspections and tests were done.

(2) When the inspection indicates that a corrective action is necessary, the corrective action shall be made and the person shall record the corrective action taken.

(3) The certification and the record of corrective action shall be maintained at the mine rescue station for a period of 1 year and made available on request to an authorized representative of the Secretary.

[73 FR 53123, Sept. 15, 2008]

### **§ 49.17 Physical requirements for mine rescue team.**

(a) Each member of a mine rescue team shall be examined annually by a physician who shall certify that each person is physically fit to perform mine rescue and recovery work for prolonged periods under strenuous conditions. The first such physical examination shall be completed within 60 days prior to scheduled initial training. A team member requiring corrective eyeglasses will not be disqualified provided the eyeglasses can be worn securely within an approved facepiece.

(b) In determining whether a miner is physically capable of performing mine rescue duties, the physician shall take the following conditions into consideration:

(1) Seizure disorder;

(2) Perforated eardrum;

(3) Hearing loss without a hearing aid greater than 40 decibels at 400, 1000, and 2000 Hz;

(4) Repeated blood pressure (controlled or uncontrolled by medication) reading which exceeds 160 systolic, or 100 diastolic, or which is less than 105 systolic, or 60 diastolic;

(5) Distant visual acuity (without glasses) less than 20/50 Snellen scale in one eye, and 20/70 in the other;

(6) Heart disease;

(7) Hernia;

(8) Absence of a limb or hand; or

(9) Any other condition which the examining physician determines is relevant to the question of whether the miner is fit for rescue team service.

(c) The operator shall have MSHA Form 5000-3 (available at <http://www.msha.gov>) certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team. These forms shall be kept on file at the mine rescue station for a period of 1 year.

#### **§ 49.18 Training for mine rescue teams.**

(a) Prior to serving on a mine rescue team each member shall complete, at a minimum, an initial 20-hour course of instruction as prescribed by MSHA's Office of Educational Policy and Development, in the use, care, and maintenance of the type of breathing apparatus which will be used by the mine rescue team.

(b) Upon completion of the initial training, all team members shall receive at least 96 hours of refresher training annually, which shall include participation in local mine rescue contests and training at the covered mine. Training shall be given at least 8 hours every 2 months and shall consist of:

(1) Sessions underground at least once each 6 months;

(2) The wearing and use of the breathing apparatus by team members for a period of at least 2 hours while under oxygen every 2 months;

(3) Where applicable, the use, care, capabilities, and limitations of auxiliary mine rescue equipment, or a different breathing apparatus;

(4) Advanced mine rescue training and procedures, as prescribed by MSHA's Office of Educational Policy and Development;

(5) Mine map training and ventilation procedures; and

(6) The wearing of mine rescue apparatus while in smoke, simulated smoke, or an equivalent environment at least once during each 12-month period.

(c) A mine rescue team member will be ineligible to serve on a team if more than 8 hours of training is missed during 1 year, unless additional training is received to make up for the time missed.

(d) The training courses required by this section shall be conducted by instructors who have been employed in an underground mine and have had a minimum of 1 year experience as a mine rescue team member or a mine rescue instructor within the past 5 years, and who have received MSHA approval through:

- (1) Completion of an MSHA or State approved instructor's training course and the program of instruction in the subject matter to be taught.
- (2) Designation by the District Manager as approved instructors to teach specific courses, based on their qualifications and teaching experience outlined above. Previously approved instructors need not be re-designated to teach the approved courses as long as they have taught those courses within the 24 months prior to the effective date of this part.
- (e) The District Manager may revoke an instructor's approval for good cause. A written statement revoking the approval together with reasons for revocation shall be provided the instructor. The affected instructor may appeal the decision of the District Manager by writing to the Administrator for Coal Safety and Health. The Administrator shall issue a decision on the appeal.
- (f) Upon request from the District Manager, the operator shall provide information concerning the schedule of upcoming training.
- (g) A record of training of each team member shall be on file at the mine rescue station for a period of 1 year.

#### **§ 49.19 Mine emergency notification plan.**

- (a) Each underground mine shall have a mine rescue notification plan outlining the procedures to follow in notifying the mine rescue teams when there is an emergency that requires their services.
- (b) A copy of the mine rescue notification plan shall be posted at the mine for the miners' information. Where a miners' representative has been designated, the operator shall also provide the representative with a copy of the plan.

#### **§ 49.20 Requirements for all coal mines.**

- (a) The operator of each underground coal mine shall make available two certified mine rescue teams whose members—
  - (1) Are familiar with the operations of the mine, and
  - (2) Participate at least annually in two local mine rescue contests.
- (b) Team members shall meet the following:
  - (1) *Mine-site team.* Members who work at the mine and participate in mine rescue training at the mine at least annually.
  - (2) *Composite team.* A mine rescue team that covers multiple mines and whose members—
    - (i) Include at least two members from each covered large mine and at least one member from each covered small mine,
    - (ii) Are knowledgeable about the operations and ventilation of each covered underground coal mine, and
    - (iii) Participate in mine rescue training at each covered mine at least semi-annually.
  - (3) *Contract team.* A mine rescue team that is provided by an arrangement with another coal mine or with a third party and whose members—
    - (i) Are knowledgeable about the operations and ventilation of each covered underground coal mine, and
    - (ii) Participate in mine rescue training at each covered large mine at least quarterly and at each covered small mine at least semi-annually.
  - (4) *State-sponsored team.* Members who are State employees and participate in mine rescue training at each covered mine at least annually.
- (c) For the purpose of mine rescue team membership, a member employed by an operator of multiple mines is considered to be an employee of each mine at which the member regularly works.
- (d) For the purpose of mine rescue team training at each covered mine, a portion of the training must be conducted underground.

#### **§ 49.30 Requirements for small coal mines.**

At mines with 36 or fewer underground employees, mine rescue team members shall be knowledgeable about the operations and ventilation of each covered mine.

**§ 49.40 Requirements for large coal mines.**

At mines with more than 36 underground employees, one of the two certified mine rescue teams shall be an individual mine-site team or a composite team.

**§ 49.50 Certification of coal mine rescue teams.**

(a) For each mine rescue team designated to provide mine rescue coverage at an underground coal mine, the mine operator shall send the District Manager an annual statement certifying that each team meets the requirements of this subpart as listed in the following Table 49.50-A and Table 49.50-B.

(b) The operator shall notify the District Manager within 60 days of any change in team membership.

**Table 49.50-A.—Initial Criteria To Certify the Qualifications of Mine Rescue Teams**

<b>Qualification</b>	<b>Criteria (30 CFR)</b>
(1) Team is available at all times when miners are underground	49.12(a); 49.12(g)
(2) Except where alternative compliance is permitted, team has five members and one alternate	49.12(b)
(3) Members have experience working in an underground coal mine	49.12(c)
(4) Team is available within 1-hour ground travel time from the mine rescue station to the mine	49.12(f)
(5) Appropriate mine rescue equipment is provided, inspected, tested, and maintained	49.16
(6) Members are physically fit	49.17
(7) Members have completed initial training	49.18(a)

**Table 49.50-B.—Annual Criteria To Maintain Mine Rescue Team Certification**

<b>Qualification</b>	<b>Criteria (30 CFR)</b>
(1) Members are properly trained annually	49.18(b)
(2) Members are familiar with the operations of each covered mine	49.20(a)(1)
(3) Members participate in at least two local mine rescue contests annually. Judges certify results	49.20(a)(2)
(4) Members participate in mine rescue training at each covered mine	49.20(b)(1); 49.20(b)(2)(iii); 49.20(b)(3)(ii); 49.20(b)(4)

(5) Members are knowledgeable about the operations and ventilation of each covered mine	49.20(b)(2)(ii); 49.20(b)(3)(i); 49.30
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**§ 49.60 Requirements for a local mine rescue contest.**

(a) A local mine rescue contest is one that—

(1) Is conducted in the United States;

(2) Uses MSHA-recognized rules;

(3) Has a minimum of three mine rescue teams competing;

(4) Has one or more problems conducted on one or more days with a determined winner;

(5) Includes team members who—

(i) Have the necessary equipment to participate in a simulated mine rescue team exercise,

(ii) Participate in a simulated mine rescue team exercise while being timed and observed by trained judges who evaluate the performance of each team and provide written feedback, and

(iii) Wear oxygen breathing apparatus while participating in a simulated mine rescue team exercise; and

(6) Includes contest judges who have completed annual training for mine rescue contest judges.

(b) A local mine rescue contest is training that provides an objective evaluation of demonstrated mine rescue team skills and can be a Mine Emergency Response Development (MERD) exercise or a practical simulation exercise, such as a fire or explosion drill, where the team participates in simulated mine rescue team exercises and wears breathing apparatus.

(c) Upon request from the District Manager, the operator shall provide information concerning each designated team's schedule of participation in upcoming local mine rescue contests.

Appendix to Subpart B—Optional Form for Certifying Mine Rescue Teams



Familiar with operations of mine	<input type="checkbox"/>							
Knowledge of operations & ventilation of mine	<input type="checkbox"/>							
Participates in two local mine rescue contests (insert dates)								
Trains at this mine (insert dates)								

MSHA Form No. \_\_\_\_\_ OMB Control No. \_\_\_\_\_

I certify the information above is true and accurate to the best of my knowledge.

Printed Name & Signature: \_\_\_\_\_

Position held at the mine: \_\_\_\_\_

Date: \_\_\_\_\_

Use of this form is optional.

An underground coal mine operator may file a copy of this form with the appropriate District Manager for each of the two designated mine rescue teams, that provide coverage for this mine, to certify that each team meets the requirements of 30 CFR Part 49 Subpart B.

## Title 30: Mineral Resources

### PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

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**Authority:** 30 U.S.C. 811.

**Source:** 50 FR 4082, Jan. 29, 1985, unless otherwise noted.

#### Subpart A—General

##### § 57.1 Purpose and scope.

This part 57 sets forth mandatory safety and health standards for each underground metal or nonmetal mine, including related surface operations, subject to the Federal Mine Safety and Health Act of 1977. The purpose of these standards is the protection of life, the promotion of health and safety, and the prevention of accidents.

##### § 57.2 Definitions.

The following definitions apply to this part. In addition definitions contained in any subpart of part 57 apply in that subpart. If inconsistent with the general definitions in this section, the definition in the subpart will apply in that subpart:

*Abandoned areas* means areas in which work has been completed, no further work is planned, and travel is not permitted.

*Abandoned mine* means all work has stopped on the mine premises and an office with a responsible person in charge is no longer maintained at the mine.

*Abandoned workings* means deserted mine areas in which further work is not intended.

*Active workings* means areas at, in, or around a mine or plant where men work or travel.

*American Table of Distances* means the current edition of "The American Table of Distances for Storage of Explosives" published by the Institute of Makers of Explosives.

*Approved* means tested and accepted for a specific purpose by a nationally recognized agency.

*Attended* means presence of an individual or continuous monitoring to prevent unauthorized entry or access. In addition, areas containing explosive material at underground areas of a mine can be considered attended when all access to the underground areas of the mine is secured from unauthorized entry. Vertical shafts shall be considered secure. Inclined shafts or adits shall be considered secure when locked at the surface.

*Authorized person* means a person approved or assigned by mine management to perform a specific type of duty or duties or to be at a specific location or locations in the mine.

*Auxiliary fan* means a fan used to deliver air to a working place off the main airstream; generally used with ventilation tubing.

*Barricaded* means obstructed to prevent the passage of persons, vehicles, or flying materials.

*Barrier* means a material object, or objects that separates, keeps apart, or demarcates in a conspicuous manner such as cones, a warning sign, or tape.

*Berm* means a pile or mound of material along an elevated roadway capable of moderating or limiting the force of a vehicle in order to impede the vehicle's passage over the bank of the roadway.

*Blast area* means the area in which concussion (shock wave), flying material, or gases from an explosion may cause injury to persons. In determining the blast area, the following factors, shall be considered:

(1) Geology or material to be blasted.

- (2) Blast pattern.
- (3) Burden, depth, diameter, and angle of the holes.
- (4) Blasting experience of the mine.
- (5) Delay system, powder factor, and pounds per delay.
- (6) Type and amount of explosive material.
- (7) Type and amount of stemming.

*Blast site* means the area where explosive material is handled during loading, including the perimeter formed by the loaded blastholes and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50-foot (15.2-meter) requirement if the perimeter of loaded holes is demarcated with a barrier. The 50-foot (15.2-meter) and alternative 30-foot (9.1-meter) requirements also apply in all directions along the full depth of the hole. In underground mines, at least 15 feet (4.6 meters) of solid rib, pillar, or broken rock can be substituted for the 50-foot (15.2-meter) distance. In underground mines utilizing a block-caving system or similar system, at least 6 feet (1.8 meters) of solid rib or pillar, including concrete reinforcement of at least 10 inches (254 millimeters), with overall dimensions of not less than 6 feet (1.8 meters) may be substituted for the 50-foot (15.2-meter) distance requirement.

*Blasting agent* means any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114(a) (44 FR 31182, May 31, 1979) which is incorporated by reference. This document is available for inspection at each Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration, and may be obtained from the U.S. Government Printing Office, Washington, DC 20402.

*Blasting area* means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

*Blasting cap* means a detonator which is initiated by a safety fuse.

*Blasting circuit* means the electrical circuit used to fire one or more electric blasting caps.

*Blasting switch* means a switch used to connect a power source to a blasting circuit.

*Blowout* means a sudden, violent, release of gas or liquid due to the reservoir pressure in a petroleum mine.

*Booster* means any unit of explosive or blasting agent used for the purpose of perpetuating or intensifying an initial detonation.

*Booster fan* means a fan installed in the main airstream or a split of the main airstream to increase airflow through a section or sections of a mine.

*Capped fuse* means a length of safety fuse to which a blasting cap has been attached.

*Capped primer* means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator.

*Circuit breaker* means a device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent setting without injury to itself when properly applied within its rating.

*Combustible* means capable of being ignited and consumed by fire.

*Combustible material* means a material that, in the form in which it is used and under the conditions anticipated, will ignite, burn, support combustion or release flammable vapors when subjected to fire or heat. Wood, paper, rubber, and plastics are examples of combustible materials.

*Company official* means a member of the company supervisory or technical staff.

*Competent person* means a person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

*Conductor* means a material, usually in the form of a wire, cable, or bus bar, capable of carrying an electric current.

*Delay connector* means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

*Detonating cord* means a flexible cord containing a solid core of high explosives.

*Detonator* means any device containing a detonating charge that is used to initiate an explosive and includes but is not limited to blasting caps, electric blasting caps and non-electric instantaneous or delay blasting caps.

*Distribution box* means a portable apparatus with an enclosure through which an electric circuit is carried to one or more cables from a single incoming feed line; each cable circuit being connected through individual overcurrent protective devices.

*Electric blasting cap* means a detonator designed for and capable of being initiated by means of an electric current.

*Electrical grounding* means to connect with the ground to make the earth part of the circuit.

*Employee* means a person who works for wages or salary in the service of an employer.

*Employer* means a person or organization which hires one or more persons to work for wages or salary.

*Emulsion* means an explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

*Escapeway* means a passageway by which persons may leave a mine.

*Explosive* means any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88 and 173.100 which are incorporated by reference. Title 49 CFR is available for inspection at each Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration, and may be obtained from the U.S. Government Printing Office, Washington, DC 20402.

*Face or bank* means that part of any mine where excavating is progressing or was last done.

*Fire resistance rating* means the time, in minutes or hours, that an assembly of materials will retain its protective characteristics or structural integrity upon exposure to fire.

*Flame spread rating* means the numerical designation that indicates the extent flame will spread over the surface of a material during a specified period of time.

*Flammable* means capable of being easily ignited and of burning rapidly.

*Flammable gas* means a gas that will burn in the normal concentrations of oxygen in the air.

*Flammable liquid* a liquid that has a flash point below 100 °F (37.8 °C), a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 °F (37.8 °C), and is known as a Class I liquid.

*Flash point* means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

*Geological area* means an area characterized by the presence of the same ore bodies, the same stratigraphic sequence of beds, or the same ore-bearing geological formation.

*Highway* means any public street, public alley or public road.

*High potential* means more than 650 volts.

*Hoist* means a power driven windlass or drum used for raising ore, rock, or other material from a mine, and for lowering or raising persons and material.

*Igniter cord* means a fuse, cordlike in appearance, which burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

*Insulated* means separated from other conducting surfaces by a dielectric substance permanently offering a high resistance to the passage of current and to disruptive discharge through the substance. When any substance is said to be insulated, it is understood to be insulated in a manner suitable for the conditions to which it is subjected. Otherwise, it is, within the purpose of this definition, uninsulated. Insulating covering is one means for making the conductor insulated.

*Insulation* means a dielectric substance offering a high resistance to the passage of current and to a disruptive discharge through the substance.

*Laminated partition* a partition composed of the following material and minimum nominal dimensions: 1/2-inch-thick plywood, 1/2-inch-thick gypsum wallboard, 1/8-inch-thick low carbon steel, and 1/4-inch-thick plywood, bonded together in that order (IME-22 Box). A laminated partition also includes alternative construction materials described in the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," (May 1993), and the "Generic Loading Guide for the IME-22 Container," (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 1100 Wilson Blvd., Room 2436, Arlington, Virginia 22209-3939, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., 7th Floor, suite 700, Washington, DC.

*Lay* means the distance parallel to the axis of the rope in which a strand makes one complete turn about the axis of the rope.

*Loading* means placing explosive material either in a blasthole or against the material to be blasted.

*Low potential* means 650 volts or less.

*Magazine* means a facility for the storage of explosives, blasting agents, or detonators.

*Main fan* means a fan that controls the entire airflow of the mine, or the airflow of one of the major air circuits.

*Major electrical installation* means an assemblage of stationary electrical equipment for the generation, transmission, distribution, or conversion of electrical power.

*Mantrip* means a trip on which persons are transported to and from a work area.

*Mill* includes any ore mill, sampling works, concentrator, and any crushing, grinding, or screening plant used at, and in connection with, an excavation or mine.

*Mine atmosphere* means any point at least 12 inches away from the back, face, rib, and floor in any mine; and additionally, in a Category IV mine, at least 3 feet laterally away from the collar of a borehole which releases gas into a mine.

*Mine opening* means any opening or entrance from the surface into a mine.

*Misfire* means the complete or partial failure of a blasting charge to explode as planned.

*Mobile equipment* means wheeled, skid-mounted, track-mounted, or rail-mounted equipment capable of moving or being moved.

*Multipurpose dry-chemical fire extinguisher* means an extinguisher having a rating of at least 2-A:10-B:C and containing a nominal 4.5 pounds or more of dry-chemical agent.

*Noncombustible material* means a material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Concrete, masonry block, brick, and steel are examples of noncombustible materials.

*Non-electric delay blasting cap* means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

*Outburst* means the sudden, violent release of solids and high-pressure occluded gases, including methane in a domal salt mine.

*Overburden* means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

*Overload* means that current which will cause an excessive or dangerous temperature in the conductor or conductor insulation.

*Permissible* means a machine, material, apparatus, or device which has been investigated, tested, and approved by the Bureau of Mines or the Mine Safety and Health Administration, and is maintained in permissible condition.

*Potable water* means water which shall meet the applicable minimum health requirements for drinking water established by the State or community in which the mine is located or by the Environmental Protection Agency in 40 CFR part 141, pages 169-182 revised as of July 1, 1977. Where no such requirements are applicable, the drinking water provided shall conform with the Public Health Service Drinking Water Standards, 42 CFR part 72, subpart J, pages 527-533, revised as of October 1, 1976. Publications to which references are made in

this definition are hereby made a part hereof. These incorporated publications are available for inspection at each Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration.

*Powder chest* means a substantial, nonconductive portable container equipped with a lid and used at blasting sites for explosives other than blasting agents.

*Primer* means a unit, package, or cartridge of explosives used to initiate other explosives or blasting agents, and which contains a detonator.

*Reverse-current protection* means a method or device used on direct-current circuits or equipment to prevent the flow of current in a reverse direction.

*Rock burst* means a sudden and violent failure of overstressed rock resulting in the instantaneous release of large amounts of accumulated energy. Rock burst does not include a burst resulting from pressurized mine gases.

*Rock fixture* means any tensioned or nontensioned device or material inserted into the ground to strengthen or support the ground.

*Roll protection* means a framework, safety canopy or similar protection for the operator when equipment overturns.

*Safety can* means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

*Safety fuse* means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

*Safety switch* means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

*Scaling* means removal of insecure material from a face or highwall.

*Secondary safety connection* means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

*Shaft* means a vertical or inclined shaft, a slope, incline, or winze.

*Short circuit* means an abnormal connection of relatively low resistance, whether made accidentally or intentionally, between two points of difference potential in a circuit.

*Slurry* (as applied to blasting). See "Water gel."

*Storage facility* means the entire class of structures used to store explosive materials. A "storage facility" used to store blasting agents corresponds to a BATF Type 4 or 5 storage facility.

*Storage tank* means a container exceeding 60 gallons in capacity used for the storage of flammable or combustible liquids.

*Stray current* means that portion of a total electric current that flows through paths other than the intended circuit.

*Substantial construction* means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected.

*Suitable* means that which fits, and has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

*Travelway* means a passage, walk or way regularly used and designated for persons to go from one place to another.

*Water gel or Slurry* (as applied to blasting) means an explosive or blasting agent containing substantial portions of water.

*Wet drilling* means the continuous application of water through the central hole of hollow drill steel to the bottom of the drill hole.

*Working level (WL)* means any combination of the short-lived radon daughters in one liter of air that will result in ultimate emission of  $1.3 \times 10^5$  MeV (million electron volts) of potential alpha energy, and exposure to these radon daughters over a period of time is expressed in terms of "working level months" (WLM). Inhalation of air containing a radon daughter concentration of 1 WL for 173 hours results in an exposure of 1 WLM."

*Working place* means any place in or about a mine where work is being performed.

[69 FR 38840, June 29, 2004]

## **Procedures**

### **§ 57.1000 Notification of commencement of operations and closing of mines.**

The owner, operator, or person in charge of any metal and nonmetal mine shall notify the nearest MSHA Metal and Nonmetal Mine Safety and Health district office before starting operations, of the approximate or actual date mine operation will commence. The notification shall include the mine name, location, the company name, mailing address, person in charge, and whether operations will be continuous or intermittent. When any mine is closed, the person in charge shall notify the nearest district office as provided above and indicate whether the closure is temporary or permanent.

[51 FR 36198, Oct. 8, 1986, as amended at 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006]

## **Subpart B—Ground Control**

**Authority:** 30 U.S.C. 811.

**Source:** 51 FR 36198, Oct. 8, 1986, unless otherwise noted.

### **§ 57.3000 Definitions.**

The following definitions apply in this subpart.

*Travelway.* A passage, walk, or haulageway regularly used or designated for persons to go from one place to another.

[51 FR 36198, Oct. 8, 1986, as amended at 69 FR 38842, June 29, 2004]

## **Scaling and Support—Surface and Underground**

### **§ 57.3200 Correction of hazardous conditions.**

Ground conditions that create a hazard to persons shall be taken down or supported before other work or travel is permitted in the affected area. Until corrective work is completed, the area shall be posted with a warning against entry and, when left unattended, a barrier shall be installed to impede unauthorized entry.

#### **§ 57.3201 Location for performing scaling.**

Scaling shall be performed from a location which will not expose persons to injury from falling material, or other protection from falling material shall be provided.

#### **§ 57.3202 Scaling tools.**

Where manual scaling is performed, a scaling bar shall be provided. This bar shall be of a length and design that will allow the removal of loose material without exposing the person performing the work to injury.

#### **§ 57.3203 Rock fixtures.**

(a) For rock bolts and accessories addressed in ASTM F432–95, "Standard Specification for Roof and Rock Bolts and Accessories," the mine operator shall—

(1) Obtain a manufacturer's certification that the material was manufactured and tested in accordance with the specifications of ASTM F432–95; and

(2) Make this certification available to an authorized representative of the Secretary and to the representative of miners.

- (b) Fixtures and accessories not addressed in ASTM F432–95 may be used for ground support provided they—
- (1) Have been successful in supporting the ground in an area with similar strata, opening dimensions and ground stresses in any mine; or
  - (2) Have been tested and shown to be effective in supporting ground in an area of the affected mine which has similar strata, opening dimensions, and ground stresses as the area where the fixtures are expected to be used. During the test process, access to the test area shall be limited to persons necessary to conduct the test.
- (c) Bearing plates shall be used with fixtures when necessary for effective ground support.
- (d) The diameter of finishing bits shall be within a tolerance of plus or minus 0.030 inch of the manufacturer's recommended hole diameter for the anchor used. When separate finishing bits are used, they shall be distinguishable from other bits.
- (e) Damaged or deteriorated cartridges of grouting material shall not be used.
- (f) When rock bolts tensioned by torquing are used as a means of ground support,
- (1) Selected tension level shall be—
  - (i) At least 50 percent of either the yield point of the bolt or anchorage capacity of the rock, whichever is less; and
  - (ii) No greater than the yield point of the bolt or anchorage capacity of the rock.
- (2) The torque of the first bolt, every tenth bolt, and the last bolt installed in each work area during the shift shall be accurately determined immediately after installation. If the torque of any fixture tested does not fall within the installation torque range, corrective action shall be taken.
- (g) When grouted fixtures can be tested by applying torque, the first fixture installed in each work place shall be tested to withstand 150 foot-pounds of torque. Should it rotate in the hole, a second fixture shall be tested in the same manner. If the second fixture also turns, corrective action shall be taken.
- (h) When other tensioned and nontensioned fixtures are used, test methods shall be established and used to verify their effectiveness.
- (i) The mine operator shall certify that tests were conducted and make the certification available to an authorized representative of the Secretary.

[51 FR 36198, Oct. 8, 1986, as amended at 51 FR 36804, Oct. 16, 1986; 63 FR 20030, Apr. 22, 1998]

## **Scaling and Support—Underground Only**

### **§ 57.3360 Ground support use.**

Ground support shall be used where ground conditions, or mining experience in similar ground conditions in the mine, indicate that it is necessary. When ground support is necessary, the support system shall be designed, installed, and maintained to control the ground in places where persons work or travel in performing their assigned tasks. Damaged, loosened, or dislodged timber use for ground support which creates a hazard to persons shall be repaired or replaced prior to any work or travel in the affected area.

## **Precautions—Surface and Underground**

### **§ 57.3400 Secondary breakage.**

Prior to secondary breakage operations, the material to be broken, other than hanging material, shall be positioned or blocked to prevent movement which would endanger persons in the work area. Secondary breakage shall be performed from a location which would not expose persons to danger.

### **§ 57.3401 Examination of ground conditions.**

Persons experienced in examining and testing for loose ground shall be designated by the mine operator. Appropriate supervisors or other designated persons shall examine and, where applicable, test ground conditions in areas where work is to be performed, prior to work commencing, after blasting, and as ground conditions warrant during the work shift. Underground haulageways and travelways and surface area highwalls and banks adjoining travelways shall be examined weekly or more often if changing ground conditions warrant.

## **Precautions—Surface Only**

### **§ 57.3430 Activity between machinery or equipment and the highwall or bank.**

Persons shall not work or travel between machinery or equipment and the highwall or bank where the machinery or equipment may hinder escape from falls or slides of the highwall or bank. Travel is permitted when necessary for persons to dismount.

## **Precautions—Underground Only**

### **§ 57.3460 Maintenance between machinery or equipment and ribs.**

Persons shall not perform maintenance work between machinery or equipment and ribs unless the area has been tested and, when necessary, secured.

### **§ 57.3461 Rock bursts.**

(a) Operators of mines which have experienced a rock burst shall—

(1) Within twenty four hours report to the nearest MSHA office each rock burst which:

(i) Causes persons to be withdrawn;

(ii) Impairs ventilation;

(iii) Impedes passage; or

(iv) Disrupts mining activity for more than one hour.

(2) Develop and implement a rock burst control plan within 90 days after a rock burst has been experienced.

(b) The plan shall include—

(1) Mining and operating procedures designed to reduce the occurrence of rock bursts;

(2) Monitoring procedures where detection methods are used; and

(3) Other measures to minimize exposure of persons to areas which are prone to rock bursts.

(c) The plan shall be updated as conditions warrant.

(d) The plan shall be available to an authorized representative of the Secretary and to miners or their representatives.

## **Subpart C—Fire Prevention and Control**

**Authority:** Sec. 101, Federal Mine Safety and Health Act of 1977, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811).

### **§ 57.4000 Definitions.**

The following definitions apply in this subpart.

*Combustible liquids.* Liquids having a flash point at or above 100 °F (37.8 °C). They are divided into the following classes:

Class II liquids—those having flash points at or above 100 °F (37.8 °C) and below 140 °F (60 °C).

Class IIIA liquids—those having flash points at or above 140 °F (60 °C) and below 200 °F (93.4 °C).

Class IIIB liquids—those having flash points at or above 200 °F (93.4 °C).

*Escapeway.* A designated passageway by which persons can leave an underground mine.

*Flash point.* The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

*Main fan.* A fan that controls the entire airflow of an underground mine or the airflow of one of the major air circuits of the mine.

*Mine opening.* Any opening or entrance from the surface into an underground mine.

*Safety can.* A container of not over five gallons capacity that is designed to safely relieve internal pressure when exposed to heat and has a spring-closing lid and spout cover.

[50 FR 4082, Jan. 29, 1985, as amended at 68 FR 32361, May 30, 2003; 69 FR 38842, June 29, 2004]

#### **§ 57.4011 Abandoned electric circuits.**

Abandoned electric circuits shall be deenergized and isolated so that they cannot become energized inadvertently.

#### **§ 57.4057 Underground trailing cables.**

Underground trailing cables shall be accepted or approved by MSHA as flame resistant.

[57 FR 61223, Dec. 23, 1992]

### **Prohibitions/Precautions/Housekeeping**

#### **§ 57.4100 Smoking and use of open flames.**

No person shall smoke or use an open flame where flammable or combustible liquids, including greases, or flammable gases are—

- (a) Used or transported in a manner that could create a fire hazard; or
- (b) Stored or handled.

#### **§ 57.4101 Warning signs.**

Readily visible signs prohibiting smoking and open flames shall be posted where a fire or explosion hazard exists.

#### **§ 57.4102 Spillage and leakage.**

Flammable or combustible liquid spillage or leakage shall be removed in a timely manner or controlled to prevent a fire hazard.

#### **§ 57.4103 Fueling internal combustion engines.**

Internal combustion engines shall be switched off before refueling if the fuel tanks are integral parts of the equipment. This standard does not apply to diesel-powered equipment.

#### **§ 57.4104 Combustible waste.**

- (a) Waste materials, including liquids, shall not accumulate in quantities that could create a fire hazard.

(b) Waste or rags containing flammable or combustible liquids that could create a fire hazard shall be placed in the following containers until disposed of properly:

(1) Underground—covered metal containers.

(2) On the surface—covered metal containers or equivalent containers with flame containment characteristics.

### **§ 57.4130 Surface electric substations and liquid storage facilities.**

The requirements of this standard apply to surface areas only.

(a) If a hazard to persons could be created, no combustible materials shall be stored or allowed to accumulate within 25 feet of the following:

(1) Electric substations.

(2) Unburied, flammable or combustible liquid storage tanks.

(3) Any group of containers used for storage of more than 60 gallons of flammable or combustible liquids.

(b) The area within the 25-foot perimeter shall be kept free of dry vegetation.

### **§ 57.4131 Surface fan installations and mine openings.**

(a) On the surface, no more than one day's supply of combustible materials shall be stored within 100 feet of mine openings or within 100 feet of fan installations used for underground ventilation.

(b) the one-day supply shall be kept at least 25 feet away from any mine opening except during transit into the mine.

(c) Dry vegetation shall not be permitted within 25 feet of mine openings.

### **§ 57.4160 Underground electric substations and liquid storage facilities.**

The requirements of this standard apply to underground areas only.

(a) Areas within 25 feet of the following shall be free of combustible materials:

(1) Electric substations.

(2) Unburied, combustible liquid storage tanks.

(3) Any group of containers used for storage of more than 60 gallons of combustible liquids.

(b) This standard does not apply to installed wiring or timber that is coated with at least one inch of shotcrete, one-half inch of gunite, or other noncombustible materials with equivalent fire protection characteristics.

### **§ 57.4161 Use of fire underground.**

Fires shall not be lit underground, except for open-flame torches. Torches shall be attended at all times while lit.

## **Firefighting Equipment**

### **§ 57.4200 General requirements.**

(a) For fighting fires that could endanger persons, each mine shall have—

(1) Onsite firefighting equipment for fighting fires in their early stages; and

(2) Onsite firefighting equipment for fighting fires beyond their early stages, or the mine shall have made prior arrangements with a local fire department to fight such fires.

(b) This onsite firefighting equipment shall be—

(1) Of the type, size, and quantity that can extinguish fires of any class which would occur as a result of the hazards present; and

(2) Strategically located, readily accessible, plainly marked, and maintained in fire-ready condition.

[50 FR 4082, Jan. 29, 1985, as amended at 50 FR 20100, May 14, 1985]

**§ 57.4201 Inspection.**

(a) Firefighting equipment shall be inspected according to the following schedules:

(1) Fire extinguishers shall be inspected visually at least once a month to determine that they are fully charged and operable.

(2) At least once every twelve months, maintenance checks shall be made of mechanical parts, the amount and condition of extinguishing agent and expellant, and the condition of the hose, nozzle, and vessel to determine that the fire extinguishers will operate effectively.

(3) Fire extinguishers shall be hydrostatically tested according to Table C–1 or a schedule based on the manufacturer's specifications to determine the integrity of extinguishing agent vessels.

(4) Water pipes, valves, outlets, hydrants, and hoses that are part of the mine's firefighting system shall be visually inspected at least once every three months for damage or deterioration and use-tested at least once every twelve months to determine that they remain functional.

(5) Fire suppression systems shall be inspected at least once every twelve months. An inspection schedule based on the manufacturer's specifications or the equivalent shall be established for individual components of a system and followed to determine that the system remains functional. Surface fire suppression systems are exempt from these inspection requirements if the systems are used solely for the protection of property and no persons would be affected by a fire.

(b) At the completion of each inspection or test required by this standard, the person making the inspection or test shall certify that the inspection or test has been made and the date on which it was made. Certifications of hydrostatic testing shall be retained until the fire extinguisher is retested or permanently removed from service. Other certifications shall be retained for one year.

**Table C–1—Hydrostatic Test Intervals for Fire Extinguishers**

<b>Extinguisher type</b>	<b>Test interval (years)</b>
Soda Acid	5
Cartridge-Operated Water and/or Antifreeze	5
Stored-Pressure Water and/or Antifreeze	5
Wetting Agent	5
Foam	5
AFFF (Aqueous Film Forming Foam)	5
Loaded Stream	5
Dry-Chemical with Stainless Steel Shells	5
Carbon Dioxide	5
Dry-Chemical, Stored Pressure, with Mild Steel Shells, Brazed Brass Shells, or Aluminum Shells	12

Dry-Chemical, Cartridge or Cylinder Operated, with Mild Steel Shells	12
Bromotrifluoromethane-Halon 1301	12
Bromochlorodifluoromethane-Halon 1211	12
Dry-Powder, Cartridge or Cylinder-Operated, with Mild Steel Shells <sup>1</sup>	12

<sup>1</sup>Except for stainless steel and steel used for compressed gas cylinders, all other steel shells are defined as "mild steel" shells.

#### **§ 57.4202 Fire hydrants.**

If fire hydrants are part of the mine's firefighting system, the hydrants shall be provided with—

- (a) Uniform fittings or readily available adapters for onsite firefighting equipment;
- (b) Readily available wrenches or keys to open the valves; and
- (c) Readily available adapters capable of connecting hydrant fittings to the hose equipment of any firefighting organization relied upon by the mine.

#### **§ 57.4203 Extinguisher recharging or replacement.**

Fire extinguishers shall be recharged or replaced with a fully charged extinguisher promptly after any discharge.

#### **§ 57.4230 Surface self-propelled equipment.**

- (a)(1) Whenever a fire or its effects could impede escape from self-propelled equipment, a fire extinguisher shall be on the equipment.
- (2) Whenever a fire or its effects would not impede escape from the equipment but could affect the escape of other persons in the area, a fire extinguisher shall be on the equipment or within 100 feet of the equipment.
- (b) A fire suppression system may be used as an alternative to fire extinguishers if the system can be manually activated.
- (c) Fire extinguishers or fire suppression systems shall be of a type and size that can extinguish fires of any class in their early stages which could originate from the equipment's inherent fire hazards. Fire extinguishers or manual actuators for the suppression system shall be located to permit their use by persons whose escape could be impeded by fire.

#### **§ 57.4260 Underground self-propelled equipment.**

- (a) Whenever self-propelled equipment is used underground, a fire extinguisher shall be on the equipment. This standard does not apply to compressed-air powered equipment without inherent fire hazards.
- (b) A fire suppression system may be used as an alternative to fire extinguishers if the system can be manually actuated.
- (c) Fire extinguishers or fire suppression systems shall be of a type and size that can extinguish fires of any class in their early stages which could originate from the equipment's inherent fire hazards. The fire extinguishers or the manual actuator for the suppression system shall be readily accessible to the equipment operator.

#### **§ 57.4261 Shaft-station waterlines.**

Waterline outlets that are located at underground shaft stations and are part of the mine's fire protection system shall have at least one fitting located for, and capable of, immediate connection to firefighting equipment.

#### **§ 57.4262 Underground transformer stations, combustible liquid storage and dispensing areas, pump rooms, compressor rooms, and hoist rooms.**

Transformer stations, storage and dispensing areas for combustible liquids, pump rooms, compressor rooms, and hoist rooms shall be provided with fire protection of a type, size, and quantity that can extinguish fires of any class in their early stages which could occur as a result of the hazards present.

#### **§ 57.4263 Underground belt conveyors.**

Fire protection shall be provided at the head, tail, drive, and take-up pulleys of underground belt conveyors. Provisions shall be made for extinguishing fires along the beltline. Fire protection shall be of a type, size, and quantity that can extinguish fires of any class in their early stages which could occur as a result of the fire hazards present.

### **Firefighting Procedures/Alarms/Drills**

#### **§ 57.4330 Surface firefighting, evacuation, and rescue procedures.**

(a) Mine operators shall establish emergency firefighting, evacuation, and rescue procedures for the surface portions of their operations. These procedures shall be coordinated in advance with available firefighting organizations.

(b) Fire alarm procedures or systems shall be established to promptly warn every person who could be endangered by a fire.

(c) Fire alarm systems shall be maintained in operable condition.

#### **§ 57.4331 Surface firefighting drills.**

Emergency firefighting drills shall be held at least once every six months for persons assigned surface firefighting responsibilities by the mine operator.

#### **§ 57.4360 Underground alarm systems.**

(a) Fire alarm systems capable of promptly warning every person underground, except as provided in paragraph (b), shall be provided and maintained in operating condition.

(b) If persons are assigned to work areas beyond the warning capabilities of the system, provisions shall be made to alert them in a manner to provide for their safe evacuation in the event of a fire.

#### **§ 57.4361 Underground evacuation drills.**

(a) At least once every six months, mine evacuation drills shall be held to assess the ability of all persons underground to reach the surface or other designated points of safety within the time limits of the self-rescue devices that would be used during an actual emergency.

(b) The evacuation drills shall—

(1) Be held for each shift at some time other than a shift change and involve all persons underground;

(2) Involve activation of the fire alarm system; and

(3) Include evacuation of all persons from their work areas to the surface or to designated central evacuation points.

(c) At the completion of each drill, the mine operator shall certify the date and the time the evacuation began and ended. Certifications shall be retained for at least one year after each drill.

#### **§ 57.4362 Underground rescue and firefighting operations.**

Following evacuation of a mine in a fire emergency, only persons wearing and trained in the use of mine rescue apparatus shall participate in rescue and firefighting operations in advance of the fresh air base.

#### **§ 57.4363 Underground evacuation instruction.**

(a) At least once every twelve months, all persons who work underground shall be instructed in the escape and evacuation plans and procedures and fire warning signals in effect at the mine.

(b) Whenever a change is made in escape and evacuation plans and procedures for any area of the mine, all persons affected shall be instructed in the new plans or procedures.

(c) Whenever persons are assigned to work in areas other than their regularly assigned areas, they shall be instructed about the escapeway for that area at the time of such assignment. However, persons who normally work in more than one area of the mine shall be instructed at least once every twelve months about the location of escapeways for all areas of the mine in which they normally work or travel.

(d) At the completion of any instruction given under this standard, the mine operator shall certify the date that the instruction was given. Certifications shall be retained for at least one year.

## **Flammable and Combustible Liquids and Gases**

### **§ 57.4400 Use restrictions.**

(a) Flammable liquids shall not be used for cleaning.

(b) Solvents shall not be used near an open flame or other ignition source, near any source of heat, or in an atmosphere that can elevate the temperature of the solvent above the flash point.

### **§ 57.4401 Storage tank foundations.**

Fixed, unburied, flammable or combustible liquid storage tanks shall be securely mounted on firm foundations. Piping shall be provided with flexible connections or other special fittings where necessary to prevent leaks caused by tanks settling.

### **§ 57.4402 Safety can use.**

Small quantities of flammable liquids drawn from storage shall be kept in safety cans labeled to indicate the contents.

### **§ 57.4430 Surface storage facilities.**

The requirements of this standard apply to surface areas only.

(a) Storage tanks for flammable or combustible liquids shall be—

(1) Capable of withstanding working pressures and stresses and compatible with the type of liquid stored;

(2) Maintained in a manner that prevents leakage;

(3) Isolated or separated from ignition sources to prevent fire or explosion; and

(4) Vented or otherwise constructed to prevent development of pressure or vacuum as a result of filling, emptying, or atmospheric temperature changes. Vents for storage of Class I, II, or IIIA liquids shall be isolated or separated from ignition sources. These pressure relief requirements do not apply to tanks used for storage of Class IIIB liquids that are larger than 12,000 gallons in capacity.

(b) All piping, valves, and fittings shall be—

(1) Capable of withstanding working pressures and stresses;

(2) Compatible with the type of liquid stored; and

(3) Maintained in a manner that prevents leakage.

(c) Fixed, unburied tanks located where escaping liquid could present a hazard to persons shall be provided with—

(1) Containment for the entire capacity of the largest tank; or

(2) Drainage to a remote impoundment area that does not endanger persons. However, storage of only Class IIIB liquids does not require containment or drainage to remote impoundment.

### **§ 57.4431 Surface storage restrictions.**

(a) On the surface, no unburied flammable or combustible liquids or flammable gases shall be stored within 100 feet of the following:

(1) Mine openings or structures attached to mine openings.

(2) Fan installations for underground ventilation.

(3) Hoist houses.

(b) Under this standard, the following may be present in the hoist house in quantities necessary for the day-to-day maintenance of the hoist machinery:

(1) Flammable liquids in safety cans or in other containers placed in tightly closed cabinets. The safety cans and cabinets shall be kept away from any heat source, and each cabinet shall be labeled "flammables."

(2) Combustible liquids in closed containers. The containers shall be kept away from any heat source and the hoist operator's work station.

### **§ 57.4460 Storage of flammable liquids underground.**

(a) Flammable liquids shall not be stored underground, except—

(1) Small quantities stored in tightly closed cabinets away from any heat source. The small quantities shall be stored in safety cans or in non-glass containers of a capacity equal to or less than a safety can. Each cabinet shall be labeled "flammables."

(2) Acetylene and liquefied petroleum gases stored in containers designed for that specific purpose.

(b) Gasoline shall not be stored underground in any quantity.

### **§ 57.4461 Gasoline use restrictions underground.**

If gasoline is used underground to power internal combustion engines—

(a) The mine shall be nongassy and shall have multiple horizontal or inclined roadways from the surface large enough to accommodate vehicular traffic;

(b) All roadways and other openings shall connect with another opening every 100 feet by a passage large enough to accommodate any vehicle in the mine or alternate routes shall provide equivalent escape capabilities; and

(c) No roadway or other opening shall be supported or lined with wood or other combustible materials.

### **§ 57.4462 Storage of combustible liquids underground.**

The requirements of this standard apply to underground areas only.

(a) Combustible liquids, including oil or grease, shall be stored in non-glass containers or storage tanks. The containers or storage tanks shall be—

(1) Capable of withstanding working pressures and stresses and compatible with the type of liquid stored;

(2) Maintained in a manner that prevents leakage;

(3) Located in areas free of combustible materials or in areas where any exposed combustible materials are coated with one inch of shotcrete, one-half inch of gunite, or other noncombustible material with equivalent fire protection characteristics; and

(4) Separated from explosives or blasting agents, shaft stations, and ignition sources including electric equipment that could create sufficient heat or sparks to pose a fire hazard. Separation shall be sufficient to prevent the occurrence or minimize the spread of fire.

(b) Storage tanks shall be vented or otherwise constructed to prevent development of pressure or vacuum as a result of filling, emptying, or atmospheric temperature changes. Vents for storage of Class II or IIIA liquids shall be isolated or separated from ignition sources.

(c) At permanent storage areas for combustible liquids, means shall be provided for confinement or removal of the contents of the largest storage tank in the event of tank rupture.

(d) All piping, valves, and fittings shall be:

(1) Capable of withstanding working pressures and stresses;

(2) Compatible with the type of liquid stored; and

(3) Maintained in a manner which prevents leakage.

### **§ 57.4463 Liquefied petroleum gas use underground.**

Use of liquefied petroleum gases underground shall be limited to maintenance work.

## **Installation/Construction/Maintenance**

### **§ 57.4500 Heat sources.**

Heat sources capable of producing combustion shall be separated from combustible materials if a fire hazard could be created.

### **§ 57.4501 Fuel lines.**

Fuel lines shall be equipped with valves capable of stopping the flow of fuel at the source and shall be located and maintained to minimize fire hazards. This standard does not apply to fuel lines on self-propelled equipment.

### **§ 57.4502 Battery-charging stations.**

(a) Battery-charging stations shall be ventilated with a sufficient volume of air to prevent the accumulation of hydrogen gas.

(b) Smoking, use of open flames, or other activities that could create an ignition source shall be prohibited at the battery charging station during battery charging.

(c) Readily visible signs prohibiting smoking or open flames shall be posted at battery-charging stations during battery charging.

### **§ 57.4503 Conveyor belt slippage.**

(a) Surface belt conveyors within confined areas where evacuation would be restricted in the event of a fire resulting from belt-slippage shall be equipped with a detection system capable of automatically stopping the drive pulley.

(b) Underground belt conveyors shall be equipped with a detection system capable of automatically stopping the drive pulley if slippage could cause ignition of the belt.

(c) A person shall attend the belt at the drive pulley when it is necessary to operate the conveyor while temporarily bypassing the automatic function.

#### **§ 57.4504 Fan installations.**

(a) Fan houses, fan bulkheads for main and booster fans, and air ducts connecting main fans to underground openings shall be constructed of noncombustible materials.

(b) Areas within 25 feet of main fans or booster fans shall be free of combustible materials, except installed wiring, ground and track support, headframes, and direct-fired heaters. Other timber shall be coated with one inch of shotcrete, one-half inch of gunite, or other noncombustible materials.

#### **§ 57.4505 Fuel lines to underground areas.**

Fuel lines into underground storage or dispensing areas shall be drained at the completion of each transfer of fuel unless the following requirements are met:

- (a) The valve at the supply source shall be kept closed when fuel is not being transferred.
- (b) The fuel line shall be—
  - (1) Capable of withstanding working pressures and stresses;
  - (2) Located to prevent damage; and
  - (3) Located in areas free of combustible materials or in areas where any exposed combustible materials are coated with one inch of shotcrete, one-half inch of gunite, or other noncombustible material with equivalent fire protection characteristics.
- (c) Provisions shall be made for control or containment of the entire volume of the fuel line so that leakage will not create a fire hazard.

#### **§ 57.4530 Exits for surface buildings and structures.**

Surface buildings or structures in which persons work shall have a sufficient number of exits to permit prompt escape in case of fire.

#### **§ 57.4531 Surface flammable or combustible liquid storage buildings or rooms.**

(a) Surface storage buildings or storage rooms in which flammable or combustible liquids, including grease, are stored and that are within 100 feet of any person's work station shall be ventilated with a sufficient volume of air to prevent the accumulation of flammable vapors.

- (b) In addition, the buildings or rooms shall be—
  - (1) Constructed to meet a fire resistance rating of at least one hour; or
  - (2) Equipped with an automatic fire suppression system; or
  - (3) Equipped with an early warning fire detection device that will alert any person who could be endangered by a fire, provided that no person's work station is in the building.

(c) Flammable or combustible liquids in use for day-to-day maintenance and operational activities are not considered in storage under this standard.

#### **§ 57.4532 Blacksmith shops.**

Blacksmith shops located on the surface shall be—

- (a) At least 100 feet from fan installations used for intake air and mine openings;

(b) Equipped with exhaust vents over the forge and ventilated to prevent the accumulation of the products of combustion; and

(c) Inspected for smoldering fires at the end of each shift.

### **§ 57.4533 Mine opening vicinity.**

Surface buildings or other similar structures within 100 feet of mine openings used for intake air or within 100 feet of mine openings that are designated escapeways in exhaust air shall be—

(a) Constructed of noncombustible materials; or

(b) Constructed to meet a fire resistance rating of no less than one hour; or

(c) Provided with an automatic fire suppression system; or

(d) Covered on all combustible interior and exterior structural surfaces with noncombustible material or limited combustible material, such as five-eighth inch, type "X" gypsum wallboard.

### **§ 57.4560 Mine entrances.**

For at least 200 feet inside the mine portal or collar timber used for ground support in intake openings and in exhaust openings that are designated as escapeways shall be—

(a) Provided with a fire suppression system, other than fire extinguishers and water hoses, capable of controlling a fire in its early stages; or

(b) Covered with shotcrete, gunite, or other material with equivalent fire protection characteristics; or

(c) Coated with fire-retardant paint or other material to reduce its flame spread rating to 25 or less and maintained in that condition.

[50 FR 4082, Jan. 29, 1985, as amended at 50 FR 20100, May 14, 1985]

### **§ 57.4561 Stationary diesel equipment underground.**

Stationary diesel equipment underground shall be—

(a) Supported on a noncombustible base; and

(b) Provided with a thermal sensor that automatically stops the engine if overheating occurs.

## **Welding/Cutting/Compressed Gases**

### **§ 57.4600 Extinguishing equipment.**

(a) When welding, cutting, soldering, thawing, or bending—

(1) With an electric arc or with an open flame where an electrically conductive extinguishing agent could create an electrical hazard, a multipurpose dry-chemical fire extinguisher or other extinguisher with at least a 2–A:10–B:C rating shall be at the worksite.

(2) With an open flame in an area where no electrical hazard exists, a multipurpose dry-chemical fire extinguisher or equivalent fire extinguishing equipment for the class of fire hazard present shall be at the worksite.

(b) Use of halogenated fire extinguishing agents to meet the requirements of this standard shall be limited to Halon 1211 (CBrClF<sub>2</sub>) and Halon 1301 (CBrF<sub>3</sub>). When these agents are used in confined or unventilated areas, precautions based on the manufacturer's use instructions shall be taken so that the gases produced by thermal decomposition of the agents are not inhaled.

### **§ 57.4601 Oxygen cylinder storage.**

Oxygen cylinders shall not be stored in rooms or areas used or designated for storage of flammable or combustible liquids, including grease.

**§ 57.4602 Gauges and regulators.**

Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease.

**§ 57.4603 Closure of valves.**

To prevent accidental release of gases from hoses and torches attached to oxygen and acetylene cylinders or to manifold systems, cylinder or manifold system valves shall be closed when—

- (a) The cylinders are moved;
- (b) The torch and hoses are left unattended; or
- (c) The task or series of tasks is completed.

**§ 57.4604 Preparation of pipelines or containers.**

Before welding, cutting, or applying heat with an open flame to pipelines or containers that have contained flammable or combustible liquids, flammable gases, or explosive solids, the pipelines or containers shall be—

- (a) Drained, ventilated, and thoroughly cleaned of any residue;
- (b) Vented to prevent pressure build-up during the application of heat; and
- (c)(1) Filled with an inert gas or water, where compatible; or
- (2) Determined to be free of flammable gases by a flammable gas detection device prior to and at frequent intervals during the application of heat.

**§ 57.4660 Work in shafts, raises, or winzes and other activities involving hazard areas.**

During performance of an activity underground described in Table C-2 or when falling sparks or hot metal from work performed in a shaft, raise, or winze could pose a fire hazard—

- (a) A multipurpose dry-chemical fire extinguisher shall be at the worksite to supplement the fire extinguishing equipment required by §57.4600; and
- (b) At least one of the following actions shall be taken:
  - (1) Wet down the area before and after the operation, taking precaution against any hazard of electrical shock.
  - (2) Isolate any combustible material with noncombustible material.
  - (3) Shield the activity so that hot metal and sparks cannot cause a fire.
  - (4) Provide a second person to watch for and extinguish any fire.

Table C-2

Activity	Distance	Fire hazard
Welding or cutting with an electric arc or open flame		More than 1 gallon of combustible liquid, unless in a closed, metal container.
Using an open flame to bend	Within 35	More than 50 pounds of non-fire-retardant

or heat materials	feet of—	wood.
Thawing pipes electrically, except with heat tape		More than 10 pounds of combustible plastics.
Soldering or thawing with an open flame	Within 10 feet of—	Materials in a shaft, raise, or winze that could be ignited by hot metal or sparks.

(5) Cover or bulkhead the opening immediately below and adjacent to the activity with noncombustible material to prevent sparks or hot metal from falling down the shaft, raise, or winze. This alternative applies only to activities involving a shaft, raise, or winze.

(c) The affected area shall be inspected during the first hour after the operation is completed. Additional inspections shall be made or other fire prevention measures shall be taken if a fire hazard continues to exist.

## Ventilation Control Measures

### § 57.4760 Shaft mines.

(a) Shaft mines shall be provided with at least one of the following means to control the spread of fire, smoke, and toxic gases underground in the event of a fire: control doors, reversal of mechanical ventilaton, or effective evacuation procedures. Under this standard, "shaft mine" means a mine in which any designated escapeway includes a mechanical hoisting device or a ladder ascent.

(1) *Control doors.* If used as an alternative, control doors shall be—

(i) Installed at or near shaft stations of intake shafts and any shaft designated as an escapeway under §57.11053 or at other locations that provide equivalent protection;

(ii) Constructed and maintained according to Table C-3;

(iii) Provided with a means of remote closure at landings of timbered intake shafts unless a person specifically designated to close each door in the event of a fire can reach the door within three minutes;

(iv) Closed or opened only according to predetermined conditions and procedures;

(v) Constructed so that once closed they will not reopen as a result of a differential in air pressure;

(vi) Constructed so that they can be opened from either side by one person, or be provided with a personnel door that can be opened from either side; and

(vii) Clear of obstructions.

(2) *Mechanical ventilation reversal.* If used as an alternative, reversal of mechanical ventilation shall—

(i) Provide at all times at least the same degree of protection to persons underground as would be afforded by the installation of control doors;

(ii) Be accomplished by a main fan. If the main fan is located underground—

(A) The cable or conductors supplying power to the fan shall be routed through areas free of fire hazards; or

(B) The main fan shall be equipped with a second, independent power cable or set of conductors from the surface. The power cable or conductors shall be located so that an underground fire disrupting power in one cable or set of conductors will not affect the other; or

(C) A second fan capable of accomplishing ventilation reversal shall be available for use in the event of failure of the main fan;

(iii) Provide rapid air reversal that allows persons underground time to exit in fresh air by the second escapeway or find a place of refuge; and

(iv) Be done according to predetermined conditions and procedures.

(3) *Evacuation.* If used as an alternative, effective evacuation shall be demonstrated by actual evacuation of all persons underground to the surface in ten minutes or less through routes that will not expose persons to heat, smoke, or toxic fumes in the event of a fire.

(b) If the destruction of any bulkhead on an inactive level would allow fire contaminants to reach an escapeway, that bulkhead shall be constructed and maintained to provide at least the same protection as required for control doors under Table C-3.

**Table C-3—Control Door Construction**

<b>Location</b>	<b>Minimum required construction</b>
At least 50 feet from: timbered areas, exposed combustible rock, and any other combustible material <sup>1</sup>	Control door that meets the requirements for a ventilation door in conformance with 30 CFR 57.8531.
<p>Within 50 feet but no closer than 20 feet of: timbered areas, exposed combustible rock, or other combustible material<sup>1</sup></p> <p>Within 20 feet of: any timbered areas or combustible rock, provided that the timber and combustible rock within the 20 foot distance are coated with one inch of shotcrete, one-half inch of gunite, or other material with equivalent fire protection characteristics and no other combustible material<sup>1</sup> is within that distance</p>	Control door that serves as a barrier to the effects of fire and air leakage. The control door shall provide protection at least equivalent to a door constructed of no less than one-quarter inch of plate steel with channel or angle-iron reinforcement to minimize warpage. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance, and in physical strength.
Within 20 feet of: timbered areas, exposed combustible rock, or other combustible material <sup>1</sup>	Control door that serves as a barrier to fire, the effects of fire, and air-leakage. The door shall provide protection at least equivalent to a door constructed of two layers of wood, each a minimum of three-quarters of an inch in thickness. The wood grain of one layer shall be perpendicular to the wood grain of the other layer. The wood construction shall be covered on all sides and edges with no less than twenty-four gauge sheet steel. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance, and in physical strength. Roll-down steel doors with a fire-resistance rating of 1 1/2 hours or greater, but without an insulation core, are acceptable if an automatic sprinkler or deluge system is installed that provides even coverage of the door on both sides.

<sup>1</sup>In this table, "combustible material" does not refer to installed wiring or track support.

## § 57.4761 Underground shops.

To confine or prevent the spread of toxic gases from a fire originating in an underground shop where maintenance work is routinely done on mobile equipment, one of the following measures shall be taken: use of control doors or bulkheads, routing of the mine shop air directly to an exhaust system, reversal of mechanical ventilation, or use of an automatic fire suppression system in conjunction with an alternate escape route. The alternative used shall at all times provide at least the same degree of safety as control doors or bulkheads.

(a) *Control doors or bulkheads.* If used as an alternative, control doors or bulkheads shall meet the following requirements:

(1) Each control door or bulkhead shall be constructed to serve as a barrier to fire, the effects of fire, and air leakage at each opening to the shop.

(2) Each control door shall be—

(i) Constructed so that, once closed, it will not reopen as a result of a differential in air pressure;

(ii) Constructed so that it can be opened from either side by one person or be provided with a personnel door that can be opened from either side;

(iii) Clear of obstructions; and

(iv) Provided with a means of remote or automatic closure unless a person specifically designated to close the door in the event of a fire can reach the door within three minutes.

(3) If located 20 feet or more from exposed timber or other combustible material, the control doors or bulkheads shall provide protection at least equivalent to a door constructed of no less than one-quarter inch of plate steel with channel or angle-iron reinforcement to minimize warpage. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance, and in physical strength.

(4) If located less than 20 feet from exposed timber or other combustibles, the control door or bulkhead shall provide protection at least equivalent to a door constructed of two layers of wood, each a minimum of three-quarters of an inch in thickness. The wood-grain of one layer shall be perpendicular to the wood-grain of the other layer. The wood construction shall be covered on all sides and edges with no less than 24-gauge sheet steel. The framework assembly of the door and the surrounding bulkhead, if any, shall be at least equivalent to the door in fire and air-leakage resistance, and in physical strength. Roll-down steel doors with a fire-resistance rating of 1 1/2 hours or greater, but without an insulation core, are acceptable provided that an automatic sprinkler or deluge system is installed that provides even coverage of the door on both sides.

(b) *Routing air to exhaust system.* If used as an alternative, routing the mine shop exhaust air directly to an exhaust system shall be done so that no person would be exposed to toxic gases in the event of a shop fire.

(c) *Mechanical ventilation reversal.* If used as an alternative, reversal of mechanical ventilation shall—

(1) Be accomplished by a main fan. If the main fan is located underground:

(i) The cable or conductors supplying power to the fan shall be routed through areas free of fire hazards; or

(ii) The main fan shall be equipped with a second, independent power cable or set of conductors from the surface. The power cable or conductors shall be located so that an underground fire disrupting power in one cable or set of conductors will not affect the other; or

(iii) A second fan capable of accomplishing ventilation reversal shall be available for use in the event of failure of the main fan;

(2) Provide rapid air reversal that allows persons underground time to exit in fresh air by the second escapeway or find a place of refuge; and

(3) Be done according to predetermined conditions and procedures.

(d) *Automatic fire suppression system and escape route.* If used as an alternative, the automatic fire suppression system and alternate escape route shall meet the following requirements:

(1) The suppression system shall be—

(i) Located in the shop area;

(ii) The appropriate size and type for the particular fire hazards involved; and

(iii) Inspected at weekly intervals and properly maintained.

(2) The escape route shall bypass the shop area so that the route will not be affected by a fire in the shop area.

**Appendix I to Subpart C of Part 57—National Consensus Standards**

Mine operators seeking further information in the area of fire prevention and control may consult the following national consensus standards.

<b>MSHA standard</b>	<b>National consensus standard</b>
§§57.4200, 57.4201, 57.4261, and 57.4262	NFPA No. 10—Portable Fire Extinguisher. NFPA No. 11—Low Expansion Foam and Combined Agent Systems. NFPA No. 11A—High Expansion Foam Systems.
	NFPA No. 12—Carbon Dioxide Extinguishing Systems.
	NFPA No. 12A—Halon 1301 Extinguishing Systems.
	NFPA No. 13—Water Sprinkler Systems.
	NFPA No. 14—Standpipe and Hose Systems.
	NFPA No. 15—Water Spray Fixed Systems.
	NFPA No. 16—Foam Water Spray Systems.
	NFPA No. 17—Dry-Chemical Extinguishing Systems.
	NFPA No. 121—Mobile Surface Mining Equipment.
	NFPA No. 291—Testing and Marking Hydrants.
	NFPA No. 1962—Care, Use, and Maintenance of Fire Hose, Connections, and Nozzles.
§57.4202	NFPA No. 14—Standpipe and Hose Systems.
	NFPA No. 291—Testing and Marking Hydrants.
§57.4203	NFPA No. 10—Portable Fire Extinguishers.
§57.4230	NFPA No. 10—Portable Fire Extinguishers.
	NFPA No. 121—Mobile Surface Mining Equipment.
§57.4260	NFPA No. 10—Portable Fire Extinguishers.
§57.4261	NFPA No. 14—Standpipe and Hose Systems.
§57.4533	NFPA Fire Protection Handbook.

§57.4560

ASTM E-162—Surface Flammability of Materials Using a Radiant Heat Energy Source.

## Subpart D—Air Quality, Radiation, Physical Agents, and Diesel Particulate Matter

### Air Quality—Surface and Underground

#### § 57.5001 Exposure limits for airborne contaminants.

Except as permitted by §57.5005—

(a) Except as provided in paragraph (b), the exposure to airborne contaminants shall not exceed, on the basis of a time weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1973 edition of the Conference's publication, entitled "TLV's Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1973," pages 1 through 54, which are hereby incorporated by reference and made a part hereof. This publication may be obtained from the American Conference of Governmental Industrial Hygienists by writing to 1330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240, <http://www.acgih.org>, or may be examined in any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration. Excursions above the listed thresholds shall not be of a greater magnitude than is characterized as permissible by the Conference.

(b) *Asbestos standard*—(1) *Definitions*. Asbestos is a generic term for a number of asbestiform hydrated silicates that, when crushed or processed, separate into flexible fibers made up of fibrils.

*Asbestos* means chrysotile, cummingtonite-grunerite asbestos (amosite), crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos.

*Asbestos fiber* means a fiber of asbestos that meets the criteria of a fiber.

*Fiber* means a particle longer than 5 micrometers ( $\mu\text{m}$ ) with a length-to-diameter ratio of at least 3-to-1.

(2) *Permissible Exposure Limits (PELs)*—(i) *Full-shift limit*. A miner's personal exposure to asbestos shall not exceed an 8-hour time-weighted average full-shift airborne concentration of 0.1 fiber per cubic centimeter of air (f/cc).

(ii) *Excursion limit*. No miner shall be exposed at any time to airborne concentrations of asbestos in excess of 1 fiber per cubic centimeter of air (f/cc) as averaged over a sampling period of 30 minutes.

(3) *Measurement of airborne asbestos fiber concentration*. Potential asbestos fiber concentration shall be determined by phase contrast microscopy (PCM) using the OSHA Reference Method in OSHA's asbestos standard found in 29 CFR 1910.1001, Appendix A, or a method at least equivalent to that method in identifying a potential asbestos exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit. When PCM results indicate a potential exposure exceeding the 0.1 f/cc full-shift limit or the 1 f/cc excursion limit, samples shall be further analyzed using transmission electron microscopy according to NIOSH Method 7402 or a method at least equivalent to that method.

(c) Employees shall be withdrawn from areas where there is present an airborne contaminant given a "C" designation by the Conference and the concentration exceeds the threshold limit value listed for that contaminant.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006; 73 FR 11303, Feb. 29, 2008; 73 FR 66172, Nov. 7, 2008]

#### § 57.5002 Exposure monitoring.

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

#### § 57.5005 Control of exposure to airborne contaminants.

Control of employee exposure to harmful airborne contaminants shall be, insofar as feasible, by prevention of contamination, removal by exhaust ventilation, or by dilution with uncontaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment. Whenever respiratory

protective equipment is used a program for selection, maintenance, training, fitting, supervision, cleaning, and use shall meet the following minimum requirements:

(a) Respirators approved by NIOSH under 42 CFR part 84 which are applicable and suitable for the purpose intended shall be furnished and miners shall use the protective equipment in accordance with training and instruction.

(b) A respirator program consistent with the requirements of ANSI Z88.2–1969, published by the American National Standards Institute and entitled “American National Standards Practices for Respiratory Protection ANSI Z88.2–1969,” approved August 11, 1969, which is hereby incorporated by reference and made a part hereof. This publication may be obtained from the American National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>, or may be examined in any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration.

(c) When respiratory protection is used in atmospheres immediately harmful to life, the presence of at least one other person with backup equipment and rescue capability shall be required in the event of failure of the respiratory equipment.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 30400, June 8, 1995; 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006]

### **§ 57.5006 Restricted use of chemicals.**

The following chemical substances shall not be used or stored except by competent persons under laboratory conditions approved by a nationally recognized agency acceptable to the Secretary.

- (a) Carbon tetrachloride,
- (b) Phenol,
- (c) 4-Nitrobiphenyl,
- (d) Alpha-naphthylamine,
- (e) 4,4-Methylene Bis (2-chloroaniline),
- (f) Methyl-chloromethyl ether,
- (g) 3,3 Dichlorobenzidine,
- (h) Bis (chloromethyl) ether,
- (i) Beta-naphthylamine,
- (j) Benzidine,
- (k) 4-Aminodiphenyl,
- (l) Ethyleneimine,
- (m) Beta-propiolactone,
- (n) 2-Acetylaminofluorene,
- (o) 4-Dimethylaminobenzene, and
- (p) N-Nitrosodimethylamine.

**Air Quality—Surface Only [Reserved]**

**Air Quality—Underground Only**

## **§ 57.5015 Oxygen deficiency.**

Air in all active workings shall contain at least 19.5 volume percent oxygen.

## **Radiation—Underground Only**

### **§ 57.5037 Radon daughter exposure monitoring.**

(a) In all mines at least one sample shall be taken in exhaust mine air by a competent person to determine if concentrations of radon daughters are present. Sampling shall be done using suggested equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines," approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is incorporated by reference and made a part of the standard or equivalent procedures and equipment acceptable to the Administrator, MSHA Metal and Nonmetal Mine Safety and Health district office. This publication may be examined at any Metal and Nonmetal Mine Safety and Health Subdistrict Office of the Mine Safety and Health Administration, or may be obtained from the American National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>. The mine operator may request that the required exhaust mine air sampling be done by the Mine Safety and Health Administration. If concentrations of radon daughters in excess of 0.1 WL are found in an exhaust air sample, thereafter—

(1) Where uranium is mined—radon daughter concentrations representative of worker's breathing zone shall be determined at least every two weeks at random times in all active working areas such as stopes, drift headings, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel, or congregate. However, if concentrations of radon daughters are found in excess of 0.3 WL in an active working area, radon daughter concentrations thereafter shall be determined weekly in that working area until such time as the weekly determinations in that area have been 0.3 WL or less for 5 consecutive weeks.

(2) Where uranium is not mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in an active working area, radon daughter concentration measurements representative of worker's breathing zone shall be determined at least every 3 months at random times until such time as the radon daughter concentrations in that area are below 0.1 WL, and annually thereafter. If concentrations of radon daughters are found in excess of 0.3 WL in an active working area radon daughter concentrations thereafter shall be determined at least weekly in that working area until such time as the weekly determinations in that area have been 0.3 WL or less for 5 consecutive weeks.

(b) If concentrations of radon daughters less than 0.1 WL are found in an exhaust mine air sample, thereafter:

(1) Where uranium is mined—at least one sample shall be taken in the exhaust mine air monthly.

(2) Where uranium is not mined—no further exhaust mine air sampling is required.

(c) The sample date, locations, and results obtained under (a) and (b) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary or his authorized representative.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33723, June 29, 1995; 71 FR 16667, Apr. 3, 2006]

### **§ 57.5038 Annual exposure limits.**

No person shall be permitted to receive an exposure in excess of 4 WLM in any calendar year.

### **§ 57.5039 Maximum permissible concentration.**

Except as provided by standard §57.5005, persons shall not be exposed to air containing concentrations of radon daughters exceeding 1.0 WL in active workings.

### **§ 57.5040 Exposure records.**

(a) The operator shall calculate and record complete individual exposures to concentrations of radon daughters as follows:

(1) Where uranium is mined—the complete individual exposures of all mine personnel working underground shall be calculated and recorded. These records shall include the individual's time in each active working area such as stopes, drift headings, travelways, haulageways, shops, stations, lunch rooms, magazines and any other place or location where persons work, travel or congregate, and the concentration of airborne radon daughters for each active working area.

(2) Where uranium is not mined—the complete individual exposure of all mine personnel working in active working areas with radon daughter concentrations in excess of 0.3 WL shall be calculated and recorded. These records shall include the individual's time in each active working area and the concentrations of airborne radon daughters for each active working area. The operator may discontinue

calculating and recording the individual exposures of any personnel assigned to work in active working areas where radon daughter concentrations have been reduced to 0.3 WL or less for 5 consecutive weeks provided that such exposure calculation and recordation shall not be discontinued with respect to any person who has accumulated more exposure than 1/12 (one-twelfth) of a WLM times the number of months for which exposures have been calculated and recorded in the calendar year in which the exposure calculation and recordation is proposed to be discontinued.

(b) The operator shall maintain the form entitled "Record of Individual Exposure to Radon Daughters" (Form 4000-9), or equivalent forms that are acceptable to the Administrator, Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, on which there shall be recorded the specific information required by the form with respect to each person's time-weighted current and cumulative exposure to concentrations of radon daughters.

(1) The form entitled "Record of Individual Exposure to Radon Daughters" (Form 4000-9), shall consist of an original of each form for the operator's records which shall be available for examination by the Secretary or his authorized representative.

(2) On or before February 15 of each calendar year, or within 45 days after the shutdown of mining operations for the calendar year, each mine operator shall submit to the Mine Safety and Health Administration a copy of the "Record of Individual Exposure to Radon Daughters" (Form 4000-9), or acceptable equivalent form, showing the data required by the form for all personnel for whom calculation and recording of exposure was required during the previous calendar year.

(3) Errors detected by the operator shall be corrected on any forms kept by the operator and a corrected copy of any forms submitted to the Mine Safety and Health Administration shall be submitted to the Mine Safety and Health Administration within 60 days of detection and shall identify the errors and indicate the date the corrections are made.

(4) The operator's records of individual exposure to concentrations of radon daughters and copies of "Record of Individual Exposure to Radon Daughters" (Form 4000-9) or acceptable equivalent form or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period as specified in paragraph 9.8, ANSI N13.8-1973, or shall be submitted to the Mine Safety and Health Administration. These records, if retained by the operator, shall be open for inspection by the Secretary of Labor, his authorized representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located. Paragraph 9.8, ANSI N13.8-1973, is incorporated by reference and made a part of this standard. ANSI N13.8-1973 may be examined at any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration, and may be obtained from the American National Standards Institute, Inc., at 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>.

(5) Upon written request from a person who is a subject of these records, a statement of the year-to-date and cumulative exposure applicable to that person shall be provided to the person or to whomever such person designates.

(6) The blank form entitled "Record of Individual Exposure to Radon Daughters" (Form 4000-9) may be obtained on request from any MSHA Metal and Nonmetal Mine Safety and Health district office.

**Note:** To calculate an individual's exposure to WLM for a given period of time, multiply the total exposure time (hours to the nearest half-hour) in an active working area by the average concentration of airborne radon daughters for the applicable active working area (average working level calculated to the nearest hundredth working level) and divide the product by the constant 173 hours per month.

An average airborne radon daughter concentration for a designated active working area shall be determined by averaging all sampling results for that working area during the time that persons are present. Any sample taken by Federal or State mine inspectors, which represents exposure to miners and reported to the operator within three days of being taken, shall be included in the average concentration; except that if the mine operator samples simultaneously with the inspector, he may use his own sample results.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006]

#### **§ 57.5041 Smoking prohibition.**

Smoking shall be prohibited in all areas of a mine where exposure records are required to be kept in compliance with standard 57.5040.

#### **§ 57.5042 Revised exposure levels.**

If levels of permissible exposures to concentrations of radon daughters different from those prescribed in 57.5038 are recommended by the Environmental Protection Agency and approved by the President, no employee shall be permitted to receive exposures in excess of those levels after the effective dates established by the Agency.

## § 57.5044 Respirators.

In environments exceeding 1.0 WL, miners shall wear respirators approved by NIOSH for radon daughters prior to July 10, 1995 or under the equivalent section of 42 CFR part 84 and such respirator use shall be in compliance with §57.5005.

[60 FR 30400, June 8, 1995]

## § 57.5045 Posting of inactive workings.

Inactive workings in which radon daughter concentrations are above 1.0 WL, shall be posted against unauthorized entry and designated by signs indicating them as areas in which approved respirators shall be worn.

## § 57.5046 Protection against radon gas.

Where radon daughter concentrations exceed 10 WL, respirator protection against radon gas shall be provided in addition to protection against radon daughters. Protection against radon gas shall be provided by supplied air devices or by face masks containing absorbent material capable of removing both the radon and its daughters.

## § 57.5047 Gamma radiation surveys.

(a) Gamma radiation surveys shall be conducted annually in all underground mines where radioactive ores are mined.

(b) Surveys shall be in accordance with American National Standards (ANSI) Standard N13.8–1973, entitled "Radiation Protection in Uranium Mines", section 14.1 page 12, which is hereby incorporated by reference and made a part hereof. This publication may be examined in any Metal and Nonmetal Mine Safety and Health District Office, Mine Safety and Health Administration, or may be obtained from the American National Standards Institute, Inc., 25 W. 43rd Street, 4th Floor, New York, NY 10036; <http://www.ansi.org>.

(c) Where average gamma radiation measurements are in excess of 2.0 milliroentgens per hour in the working place, gamma radiation dosimeters shall be provided for all persons affected, and records of cumulative individual gamma radiation exposure shall be kept.

(d) Annual individual gamma radiation exposure shall not exceed 5 rems.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006]

## Diesel Particulate Matter—Underground Only

**Source:** 66 FR 5907, Jan. 19, 2001, unless otherwise noted.

## § 57.5060 Limit on exposure to diesel particulate matter.

(a) A miner's personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 308 micrograms of elemental carbon per cubic meter of air ( $308_{EC}\mu\text{g}/\text{m}^3$ ). [This interim permissible exposure limit (PEL) remains in effect until the final DPM exposure limit becomes effective. When the final DPM exposure limit becomes effective, MSHA will publish a document in the Federal Register.]

(b)(1) Effective May 20, 2006, a miner's personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 308 micrograms of elemental carbon per cubic meter of air ( $308_{EC}\mu\text{g}/\text{m}^3$ ).

(2) Effective January 20, 2007, a miner's personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 350 micrograms of total carbon per cubic meter of air ( $350_{TC}\mu\text{g}/\text{m}^3$ ).

(3) Effective May 20, 2008, a miner's personal exposure to diesel particulate matter (DPM) in an underground mine must not exceed an average eight-hour equivalent full shift airborne concentration of 160 micrograms of total carbon per cubic meter of air ( $160_{TC}\mu\text{g}/\text{m}^3$ ).

(c)(1) If a mine requires additional time to come into compliance with the final DPM limit established in §57.5060 (b) due to technological or economic constraints, the operator of the mine may file an application with the District Manager for a special extension.

(2) The mine operator must certify on the application that the operator has posted one copy of the application at the mine site for at least 30 days prior to the date of application, and has provided another copy to the authorized representative of miners.

(3) No approval of a special extension shall exceed a period of one year from the date of approval. Mine operators may file for additional special extensions provided each extension does not exceed a period of one year. An application must include the following information:

(i) A statement that diesel-powered equipment was used in the mine prior to October 29, 1998;

(ii) Documentation supporting that controls are technologically or economically infeasible at this time to reduce the miner's exposure to the final DPM limit.

(iii) The most recent DPM monitoring results.

(iv) The actions the operator will take during the extension to minimize exposure of miners to DPM.

(4) A mine operator must comply with the terms of any approved application for a special extension, post a copy of the approved application for a special extension at the mine site for the duration of the special extension period, and provide a copy of the approved application to the authorized representative of miners.

(d) The mine operator must install, use, and maintain feasible engineering and administrative controls to reduce a miner's exposure to or below the applicable DPM PEL established in this section. When controls do not reduce a miner's DPM exposure to the PEL, controls are infeasible, or controls do not produce significant reductions in DPM exposures, controls must be used to reduce the miner's exposure to as low a level as feasible and must be supplemented with respiratory protection in accordance with §57.5005(a), (b), and paragraphs (d)(1) through (d)(8) of this section.

(1) Air purifying respirators must be equipped with the following:

(i) Filters certified by NIOSH under 30 CFR part 11 (appearing in the July 1, 1994 edition of 30 CFR, parts 1 to 199) as a high efficiency particulate air (HEPA) filter;

(ii) Filters certified by NIOSH under 42 CFR part 84 as 99.97% efficient; or

(iii) Filters certified by NIOSH for DPM.

(2) Non-powered, negative-pressure, air purifying, particulate-filter respirators shall use an R- or P-series filter or any filter certified by NIOSH for DPM. An R-series filter shall not be used for longer than one work shift.

(3) The mine operator must provide a confidential medical evaluation by a physician or other licensed health care professional (PLHCP), at no cost to the miner, to determine the miner's ability to use a respirator before the miner is required to be fit tested or to use a respirator at the mine. If the PLHCP determines that the miner cannot wear a negative pressure respirator, the mine operator must make certain that the PLHCP evaluates the miner's ability to wear a powered air purifying respirator (PAPR).

(4) The mine operator must provide the miner with an opportunity to discuss their evaluation results with the PLHCP before the PLHCP submits the written determination to the mine operator regarding the miner's ability to wear a respirator. If the miner disagrees with the evaluation results of the PLHCP, the miner may submit within 30 days additional evidence of his or her medical condition to the PLHCP.

(5) The mine operator must obtain a written determination from the PLHCP regarding the miner's ability to wear a respirator, and the mine operator must assure that the PLHCP provides a copy of the determination to the miner.

(6) The miner must be reevaluated when the mine operator has reason to believe that conditions have changed which could adversely affect the miner's ability to wear the respirator.

(7) Upon written notification that the PLHCP has determined that the miner is unable to wear a respirator, including a PAPR, the miner must be transferred to work in an existing position in an area of the same mine where respiratory protection is not required. The miner must be transferred within 30 days of the final determination by the PLHCP.

(i) The miner must continue to receive compensation at no less than the regular rate of pay in the classification held by that miner immediately prior to the transfer.

(ii) Increases in wages of the transferred miner must be based upon the new work classification.

(8) The mine operator must maintain a record of the identity of the PLHCP and the most recent written determination of each miner's ability to wear a respirator for the duration of the miner's employment plus six months.

(e) Rotation of miners shall not be considered an acceptable administrative control used for compliance with the DPM standard.

[70 FR 32966, June 6, 2005; 70 FR 37901, June 30, 2005, as amended at 70 FR 55019, Sept. 19, 2005; 71 FR 29011, May 18, 2006; 71 FR 29012, May 18, 2006; 71 FR 36483, June 27, 2006]

### **§ 57.5061 Compliance determinations.**

(a) MSHA will use a single sample collected and analyzed by the Secretary in accordance with the requirements of this section as an adequate basis for a determination of noncompliance with the DPM limit.

(b) The Secretary will collect samples of DPM by using a respirable dust sampler equipped with a submicrometer impactor and analyze the samples for the amount of elemental carbon using the method described in NIOSH Analytical Method 5040, except that the Secretary also may use any methods of collection and analysis subsequently determined by NIOSH to provide equal or improved accuracy for the measurement of DPM.

(c) The Secretary will use full-shift personal sampling for compliance determinations.

[70 FR 32966, June 6, 2005]

### **§ 57.5065 Fueling practices.**

(a) Diesel fuel used to power equipment in underground areas must not have a sulfur content greater than 0.05 percent. The operator must retain purchase records that demonstrate compliance with this requirement for one year after the date of purchase.

(b) The operator must only use fuel additives registered by the U.S. Environmental Protection Agency in diesel powered equipment operated in underground areas.

[66 FR 5907, Jan. 19, 2001; 66 FR 35520, July 5, 2001]

### **§ 57.5066 Maintenance standards.**

(a) Any diesel powered equipment operated at any time in underground areas must meet the following maintenance standards:

(1) The operator must maintain any approved engine in approved condition;

(2) The operator must maintain the emission related components of any non-approved engine to manufacturer specifications; and

(3) The operator must maintain any emission or particulate control device installed on the equipment in effective operating condition.

(b)(1) A mine operator must authorize each miner operating diesel-powered equipment underground to affix a visible and dated tag to the equipment when the miner notes evidence that the equipment may require maintenance in order to comply with the maintenance standards of paragraph (a) of this section. The term *evidence* means visible smoke or odor that is unusual for that piece of equipment under normal operating procedures, or obvious or visible defects in the exhaust emissions control system or in the engine affecting emissions.

(2) A mine operator must ensure that any equipment tagged pursuant to this section is promptly examined by a person authorized to maintain diesel equipment, and that the affixed tag not be removed until the examination has been completed. The term *promptly* means before the end of the next shift during which a qualified mechanic is scheduled to work.

(3) A mine operator must retain a log of any equipment tagged pursuant to this section. The log must include the date the equipment is tagged, the date the equipment is examined, the name of the person examining the equipment, and any action taken as a result of the examination. The operator must retain the information in the log for one year after the date the tagged equipment was examined.

(c) Persons authorized by a mine operator to maintain diesel equipment covered by paragraph (a) of this section must be qualified, by virtue of training or experience, to ensure that the maintenance standards of paragraph (a) of this section are observed. An operator must retain appropriate evidence of the competence of any person to perform specific maintenance tasks in compliance with those standards for one year after the date of any maintenance, and upon request must provide the documentation to the authorized representative of the Secretary.

[66 FR 5907, Jan. 19, 2001, as amended at 67 FR 9184, Feb. 27, 2002]

**Effective Date Note:** At 66 FR 5907, Jan. 19, 2001, §57.5066 was added, effective July 5, 2001, except for paragraph (b). At 66 FR 35518, July 5, 2001, the effective date of paragraph (b) was delayed pending disposition of current litigation challenging the rule. At 67 FR 9184, Feb. 27, 2002, paragraphs (b)(1) and (b)(2) were revised, effective Mar. 29, 2002.

**§ 57.5067 Engines.**

(a) Any diesel engine introduced into an underground area of a mine covered by this part after July 5, 2001, other than an engine in an ambulance or fire fighting equipment which is utilized in accordance with mine fire fighting and evacuation plans, must either:

(1) Have affixed a plate evidencing approval of the engine pursuant to subpart E of Part 7 of this title or pursuant to Part 36 of this title; or

(2) Meet or exceed the applicable particulate matter emission requirements of the Environmental Protection Administration listed in Table 57.5067-1, as follows:

**Table 57.5067-1**

<b>EPA requirement</b>	<b>EPA category</b>	<b>PM limit</b>
40 CFR 86.094-8(a)(1)(i)(A)(2)	light duty vehicle	0.1 g/mile.
40 CFR 86.094-9(a)(1)(i)(A)(2)	light duty truck	0.1 g/mile.
40 CFR 86.094-11(a)(1)(iv)(B)	heavy duty highway engine	0.1 g/bhp-hr.
40 CFR 89.112(a)	nonroad (tier, power range)	varies by power range:
	tier 1 kW<8 (hp<11)	1.0 g/kW-hr (0.75 g/bhp-hr).
	tier 1 8≤kW<19 (11≤hp<25)	0.80 g/kW-hr (0.60 g/bhp-hr).
	tier 1 19≤kW<37 (25≤hp<50)	0.80 g/kW-hr (0.60 g/bhp-hr).
	tier 2 37≤kW<75 (50≤hp<100)	0.40 g/kW-hr (0.30 g/bhp-hr).
	tier 2 75≤kW<130 (100≤hp<175)	0.30 g/kW-hr (0.22 g/bhp-hr).
	tier 1 130≤kW<225 (175≤hp<300)	0.54 g/kW-hr (0.40 g/bhp-hr).
	tier 1 225≤kW<450 (300≤hp<600)	0.54 g/kW-hr (0.40 g/bhp-hr).
	tier 1 450≤kW<560 (600≤hp<750)	0.54 g/kW-hr (0.40 g/bhp-hr).
	tier 1 kW≥560 (hp≥750)	0.54 g/kW-hr (0.40 g/bhp-hr).

Notes:

"g" means grams.

"hp" means horsepower.

"g/bhp-hr" means grams/brake horsepower-hour.

"kW" means kilowatt.

"g/kW-hr" means grams/kilowatt-hour.

(b) For purposes of paragraph (a):

(1) The term "introduced" means any engine added to the underground inventory of engines of the mine in question, including:

(i) An engine in newly purchased equipment;

(ii) An engine in used equipment brought into the mine; and

(iii) A replacement engine that has a different serial number than the engine it is replacing; but

(2) The term "introduced" does not include engines that were previously part of the mine inventory and rebuilt.

(3) The term *introduced* does not include the transfer of engines or equipment from the inventory of one underground mine to another underground mine operated by the same mine operator.

[66 FR 5907, Jan. 19, 2001, as amended at 66 FR 27864, May 21, 2001; 67 FR 9184, Feb. 27, 2002]

### **§ 57.5070 Miner training.**

(a) Mine operators must provide annual training to all miners at a mine covered by this part who can reasonably be expected to be exposed to diesel emissions on that property. The training must include—

(1) The health risks associated with exposure to diesel particulate matter;

(2) The methods used in the mine to control diesel particulate matter concentrations;

(3) Identification of the personnel responsible for maintaining those controls; and

(4) Actions miners must take to ensure the controls operate as intended.

(b) An operator must retain a record at the mine site of the training required by this section for one year after completion of the training.

### **§ 57.5071 Exposure monitoring.**

(a) Mine operators must monitor as often as necessary to effectively determine, under conditions that can be reasonably anticipated in the mine, whether the average personal full-shift airborne exposure to DPM exceeds the DPM limit specified in §57.5060.

(b) The mine operator must provide affected miners and their representatives with an opportunity to observe exposure monitoring required by this section. Mine operators must give prior notice to affected miners and their representatives of the date and time of intended monitoring.

(c) If any monitoring performed under this section indicates that a miner's exposure to diesel particulate matter exceeds the DPM limit specified in §57.5060, the operator must promptly post notice of the corrective action being taken on the mine bulletin board, initiate corrective action by the next work shift, and promptly complete such corrective action.

(d)(1) The results of monitoring for diesel particulate matter, including any results received by a mine operator from sampling performed by the Secretary, must be posted on the mine bulletin board within 15 days of receipt and must remain posted for 30 days. The operator must provide a copy of the results to the authorized representative of miners.

(2) The mine operator must retain for five years (from the date of sampling), the results of any samples the operator collected as a result of monitoring under this section, and information about the sampling method used for obtaining the samples.

[70 FR 32966, June 6, 2005]

## § 57.5075 Diesel particulate records.

(a) The table entitled "Diesel Particulate Matter Recordkeeping Requirements" lists the records the operator must maintain pursuant to §§57.5060 through 57.5071, and the duration for which particular records need to be retained.

Table 57.5075(a)—Diesel Particulate Recordkeeping Requirements

Record	Section reference	Retention time
1. Approved application for extension of time to comply with exposure limits	§57.5060(c)	Duration of extension.
2. Identity of PLHCP and most recent written determination of miner's ability to wear a respirator	§57.5060(d)	Duration of miner's employment plus 6 months.
3. Purchase records noting sulfur content of diesel fuel	§57.5065(a)	1 year beyond date of purchase.
4. Maintenance log	§57.5066(b)	1 year after date any equipment is tagged.
5. Evidence of competence to perform maintenance	§57.5066(c)	1 year after date maintenance performed.
6. Annual training provided to potentially exposed miners	§57.5070(b)	1 year beyond date training completed.
7. Record of corrective action	§57.5071(c)	Until the corrective action is completed.
8. Sampling method used to effectively evaluate a miner's personal exposure, and sample results	§57.5071(d)	5 years from sample date.

(b)(1) Any record listed in this section which is required to be retained at the mine site may, notwithstanding such requirement, be retained elsewhere if the mine operator can immediately access the record from the mine site by electronic transmission.

(2) Upon request from an authorized representative of the Secretary of Labor, the Secretary of Health and Human Services, or from the authorized representative of miners, mine operators must promptly provide access to any record listed in the table in this section.

(3) An operator must provide access to a miner, former miner, or, with the miner's or former miner's written consent, a personal representative of a miner, to any record required to be maintained pursuant to §57.5071 or §57.5060(d) to the extent the information pertains to the miner or former miner. The operator must provide the first copy of a requested record at no cost, and any additional copies at reasonable cost.

(4) Whenever an operator ceases to do business, that operator must transfer all records required to be maintained by this part, or a copy thereof, to any successor operator who must maintain them for the required period.

[70 FR 32966, June 6, 2005; 70 FR 37901, June 30, 2005; 71 FR 29012, May 18, 2006]

### Subpart E—Explosives

Source: 61 FR 36801, July 12, 1996, unless otherwise noted.

## **§ 57.6000 Definitions.**

The following definitions apply in this subpart.

*Blasting agent.* Any substance classified as a blasting agent by the Department of Transportation in 49 CFR 173.114a(a). This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Detonating cord.* A flexible cord containing a center core of high explosives which may be used to initiate other explosives.

*Detonator.* Any device containing a detonating charge used to initiate an explosive. These devices include electric or nonelectric instantaneous or delay blasting caps, and delay connectors. The term "detonator" does not include detonating cord. Detonators may be either "Class A" detonators or "Class C" detonators, as classified by the Department of Transportation in 49 CFR 173.53, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Explosive.* Any substance classified as an explosive by the Department of Transportation in 49 CFR 173.53, 173.88, and 173.100. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

*Explosive material.* Explosives, blasting agents, and detonators.

*Flash point.* The minimum temperature at which sufficient vapor is released by a liquid to form a flammable vapor-air mixture near the surface of the liquid.

*Igniter cord.* A fuse that burns progressively along its length with an external flame at the zone of burning, used for lighting a series of safety fuses in a desired sequence.

*Magazine.* A bullet-resistant, theft-resistant, fire-resistant, weather-resistant, ventilated facility for the storage of explosives and detonators (BATF Type 1 or Type 2 facility).

*Misfire.* The complete or partial failure of explosive material to detonate as planned. The term also is used to describe the explosive material itself that has failed to detonate.

*Primer.* A unit, package, or cartridge of explosives which contains a detonator and is used to initiate other explosives or blasting agents.

*Safety switch.* A switch that provides shunt protection in blasting circuits between the blast site and the switch used to connect a power source to the blasting circuit.

*Slurry.* An explosive material containing substantial portions of a liquid, oxidizers, and fuel, plus a thickener.

*Water gel.* An explosive material containing substantial portions of water, oxidizers, and fuel, plus a cross-linking agent.

[61 FR 36801, July 12, 1996, as amended at 67 FR 38385, June 4, 2002; 68 FR 32361, May 30, 2003; 69 FR 38842, June 29, 2004]

## **Storage—Surface and Underground**

### **§ 57.6100 Separation of stored explosive material.**

(a) Detonators shall not be stored in the same magazine with other explosive material.

(b) When stored in the same magazine, blasting agents shall be separated from explosives, safety fuse, and detonating cord to prevent contamination.

### **§ 57.6101 Areas around explosive material storage facilities.**

(a) Areas surrounding storage facilities for explosive material shall be clear of rubbish, brush, dry grass, and trees for 25 feet in all directions, except that live trees 10 feet or taller need not be removed.

(b) Other combustibles shall not be stored or allowed to accumulate within 50 feet of explosive material. Combustible liquids shall be stored in a manner that ensures drainage will occur away from the explosive material storage facility in case of tank rupture.

### **§ 57.6102 Explosive material storage practices.**

(a) Explosive material shall be—

- (1) Stored in a manner to facilitate use of oldest stocks first;
- (2) Stored according to brand and grade in such a manner as to facilitate identification; and
- (3) Stacked in a stable manner but not more than 8 feet high.

(b) Explosives and detonators shall be stored in closed nonconductive containers except that nonelectric detonating devices may be stored on nonconductive racks provided the case-insert instructions and the date-plant-shift code are maintained with the product.

## **Storage—Surface Only**

### **§ 57.6130 Explosive material storage facilities.**

(a) Detonators and explosives shall be stored in magazines.

(b) Packaged blasting agents shall be stored in a magazine or other facility which is ventilated to prevent dampness and excessive heating, weather-resistant, and locked or attended. Drop trailers do not have to be ventilated if they are currently licensed by the Federal, State, or local authorities for over-the-road use. Facilities other than magazines used to store blasting agents shall contain only blasting agents.

(c) Bulk blasting agents shall be stored in weather-resistant bins or tanks which are locked, attended, or otherwise inaccessible to unauthorized entry.

(d) Facilities, bins or tanks shall be posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach.

### **§ 57.6131 Location of explosive material storage facilities.**

(a) Storage facilities for any explosive material shall be—

(1) Located so that the forces generated by a storage facility explosion will not create a hazard to occupants in mine buildings and will not damage dams or electric substations; and

(2) Detached structures located outside the blast area and a sufficient distance from powerlines so that the powerlines, if damaged, would not contact the magazines.

(b) Operators should also be aware of regulations affecting storage facilities in 27 CFR part 55, in particular, 27 CFR 55.218 and 55.220. This document is available at any MSHA Metal and Nonmetal Safety and Health district office.

### **§ 57.6132 Magazine requirements.**

(a) Magazines shall be—

(1) Structurally sound;

(2) Noncombustible or the exterior covered with fire-resistant material;

(3) Bullet resistant;

(4) Made of nonsparking material on the inside;

(5) Ventilated to control dampness and excessive heating within the magazine;

(6) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach, so located that a bullet passing through any of the signs will not strike the magazine;

(7) Kept clean and dry inside;

(8) Unlighted or lighted by devices that are specifically designed for use in magazines and which do not create a fire or explosion hazard;

(9) Unheated or heated only with devices that do not create a fire or explosion hazard;

(10) Locked when unattended; and

(11) Used exclusively for the storage of explosive material except for essential nonsparking equipment used for the operation of the magazine.

(b) Metal magazines shall be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Suitable electrical bonding methods include welding, riveting, or the use of securely tightened bolts where individual metal portions are joined. Conductive portions of nonmetal magazines shall be grounded.

(c) Electrical switches and outlets shall be located on the outside of the magazine.

### **§ 57.6133 Powder chests.**

(a) Powder chests (day boxes) shall be—

(1) Structurally sound, weather-resistant, equipped with a lid or cover, and with only nonsparking material on the inside;

(2) Posted with the appropriate United States Department of Transportation placards or other appropriate warning signs that indicate the contents and are visible from each approach;

(3) Located out of the blast area once loading has been completed;

(4) Locked or attended when containing explosive material; and

(5) Emptied at the end of each shift with the contents returned to a magazine or other storage facility, or attended.

(b) Detonators shall be kept in chests separate from explosives or blasting agents, unless separated by 4-inches of hardwood or equivalent, or a laminated partition. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, (May 1993), "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," (May 1993), and the "Generic Loading Guide for the IME-22 Container," (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 1100 Wilson Blvd., Room 2436, Arlington, Virginia 22209-3939, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

[61 FR 36801, July 12, 1996, as amended at 67 FR 38385, June 4, 2002]

## **Storage—Underground Only**

### **§ 57.6160 Main facilities.**

(a) Main facilities used to store explosive material underground shall be located—

(1) In stable or supported ground;

(2) So that a fire or explosion in the storage facilities will not prevent escape from the mine, or cause detonation of the contents of another storage facility;

(3) Out of the line of blasts, and protected from vehicular traffic, except that accessing the facility;

(4) At least 200 feet from work places or shafts;

(5) At least 50 feet from electric substations;

(6) A safe distance from trolley wires; and

(7) At least 25 feet from detonator storage facilities.

(b) Main facilities used to store explosive material underground shall be—

(1) Posted with warning signs that indicate the contents and are visible from any approach;

(2) Used exclusively for the storage of explosive material and necessary equipment associated with explosive material storage and delivery:

(i) Portions of the facility used for the storage of explosives shall only contain nonsparking material or equipment.

(ii) The blasting agent portion of the facility may be used for the storage of other necessary equipment;

(3) Kept clean, suitably dry, and orderly;

(4) Provided with unobstructed ventilation openings;

(5) Kept securely locked unless all access to the mine is either locked or attended; and

(6) Unlighted or lighted only with devices that do not create a fire or explosion hazard and which are specifically designed for use in magazines.

(c) Electrical switches and outlets shall be located outside the facility.

### **§ 57.6161 Auxiliary facilities.**

(a) Auxiliary facilities used to store explosive material near work places shall be wooden, box-type containers equipped with covers or doors, or facilities constructed or mined-out to provide equivalent impact resistance and confinement.

(b) The auxiliary facilities shall be—

(1) Constructed of nonsparking material on the inside when used for the storage of explosives;

(2) Kept clean, suitably dry, and orderly;

(3) Kept in repair;

(4) Located out of the line of blasts so they will not be subjected to damaging shock or flyrock;

(5) Identified with warning signs or coded to indicate the contents with markings visible from any approach;

(6) Located at least 15 feet from all haulageways and electrical equipment, or placed entirely within a mined-out recess in the rib used exclusively for explosive material;

(7) Filled with no more than a one-week supply of explosive material;

(8) Separated by at least 25 feet from other facilities used to store detonators; and

(9) Kept securely locked unless all access to the mine is either locked or attended.

## **Transportation—Surface and Underground**

### **§ 57.6200 Delivery to storage or blast site areas.**

Explosive material shall be transported without undue delay to the storage area or blast site.

## § 57.6201 Separation of transported explosive material.

Detonators shall not be transported on the same vehicle or conveyance with other explosives except as follows:

(a) Detonators in quantities of more than 1,000 may be transported in a vehicle or conveyance with explosives or blasting agents provided the detonators are—

(1) Maintained in the original packaging as shipped from the manufacturer; and

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of the Institute of Makers of Explosives (IME) Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 1100 Wilson Blvd., Room 2436, Arlington, Virginia 22209-3939, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for examination at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) Detonators in quantities of 1,000 or fewer may be transported with explosives or blasting agents provided the detonators are—

(1) Kept in closed containers; and

(2) Separated from explosives or blasting agents by 4 inches of hardwood or equivalent, or a laminated partition. The hardwood or equivalent shall be fastened to the vehicle or conveyance. When a laminated partition is used, operators must follow the provisions of IME Safety Library Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials" (May 1993), and the "Generic Loading Guide for the IME-22 Container" (October 1993). This incorporation by reference has been approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available at MSHA, 1100 Wilson Blvd., Room 2436, Arlington, Virginia 22209-3939, and at all Metal and Nonmetal Mine Safety and Health district offices, or available for examination at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

[61 FR 36801, July 12, 1996, as amended at 67 FR 38385, June 4, 2002]

## § 57.6202 Vehicles.

(a) Vehicles containing explosive material shall be—

(1) Maintained in good condition and shall comply with the requirements of subpart M of this part;

(2) Equipped with sides and enclosures higher than the explosive material being transported or have the explosive material secured to a nonconductive pallet;

(3) Equipped with a cargo space that shall contain the explosive material (passenger areas shall not be considered cargo space);

(4) Equipped with at least two multipurpose dry-chemical fire extinguishers or one such extinguisher and an automatic fire suppression system;

(5) Posted with warning signs that indicate the contents and are visible from each approach;

(6) Occupied only by persons necessary for handling the explosive material;

(7) Attended or the cargo compartment locked at surface areas of underground mines, except when parked at the blast site and loading is in progress; and

(8) Secured while parked by having—

(i) The brakes set;

(ii) The wheels chocked if movement could occur; and

(iii) The engine shut off unless powering a device being used in the loading operation.

(b) Vehicles containing explosives shall have—

(1) No sparking material exposed in the cargo space; and

(2) Only properly secured nonsparking equipment in the cargo space with the explosives.

(c) Vehicles used for dispensing bulk explosive material shall—

(1) Have no zinc or copper exposed in the cargo space; and

(2) Provide any enclosed screw-type conveyors with protection against internal pressure and frictional heat.

### **§ 57.6203 Locomotives.**

Explosive material shall not be transported on a locomotive. When explosive material is hauled by trolley locomotive, covered, electrically insulated cars shall be used.

### **§ 57.6204 Hoists.**

(a) Before explosive material is transported in hoist conveyances—

(1) The hoist operator shall be notified; and

(2) Hoisting in adjacent shaft compartments, except for empty conveyances or counterweights, shall be stopped until transportation of the explosive material is completed.

(b) Explosive material transported in hoist conveyances shall be placed within a container which prevents shifting of the cargo that could cause detonation of the container by impact or by sparks. The manufacturer's container may be used if secured to a nonconductive pallet. When explosives are transported, they shall be secured so as not to contact any sparking material.

(c) No explosive material shall be transported during a mantrip.

### **§ 57.6205 Conveying explosives by hand.**

Closed, nonconductive containers shall be used to carry explosives and detonators to and from blast sites. Separate containers shall be used for explosives and detonators.

USE—SURFACE AND UNDERGROUND

### **§ 57.6300 Control of blasting operations.**

(a) Only persons trained and experienced in the handling and use of explosive material shall direct blasting operations and related activities.

(b) Trainees and inexperienced persons shall work only in the immediate presence of persons trained and experienced in the handling and use of explosive material.

### **§ 57.6301 Blasthole obstruction check.**

Before loading, blastholes shall be checked and, wherever possible, cleared of obstructions.

### **§ 57.6302 Separation of explosive material.**

Explosives and blasting agents shall be kept separated from detonators until loading begins.

### **§ 57.6303 Initiation preparation.**

- (a) Primers shall be made up only at the time of use and as close to the blast site as conditions allow.
- (b) Primers shall be prepared with the detonator contained securely and completely within the explosive or contained securely and appropriately for its design in the tunnel or cap well.
- (c) When using detonating cord to initiate another explosive, a connection shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in contact with the explosive.

### **§ 57.6304 Primer protection.**

- (a) Tamping shall not be done directly on a primer.
- (b) Rigid cartridges of explosives or blasting agents that are 4 inches (100 millimeters) in diameter or larger shall not be dropped on the primer except where the blasthole contains sufficient depth of water to protect the primer from impact. Slit packages of prill, water gel, or emulsions are not considered rigid cartridges and may be drop loaded.

### **§ 57.6305 Unused explosive material.**

Unused explosive material shall be moved to a protected location as soon as practical after loading operations are completed.

### **§ 57.6306 Loading, blasting, and security.**

- (a) When explosive materials or initiating systems are brought to the blast site, the blast site shall be attended; barricaded and posted with warning signs, such as "Danger," "Explosives," or "Keep Out;" or flagged against unauthorized entry.
- (b) Vehicles and equipment shall not be driven over explosive material or initiating systems in a manner which could contact the material or system, or create other hazards.
- (c) Once loading begins, the only activities permitted within the blast site shall be those activities directly related to the blasting operation and the activities of surveying, stemming, sampling of geology, and reopening of holes, provided that reasonable care is exercised. Haulage activity is permitted near the base of bench faces being loaded or awaiting firing, provided no other haulage access exists.
- (d) Loading and blasting shall be conducted in a manner designed to facilitate a continuous process, with the blast fired as soon as possible following the completion of loading. If blasting a loaded round may be delayed for more than 72 hours, the operator shall notify the appropriate MSHA district office.
- (e) In electric blasting prior to connecting to the power source, and in nonelectric blasting prior to attaching an initiating device, all persons shall leave the blast area except persons in a blasting shelter or other location that protects them from concussion (shock wave), flying material, and gases.
- (f) Before firing a blast—
  - (1) Ample warning shall be given to allow all persons to be evacuated;
  - (2) Clear exit routes shall be provided for persons firing the round; and
  - (3) All access routes to the blast area shall be guarded or barricaded to prevent the passage of persons or vehicles.
- (g) Work shall not be resumed in the blast area until a post-blast examination addressing potential blast-related hazards has been conducted by a person with the ability and experience to perform the examination.

### **§ 57.6307 Drill stem loading.**

Explosive material shall not be loaded into blastholes with drill stem equipment or other devices that could be extracted while containing explosive material. The use of loading hose, collar sleeves, or collar pipes is permitted.

### **§ 57.6308 Initiation systems.**

Initiation systems shall be used in accordance with the manufacturer's instructions.

### **§ 57.6309 Fuel oil requirements for ANFO.**

(a) Liquid hydrocarbon fuels with flash points lower than that of No. 2 diesel oil (125 °F) shall not be used to prepare ammonium nitrate-fuel oil, except that diesel fuels with flash points no lower than 100 °F may be used at ambient air temperatures below 45 °F.

(b) Waste oil, including crankcase oil, shall not be used to prepare ammonium nitrate-fuel oil.

### **§ 57.6310 Misfire waiting period.**

When a misfire is suspected, persons shall not enter the blast area—

(a) For 30 minutes if safety fuse and blasting caps are used; or

(b) For 15 minutes if any other type detonators are used.

### **§ 57.6311 Handling of misfires.**

(a) Faces and muck piles shall be examined for misfires after each blasting operation.

(b) Only work necessary to remove a misfire and protect the safety of miners engaged in the removal shall be permitted in the affected area until the misfire is disposed of in a safe manner.

(c) When a misfire cannot be disposed of safely, each approach to the area affected by the misfire shall be posted with a warning sign at a conspicuous location to prohibit entry, and the condition shall be reported immediately to mine management.

(d) Misfires occurring during the shift shall be reported to mine management not later than the end of the shift.

### **§ 57.6312 Secondary blasting.**

Secondary blasts fired at the same time in the same work area shall be initiated from one source.

## **Electric Blasting—Surface and Underground**

### **§ 57.6400 Compatibility of electric detonators.**

All electric detonators to be fired in a round shall be from the same manufacturer and shall have similar electrical firing characteristics.

### **§ 57.6401 Shunting.**

Except during testing—

(a) Electric detonators shall be kept shunted until connected to the blasting line or wired into a blasting round;

(b) Wired rounds shall be kept shunted until connected to the blasting line; and

(c) Blasting lines shall be kept shunted until immediately before blasting.

### **§ 57.6402 Deenergized circuits near detonators.**

Electrical distribution circuits within 50 feet of electric detonators at the blast site shall be deenergized. Such circuits need not be deenergized between 25 to 50 feet of the electric detonators if stray current tests, conducted as frequently as necessary, indicate a maximum stray current of less than 0.05 ampere through a 1-ohm resistor as measured at the blast site.

#### **§ 57.6403 Branch circuits.**

(a) If electric blasting includes the use of branch circuits, each branch shall be equipped with a safety switch or equivalent method to isolate the circuits to be used.

(b) At least one safety switch or equivalent method of protection shall be located outside the blast area and shall be in the open position until persons are withdrawn.

#### **§ 57.6404 Separation of blasting circuits from power source.**

(a) Switches used to connect the power source to a blasting circuit shall be locked in the open position except when closed to fire the blast.

(b) Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

#### **§ 57.6405 Firing devices.**

(a) Power sources shall be capable of delivering sufficient current to energize all electric detonators to be fired with the type of circuits used. Storage or dry cell batteries are not permitted as power sources.

(b) Blasting machines shall be tested, repaired, and maintained in accordance with manufacturer's instructions.

(c) Only the blaster shall have the key or other control to an electrical firing device.

#### **§ 57.6406 Duration of current flow.**

If any part of a blast is connected in parallel and is to be initiated from powerlines or lighting circuits, the time of current flow shall be limited to a maximum of 25 milliseconds. This can be accomplished by incorporating an arcing control device in the blasting circuit or by interrupting the circuit with an explosive device attached to one or both lead lines and initiated by a 25-millisecond delay electric detonator.

#### **§ 57.6407 Circuit testing.**

A blasting galvanometer or other instrument designed for testing blasting circuits shall be used to test the following:

(a) In surface operations—

(1) Continuity of each electric detonator in the blasthole prior to stemming and connection to the blasting line;

(2) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line;

(3) Continuity of blasting lines prior to the connection of electric detonator series; and

(4) Total blasting circuit resistance prior to connection to the power source.

(b) In underground operations—

(1) Continuity of each electric detonator series; and

(2) Continuity of blasting lines prior to the connection of electric detonators.

### **Nonelectric Blasting—Surface and Underground**

#### **§ 57.6500 Damaged initiating material.**

A visual check of the completed circuit shall be made to ensure that the components are properly aligned and connected. Safety fuse, igniter cord, detonating cord, shock or gas tubing, and similar material which is kinked, bent sharply, or damaged shall not be used.

**§ 57.6501 Nonelectric initiation systems.**

(a) When the nonelectric initiation system uses shock tube—

- (1) Connections with other initiation devices shall be secured in a manner which provides for uninterrupted propagation;
- (2) Factory-made units shall be used as assembled and shall not be cut except that a single splice is permitted on the lead-in trunkline during dry conditions; and
- (3) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used.

(b) When the nonelectric initiation system uses detonating cord—

- (1) The line of detonating cord extending out of a blasthole shall be cut from the supply spool immediately after the attached explosive is correctly positioned in the hole;
- (2) In multiple row blasts, the trunkline layout shall be designed so that the detonation can reach each blasthole from at least two directions;
- (3) Connections shall be tight and kept at right angles to the trunkline;
- (4) Detonators shall be attached securely to the side of the detonating cord and pointed in the direction in which detonation is to proceed;
- (5) Connections between blastholes shall not be made until immediately prior to clearing the blast site when surface delay detonators are used; and
- (6) Lead-in lines shall be manually unreeled if connected to the trunklines at the blast site.

(c) When nonelectric initiation systems use gas tube, continuity of the circuit shall be tested prior to blasting.

**§ 57.6502 Safety fuse.**

(a) The burning rate of each spool of safety fuse to be used shall be measured, posted in locations which will be conspicuous to safety fuse users, and brought to the attention of all persons involved with the blasting operation.

(b) When firing with safety fuse ignited individually using handheld lighters, the safety fuse shall be of lengths which provide at least the minimum burning time for a particular size round, as specified in the following table:

**Table E-1—Safety Fuse—Minimum Burning Time**

<b>Number of holes in a round</b>	<b>Minimum burning time</b>
1	2 min. <sup>1</sup>
2–5	2 min. 40 sec.
6–10	3 min. 20 sec.
11 to 15	5 min.

<sup>1</sup>For example, at least a 36-inch length of 40-second-per-foot safety fuse or at least a 48-inch length of 30-second-per-foot safety fuse would have to be used to allow sufficient time to evacuate the area.

(c) Where flyrock might damage exposed safety fuse, the blast shall be timed so that all safety fuses are burning within the blastholes before any blasthole detonates.

- (d) Fuse shall be cut and capped in dry locations.
- (e) Blasting caps shall be crimped to fuse only with implements designed for that purpose.
- (f) Safety fuse shall be ignited only after the primer and the explosive material are securely in place.
- (g) Safety fuse shall be ignited only with devices designed for that purpose. Carbide lights, liquefied petroleum gas torches, and cigarette lighters shall not be used to light safety fuse.
- (h) At least two persons shall be present when lighting safety fuse, and no one shall light more than 15 individual fuses. If more than 15 holes per person are to be fired, electric initiation systems, igniter cord and connectors, or other nonelectric initiation systems shall be used.

## **Extraneous Electricity—Surface and Underground**

### **§ 57.6600 Loading practices.**

If extraneous electricity is suspected in an area where electric detonators are used, loading shall be suspended until tests determine that stray current does not exceed 0.05 amperes through a 1-ohm resistor when measured at the location of the electric detonators. If greater levels of extraneous electricity are found, the source shall be determined and no loading shall take place until the condition is corrected.

### **§ 57.6601 Grounding.**

Electric blasting circuits, including powerline sources when used, shall not be grounded.

### **§ 57.6602 Static electricity dissipation during loading.**

When explosive material is loaded pneumatically into a blasthole in a manner that generates a static electricity hazard—

- (a) An evaluation of the potential static electricity hazard shall be made and any hazard shall be eliminated before loading begins;
- (b) The loading hose shall be of a semiconductive type, have a total of not more than 2 megohms of resistance over its entire length and not less than 1000 ohms of resistance per foot;
- (c) Wire-countered hoses shall not be used;
- (d) Conductive parts of the loading equipment shall be bonded and grounded and grounds shall not be made to other potential sources of extraneous electricity; and
- (e) Plastic tubes shall not be used as hole liners if the hole contains an electric detonator.

### **§ 57.6603 Air gap.**

At least a 15-foot air gap shall be provided between the blasting circuit and the electric power source.

### **§ 57.6604 Precautions during storms.**

During the approach and progress of an electrical storm—

- (a) Surface blasting operations shall be suspended and persons withdrawn from the blast area or to a safe location; or
- (b) Underground electrical blasting operations that are capable of being initiated by lightning shall be suspended and all persons withdrawn from the blast area or to a safe location.

### **§ 57.6605 Isolation of blasting circuits.**

Lead wires and blasting lines shall be isolated and insulated from power conductors, pipelines, and railroad tracks, and shall be protected from sources of stray or static electricity. Blasting circuits shall be protected from any contact between firing lines and overhead powerlines which could result from the force of a blast.

## **Equipment/Tools—Surface and Underground**

### **§ 57.6700 Nonsparking tools.**

Only nonsparking tools shall be used to open containers of explosive material or to punch holes in explosive cartridges.

### **§ 57.6701 Tamping and loading pole requirements.**

Tamping and loading poles shall be of wood or other nonconductive, nonsparking material. Couplings for poles shall be nonsparking.

## **Maintenance—Surface and Underground**

### **§ 57.6800 Storage facilities.**

When repair work which could produce a spark or flame is to be performed on a storage facility—

- (a) The explosive material shall be moved to another facility, or moved at least 50 feet from the repair activity and monitored; and
- (b) The facility shall be cleaned to prevent accidental detonation.

### **§ 57.6801 Vehicle repair.**

Vehicles containing explosive material and oxidizers shall not be taken into a repair garage or shop.

### **§ 57.6802 Bulk delivery vehicles.**

No welding or cutting shall be performed on a bulk delivery vehicle until the vehicle has been washed down and all explosive material has been removed. Before welding or cutting on a hollow shaft, the shaft shall be thoroughly cleaned inside and out and vented with a minimum 1/2-inch diameter opening to allow for sufficient ventilation.

### **§ 57.6803 Blasting lines.**

Permanent blasting lines shall be properly supported. All blasting lines shall be insulated and kept in good repair.

## **General Requirements—Surface and Underground**

### **§ 57.6900 Damaged or deteriorated explosive material.**

Damaged or deteriorated explosive material shall be disposed of in a safe manner in accordance with the instructions of the manufacturer.

### **§ 57.6901 Black powder.**

(a) Black powder shall be used for blasting only when a desired result cannot be obtained with another type of explosive, such as in quarrying certain types of dimension stone.

(b) Containers of black powder shall be—

- (1) Nonsparking;
- (2) Kept in a totally enclosed cargo space while being transported by a vehicle;
- (3) Securely closed at all times when—
  - (i) Within 50 feet of any magazine or open flame;
  - (ii) Within any building in which a fuel-fired or exposed-element electric heater is operating; or

(iii) In an area where electrical or incandescent-particle sparks could result in powder ignition; and

(4) Opened only when the powder is being transferred to a blasthole or another container and only in locations not listed in paragraph (b)(3) of this section.

(c) Black powder shall be transferred from containers only by pouring.

(d) Spills shall be cleaned up promptly with nonsparking equipment. Contaminated powder shall be put into a container of water and shall be disposed of promptly after the granules have disintegrated, or the spill area shall be flushed promptly with water until the granules have disintegrated completely.

(e) Misfires shall be disposed of by washing the stemming and powder charge from the blasthole, and removing and disposing of the initiator in accordance with the requirement for damaged explosives.

(f) Holes shall not be reloaded for at least 12 hours when the blastholes have failed to break as planned.

### **§ 57.6902 Excessive temperatures.**

(a) Where heat could cause premature detonation, explosive material shall not be loaded into hot areas, such as kilns or sprung holes.

(b) When blasting sulfide ores where hot holes occur that may react with explosive material in blastholes, operators shall—

(1) Measure an appropriate number of blasthole temperatures in order to assess the specific mine conditions prior to the introduction of explosive material;

(2) Limit the time between the completion of loading and the initiation of the blast to no more than 12 hours; and

(3) Take other special precautions to address the specific conditions at the mine to prevent premature detonation.

### **§ 57.6903 Burning explosive material.**

If explosive material is suspected of burning at the blast site, persons shall be evacuated from the endangered area and shall not return for at least one hour after the burning or suspected burning has stopped.

### **§ 57.6904 Smoking and open flames.**

Smoking and use of open flames shall not be permitted within 50 feet of explosive material except when separated by permanent noncombustible barriers. This standard does not apply to devices designed to ignite safety fuse or to heating devices which do not create a fire or explosion hazard.

### **§ 57.6905 Protection of explosive material.**

(a) Explosive material shall be protected from temperatures in excess of 150 degrees Fahrenheit.

(b) Explosive material shall be protected from impact, except for tamping and dropping during loading.

## **General Requirements—Underground Only**

### **§ 57.6960 Mixing of explosive material.**

(a) The mixing of ingredients to produce explosive material shall not be conducted underground unless prior approval of the MSHA district manager is obtained. In granting or withholding approval, the district manager shall consider the potential hazards created by—

- (1) The location of the stored material and the storage practices used;
  - (2) The transportation and use of the explosive material;
  - (3) The nature of the explosive material, including its sensitivity;
  - (4) Any other factor deemed relevant to the safety of miners potentially exposed to the hazards associated with the mixing of the bulk explosive material underground.
- (b) Storage facilities for the ingredients to be mixed shall provide drainage away from the facilities for leaks and spills.

## **Subpart F—Drilling and Rotary Jet Piercing**

### **Drilling—Surface Only**

#### **§ 57.7002 Equipment defects.**

Equipment defects affecting safety shall be corrected before the equipment is used.

#### **§ 57.7003 Drill area inspection.**

The drilling area shall be inspected for hazards before starting the drilling operations.

#### **§ 57.7004 Drill mast.**

Persons shall not be on a mast while the drill-bit is in operation unless they are provided with a safe platform from which to work and they are required to use safety belts to avoid falling.

#### **§ 57.7005 Augers and drill stems.**

Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

#### **§ 57.7008 Moving the drill.**

When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

#### **§ 57.7009 Drill helpers.**

If a drill helper assists the drill operator during movement of a drill to a new location, the helper shall be in sight of, or in communication with, the operator at all times.

#### **§ 57.7010 Power failures.**

In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

#### **§ 57.7011 Straightening crossed cables.**

The drill stem shall be resting on the bottom of the hole or on the platform with the stem secured to the mast before attempts are made to straighten a crossed cable on a reel.

**§ 57.7012 Tending drills in operation.**

While in operation, drills shall be attended at all times.

**§ 57.7013 Covering or guarding drill holes.**

Drill holes large enough to constitute a hazard shall be covered or guarded.

**§ 57.7018 Hand clearance.**

Persons shall not hold the drill steel while collaring holes, or rest their hands on the chuck or centralizer while drilling.

**Drilling—Underground Only**

**§ 57.7028 Hand clearance.**

Persons shall not rest their hands on the chuck or centralizer while drilling.

**§ 57.7032 Anchoring.**

Columns and the drills mounted on them shall be anchored firmly before and during drilling.

**Drilling—Surface and Underground**

**§ 57.7050 Tool and drill steel racks.**

Receptacles or racks shall be provided for drill steel and tools stored or carried on drills.

**§ 57.7051 Loose objects on the mast or drill platform.**

To prevent injury to personnel, tools and other objects shall not be left loose on the mast or drill platform.

**§ 57.7052 Drilling positions.**

Persons shall not drill from—

- (a) Positions which hinder their access to the control levers;
- (b) Insecure footing or insecure staging; or
- (c) Atop equipment not suitable for drilling.

**§ 57.7053 Moving hand-held drills.**

Before hand-held drills are moved from one working area to another, air shall be turned off and bled from the hose.

**§ 57.7054 Starting or moving drill equipment.**

Drill operators shall not start or move drilling equipment unless all miners are in the clear.

### **§ 57.7055 Intersecting holes.**

Holes shall not be drilled where there is a danger of intersecting a misfired hole or a hole containing explosives, blasting agents, or detonators.

[56 FR 46517, Sept. 12, 1991; 56 FR 52193, Oct. 18, 1991]

### **§ 57.7056 Collaring in bootlegs.**

Holes shall not be collared in bootlegs.

[56 FR 46517, Sept. 12, 1991]

## **Rotary Jet Piercing—Surface Only**

### **§ 57.7801 Jet drills.**

Jet piercing drills shall be provided with:

- (a) A system to pressurize the equipment operator's cab, when a cab is provided; and
- (b) A protective cover over the oxygen flow indicator.

### **§ 57.7802 Oxygen hose lines.**

Safety chains or other suitable locking devices shall be provided across connections to and between high pressure oxygen hose lines of 1-inch inside diameter or larger.

### **§ 57.7803 Lighting the burner.**

A suitable means of protection shall be provided for the employee when lighting the burner.

### **§ 57.7804 Refueling.**

When rotary jet piercing equipment requires refueling at locations other than fueling stations, a system for fueling without spillage shall be provided.

### **§ 57.7805 Smoking and open flames.**

Persons shall not smoke and open flames shall not be used in the vicinity of the oxygen storage and supply lines. Signs warning against smoking and open flames shall be posted in these areas.

### **§ 57.7806 Oxygen intake coupling.**

The oxygen intake coupling on jet piercing drills shall be constructed so that only the oxygen hose can be coupled to it.

### **§ 57.7807 Flushing the combustion chamber.**

The combustion chamber of a jet drill stem which has been sitting unoperated in a drill hole shall be flushed with a suitable solvent after the stem is pulled up.

## **Subpart G—Ventilation**

### **Surface and Underground**

## **§ 57.8518 Main and booster fans.**

(a) All mine main and booster fans installed and used to ventilate the active workings of the mine shall be operated continuously while persons are underground in the active workings. However, this provision is not applicable during scheduled production-cycle shutdowns or planned or scheduled fan maintenance or fan adjustments where air quality is maintained in compliance with the applicable standards of subpart D of this part and all persons underground in the affected areas are advised in advance of such scheduled or planned fan shutdowns, maintenance, or adjustments.

(b) In the event of main or booster fan failure due to a malfunction, accident, power failure, or other such unplanned or unscheduled event:

(1) The air quality in the affected active workings shall be tested at least within 2-hours of the discovery of the fan failure, and at least every 4-hours thereafter by a competent person for compliance with the requirements of the applicable standards of subpart D of this part until normal ventilation is restored, or

(2) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in subpart D of this part, before any other persons are permitted to enter the affected active workings.

## **§ 57.8519 Underground main fan controls.**

All underground main fans shall have controls placed at a suitable protected location remote from the fan and preferably on the surface.

### **Underground Only**

## **§ 57.8520 Ventilation plan.**

A plan of the mine ventilation system shall be set out by the operator in written form. Revisions of the system shall be noted and updated at least annually. The ventilation plan or revisions thereto shall be submitted to the District Manager for review and comments upon his written request. The plan shall, where applicable, contain the following:

(a) The mine name.

(b) The current mine map or schematic or series of mine maps or schematics of an appropriate scale, not greater than five hundred feet to the inch, showing:

(1) Direction and quantity of principal air flows;

(2) Locations of seals used to isolate abandoned workings;

(3) Locations of areas withdrawn from the ventilation system;

(4) Locations of all main, booster and auxiliary fans not shown in paragraph (d) of this standard.

(5) Locations of air regulators and stoppings and ventilation doors not shown in paragraph (d) of this standard;

(6) Locations of overcasts, undercasts and other airway crossover devices not shown in paragraph (d) of this standard;

(7) Locations of known oil or gas wells;

(8) Locations of known underground mine openings adjacent to the mine;

(9) Locations of permanent underground shops, diesel fuel storage depots, oil fuel storage depots, hoist rooms, compressors, battery charging stations and explosive storage facilities. Permanent facilities are those intended to exist for one year or more; and

(10) Significant changes in the ventilation system projected for one year.

(c) Mine fan data for all active main and booster fans including manufacturer's name, type, size, fan speed, blade setting, approximate pressure at present operating point, and motor brake horsepower rating.

(d) Diagrams, descriptions or sketches showing how ventilation is accomplished in each typical type of working place including the approximate quantity of air provided, and typical size and type of auxiliary fans used.

(e) The number and type of internal combustion engine units used underground, including make and model of unit, type of engine, make and model of engine, brake horsepower rating of engine, and approval number.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33723, June 29, 1995]

#### **§ 57.8525 Main fan maintenance.**

Main fans shall be maintained according to either the manufacturer's recommendations or a written periodic schedule adopted by the operator which shall be available at the operation on request of the Secretary or his authorized representative.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33723, June 29, 1995]

#### **§ 57.8527 Oxygen-deficiency testing.**

Flame safety lamps or other suitable devices shall be used to test for acute oxygen deficiency.

#### **§ 57.8528 Unventilated areas.**

Unventilated areas shall be sealed, or barricaded and posted against entry.

#### **§ 57.8529 Auxiliary fan systems**

When auxiliary fan systems are used, such systems shall minimize recirculation and be maintained to provide ventilation air that effectively sweeps the working places.

#### **§ 57.8531 Construction and maintenance of ventilation doors.**

Ventilation doors shall be—

- (a) Substantially constructed;
- (b) Covered with fire-retardant material, if constructed of wood;
- (c) Maintained in good condition;
- (d) Self-closing, if manually operated; and
- (e) Equipped with audible or visual warning devices, if mechanically operated.

#### **§ 57.8532 Opening and closing ventilation doors.**

When ventilation control doors are opened as a part of the normal mining cycle, they shall be closed as soon as possible to re-establish normal ventilation to working places.

#### **§ 57.8534 Shutdown or failure of auxiliary fans.**

(a) Auxiliary fans installed and used to ventilate the active workings of the mine shall be operated continuously while persons are underground in the active workings, *except* for scheduled production-cycle shutdowns or planned or scheduled fan maintenance or fan adjustments where air quality is maintained in compliance with the applicable standards of subpart D of this part, and all persons underground in the affected areas are advised in advance of such scheduled or planned fan shutdowns, maintenance, or adjustments.

(b) In the event of auxiliary fan failure due to malfunction, accident, power failure, or other such unplanned or unscheduled event:

(1) The air quality in the affected active workings shall be tested at least within 2 hours of the discovery of the fan failure, and at least every 4 hours thereafter by a competent person for compliance with the requirements of the applicable standards of subpart D of this part until normal ventilation is restored, or

(2) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in subpart D of this part, before any other persons are permitted to enter the affected active workings.

### **§ 57.8535 Seals.**

Seals shall be provided with a means for checking the quality of air behind the seal and a means to prevent a water head from developing unless the seal is designed to impound water.

## **Subpart H—Loading, Hauling, and Dumping**

**Source:** 53 FR 32526, Aug. 25, 1988, unless otherwise noted.

## **Traffic Safety**

### **§ 57.9100 Traffic control.**

To provide for the safe movement of self-propelled mobile equipment—

(a) Rules governing speed, right-of-way, direction of movement, and the use of headlights to assure appropriate visibility, shall be established and followed at each mine; and

(b) Signs or signals that warn of hazardous conditions shall be placed at appropriate locations at each mine.

### **§ 57.9101 Operating speeds and control of equipment.**

Operators of self-propelled mobile equipment shall maintain control of the equipment while it is in motion. Operating speeds shall be consistent with conditions of roadways, tracks, grades, clearance, visibility, and traffic, and the type of equipment used.

### **§ 57.9102 Movement of independently operating rail equipment.**

Movement of two or more pieces of rail equipment operating independently on the same track shall be controlled for safe operation.

### **§ 57.9103 Clearance on adjacent tracks.**

Railcars shall not be left on side tracks unless clearance is provided for traffic on adjacent tracks.

### **§ 57.9104 Railroad crossings.**

Designated railroad crossings shall be posted with warning signs or signals, or shall be guarded when trains are passing. These crossings shall also be planked or filled between the rails.

### **§ 57.9160 Train movement during shift changes.**

During shift changes, the movement of underground trains carrying rock or material shall be limited to areas where the trains do not present a hazard to persons changing shifts.

## **Transportation of Persons and Materials**

### **§ 57.9200 Transporting persons.**

Persons shall not be transported—

(a) In or on dippers, forks, clamshells, or buckets except shaft buckets during shaft-sinking operations or during inspection, maintenance and repair of shafts.

(b) In beds of mobile equipment or railcars, unless—

(1) Provisions are made for secure travel, and

(2) Means are taken to prevent accidental unloading if the equipment is provided with unloading devices;

(c) On top of loads in mobile equipment;

(d) Outside cabs, equipment operators' stations, and beds of mobile equipment, except when necessary for maintenance, testing, or training purposes, and provisions are made for secure travel. This provision does not apply to rail equipment.

(e) Between cars of trains, on the leading end of trains, on the leading end of a single railcar, or in other locations on trains that expose persons to hazards from train movement.

(1) This paragraph does not apply to car droppers if they are secured with safety belts and lines which prevent them from falling off the work platform.

(2) Brakemen and trainmen are prohibited from riding between cars of moving trains but may ride on the leading end of trains or other locations when necessary to perform their duties;

(f) To and from work areas in overcrowded mobile equipment;

(g) In mobile equipment with materials or equipment unless the items are secured or are small and can be carried safely by hand without creating a hazard to persons; or

(h) On conveyors unless the conveyors are designed to provide for their safe transportation.

### **§ 57.9201 Loading, hauling, and unloading of equipment or supplies.**

Equipment and supplies shall be loaded, transported, and unloaded in a manner which does not create a hazard to persons from falling or shifting equipment or supplies.

### **§ 57.9202 Loading and hauling large rocks.**

Large rocks shall be broken before loading if they could endanger persons or affect the stability of mobile equipment. Mobile equipment used for haulage of mined material shall be loaded to minimize spillage where a hazard to persons could be created.

### **§ 57.9260 Supplies, materials, and tools on mantrips.**

Supplies, materials, and tools, other than small items that can be carried by hand, shall not be transported underground with persons in mantrips. Mantrips shall be operated independently of ore or supply trips.

### **§ 57.9261 Transporting tools and materials on locomotives.**

Tools or materials shall not be carried on top of locomotives underground except for secured rerailing devices located in a manner which does not create a hazard to persons.

## **Safety Devices, Provisions, and Procedures for Roadways, Railroads, and Loading and Dumping Sites**

### **§ 57.9300 Berms or guardrails.**

(a) Berms or guardrails shall be provided and maintained on the banks of roadways where a drop-off exists of sufficient grade or depth to cause a vehicle to overturn or endanger persons in equipment.

(b) Berms or guardrails shall be at least mid-axle height of the largest self-propelled mobile equipment which usually travels the roadway.

(c) Berms may have openings to the extent necessary for roadway drainage.

(d) Where elevated roadways are infrequently traveled and used only by service or maintenance vehicles, berms or guardrails are not required when all of the following are met:

(1) Locked gates are installed at the entrance points to the roadway.

(2) Signs are posted warning that the roadway is not bermed.

(3) Delineators are installed along the perimeter of the elevated roadway so that, for both directions of travel, the reflective surfaces of at least three delineators along each elevated shoulder are always visible to the driver and spaced at intervals sufficient to indicate the edges and attitude of the roadway.

(4) A maximum speed limit is posted and observed for the elevated unbermed portions of the roadway. Factors to consider when establishing the maximum speed limit shall include the width, slope and alignment of the road, the type of equipment using the road, the road material, and any hazardous conditions which may exist.

(5) Road surface traction is not impaired by weather conditions, such as sleet and snow, unless corrective measures, such as the use of tire chains, plowing, or sanding, are taken to improve traction.

(e) This standard is not applicable to rail beds.

[53 FR 32526, Aug. 25, 1988, as amended at 55 FR 37218, Sept. 7, 1990]

#### **§ 57.9301 Dump site restraints.**

Berms, bumper blocks, safety hooks, or similar impeding devices shall be provided at dumping locations where there is a hazard of overtravel or overturning.

#### **§ 57.9302 Protection against moving or runaway railroad equipment.**

Stopblocks, derail devices, or other devices that protect against moving or runaway rail equipment shall be installed wherever necessary to protect persons.

#### **§ 57.9303 Construction of ramps and dumping facilities.**

Ramps and dumping facilities shall be designed and constructed of materials capable of supporting the loads to which they will be subjected. The ramps and dumping facilities shall provide width, clearance, and headroom to safely accommodate the mobile equipment using the facilities.

#### **§ 57.9304 Unstable ground.**

(a) Dumping locations shall be visually inspected prior to work commencing and as ground conditions warrant.

(b) Where there is evidence that the ground at a dumping location may fail to support the mobile equipment, loads shall be dumped a safe distance back from the edge of the unstable area of the bank.

#### **§ 57.9305 Truck spotters.**

(a) If truck spotters are used, they shall be in the clear while trucks are backing into dumping position or dumping.

(b) Spotters shall use signal lights to direct trucks where visibility is limited.

(c) When a truck operator cannot clearly recognize the spotter's signals, the truck shall be stopped.

#### **§ 57.9306 Warning devices for restricted clearances.**

Where restricted clearance creates a hazard to persons on mobile equipment, warning devices shall be installed in advance of the restricted area and the restricted area shall be conspicuously marked.

#### **§ 57.9307 Design, installation, and maintenance of railroads.**

Roadbeds and all elements of the railroad tracks shall be designed, installed, and maintained to provide safe operation consistent with the speed and type of haulage used.

#### **§ 57.9308 Switch throws.**

Switch throws shall be installed to provide clearance to protect switchmen from contact with moving trains.

#### **§ 57.9309 Chute design.**

Chute-loading installations shall be designed to provide a safe location for persons pulling chutes.

#### **§ 57.9310 Chute hazards.**

(a) Prior to chute-pulling, persons who could be affected by the draw or otherwise exposed to danger shall be warned and given time to clear the hazardous area.

(b) Persons attempting to free chute hangups shall be experienced and familiar with the task, know the hazards involved, and use the proper tools to free material.

(c) When broken rock or material is dumped into an empty chute, the chute shall be equipped with a guard or all persons shall be isolated from the hazard of flying rock or material.

#### **§ 57.9311 Anchoring stationary sizing devices.**

Grizzlies and other stationary sizing devices shall be securely anchored.

#### **§ 57.9312 Working around drawholes.**

Unless platforms or safety lines are used, persons shall not position themselves over drawholes if there is danger that broken rock or material may be withdrawn or bridged.

#### **§ 57.9313 Roadway maintenance.**

Water, debris, or spilled material on roadways which creates hazards to the operation of mobile equipment shall be removed.

#### **§ 57.9314 Trimming stockpile and muckpile faces.**

Stockpile and muckpile faces shall be trimmed to prevent hazards to persons.

#### **§ 57.9315 Dust control.**

Dust shall be controlled at muck piles, material transfer points, crushers, and on haulage roads where hazards to persons would be created as a result of impaired visibility.

#### **§ 57.9316 Notifying the equipment operator.**

When an operator of self-propelled mobile equipment is present, persons shall notify the equipment operator before getting on or off that equipment.

### **§ 57.9317 Suspended loads.**

Persons shall not work or pass under the buckets or booms of loaders in operation.

### **§ 57.9318 Getting on or off moving equipment.**

Persons shall not get on or off moving mobile equipment. This provision does not apply to trainmen, brakemen, and car droppers who are required to get on or off slowly moving trains in the performance of their work duties.

### **§ 57.9319 Going over, under, or between railcars.**

Persons shall not go over, under, or between railcars unless—

- (a) The train is stopped; and
- (b) The train operator, when present, is notified and the notice acknowledged.

### **§ 57.9330 Clearance for surface equipment.**

Continuous clearance of at least 30 inches from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks at all locations where possible or the area shall be marked conspicuously.

### **§ 57.9360 Shelter holes.**

(a) Shelter holes shall be—

- (1) Provided at intervals adequate to assure the safety of persons along underground haulageways where continuous clearance of at least 30 inches cannot be maintained from the farthest projection of moving equipment on at least one side of the haulageway; and
- (2) At least four feet wide, marked conspicuously, and provide a minimum 40-inch clearance from the farthest projection of moving equipment.

(b) Shelter holes shall not be used for storage unless a 40-inch clearance is maintained.

### **§ 57.9361 Drawholes.**

To prevent hazards to persons underground, collars of open drawholes shall be free of muck or materials except during transfer of the muck or material through the drawhole.

### **§ 57.9362 Protection of signalmen.**

Signalmen used during slushing operations underground shall be located away from possible contact with cables, sheaves, and slusher buckets.

## **Subpart I—Aerial Tramways**

### **§ 57.10001 Filling buckets.**

Buckets shall not be overloaded, and feed shall be regulated to prevent spillage.

### **§ 57.10002 Inspection and maintenance.**

Inspection and maintenance of carriers (including loading and unloading mechanisms), ropes and supports, and brakes shall be performed by competent persons according to the recommendations of the manufacturer.

### **§ 57.10003 Correction of defects.**

Any hazardous defects shall be corrected before the equipment is used.

### **§ 57.10004 Brakes.**

Positive-action-type brakes and devices which apply the brakes automatically in the event of a power failure shall be provided on aerial tramways.

### **§ 57.10005 Track cable connections.**

Track cable connections shall not obstruct the passage of carriage wheels.

### **§ 57.10006 Tower guards.**

Towers shall be suitably protected from swaying buckets.

### **§ 57.10007 Falling object protection.**

Guard nets or other suitable protection shall be provided where tramways pass over roadways, walkways, or buildings.

### **§ 57.10008 Riding tramways.**

Persons other than maintenance persons shall not ride aerial tramways unless the following features are provided.

- (a) Two independent brakes, each capable of holding the maximum load;
- (b) Direct communication between terminals;
- (c) Power drives with emergency power available in case of primary power failure; and
- (d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

### **§ 57.10009 Riding loaded buckets.**

Persons shall not ride loaded buckets.

### **§ 57.10010 Starting precautions.**

Where possible, aerial tramways shall not be started until the operator has ascertained that everyone is in the clear.

## **Subpart J—Travelways and Escapeways**

### **Travelways—Surface and Underground**

#### **§ 57.11001 Safe access.**

Safe means of access shall be provided and maintained to all working places.

#### **§ 57.11002 Handrails and toeboards.**

Crossovers, elevated walkways, elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary, toeboards shall be provided.

#### **§ 57.11003 Construction and maintenance of ladders.**

Ladders shall be of substantial construction and maintained in good condition.

**§ 57.11004 Portable rigid ladders.**

Portable rigid ladders shall be provided with suitable bases and placed securely when used.

**§ 57.11005 Fixed ladder anchorage and toe clearance.**

Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

**§ 57.11006 Fixed ladder landings.**

Fixed ladders shall project at least 3 feet above landings, or substantial handholds shall be provided above the landings.

**§ 57.11007 Wooden components of ladders.**

Wooden components of ladders shall not be painted except with a transparent finish.

**§ 57.11008 Restricted clearance.**

Where restricted clearance creates a hazard to persons, the restricted clearance shall be conspicuously marked.

[53 FR 32528, Aug. 25, 1988]

**§ 57.11009 Walkways along conveyors.**

Walkways with outboard railings shall be provided wherever persons are required to walk alongside elevated conveyor belts. Inclined railed walkways shall be nonskid or provided with cleats.

**§ 57.11010 Stairstep clearance.**

Vertical clearance above stair steps shall be a minimum of seven feet, or suitable warning signs or similar devices shall be provided to indicate an impaired clearance.

**§ 57.11011 Use of ladders.**

Persons using ladders shall face the ladders and have both hands free for climbing and descending.

**§ 57.11012 Protection for openings around travelways.**

Openings above, below, or near travelways through which persons or materials may fall shall be protected by railings, barriers, or covers. Where it is impractical to install such protective devices, adequate warning signals shall be installed.

**§ 57.11013 Conveyor crossovers.**

Crossovers shall be provided where it is necessary to cross conveyors.

**§ 57.11014 Crossing moving conveyors.**

Moving conveyors shall be crossed only at designated crossover points.

**§ 57.11016 Snow and ice on walkways and travelways.**

Regularly used walkways and travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

### **§ 57.11017 Inclined fixed ladders.**

Fixed ladders shall not incline backwards.

### **Travelways—Surface Only**

### **§ 57.11025 Railed landings, backguards, and other protection for fixed ladders.**

Fixed ladders, except on mobile equipment, shall be offset and have substantial railed landings at least every 30 feet unless backguards or equivalent protection such as safety belts and safety lines, are provided.

### **§ 57.11026 Protection for inclined fixed ladders.**

Fixed ladders 70 degrees to 90 degrees from the horizontal and 30 feet or more in length shall have backguards, cages or equivalent protection, starting at a point not more than seven feet from the bottom of the ladders.

### **§ 57.11027 Scaffolds and working platforms.**

Scaffolds and working platforms shall be of substantial construction and provided with handrails and maintained in good condition. Floorboards shall be laid properly and the scaffolds and working platform shall not be overloaded. Working platforms shall be provided with toeboards when necessary.

### **Travelways—Underground Only**

### **§ 57.11036 Ladderway trap doors and guards.**

Trap doors or adequate guarding shall be provided in ladderways at each level. Doors shall be kept operable.

### **§ 57.11037 Ladderway openings.**

Ladderways constructed after November 15, 1979, shall have a minimum unobstructed cross-sectional opening of 24 inches by 24 inches measured from the face of the ladder.

### **§ 57.11038 Entering a manway.**

Before entering a manway where persons may be working or traveling, a warning shall be given by the person entering the manway and acknowledged by any person present in the manway.

### **§ 57.11040 Inclined travelways.**

Travelways steeper than 35 degrees from the horizontal shall be provided with ladders or stairways.

### **§ 57.11041 Landings for inclined ladderways.**

Fixed ladders with an inclination of more than 70 degrees from the horizontal shall be offset with substantial landings at least every 30 feet or have landing gates at least every 30 feet.

### **Escapeways—Underground Only**

### **§ 57.11050 Escapeways and refuges.**

(a) Every mine shall have two or more separate, properly maintained escapeways to the surface from the lowest levels which are so positioned that damage to one shall not lessen the effectiveness of the others. A method of refuge shall be provided while a second opening to the surface is being developed. A second escapeway is recommended, but not required, during the exploration or development of an ore body.

(b) In addition to separate escapeways, a method of refuge shall be provided for every employee who cannot reach the surface from his working place through at least two separate escapeways within a time limit of one hour when using the normal exit method. These refuges must be positioned so that the employee can reach one of them within 30 minutes from the time he leaves his workplace.

### **§ 57.11051 Escape routes.**

Escape routes shall be—

- (a) Inspected at regular intervals and maintained in safe, travelable condition; and
- (b) Marked with conspicuous and easily read direction signs that clearly indicate the ways of escape.

### **§ 57.11052 Refuge areas.**

Refuge areas shall be—

- (a) Of fire-resistant construction, preferably in untimbered areas of the mine;
- (b) Large enough to accommodate readily the normal number of persons in the particular area of the mine;
- (c) Constructed so they can be made gastight; and
- (d) Provided with compressed air lines, waterlines, suitable handtools, and stopping materials.

### **§ 57.11053 Escape and evacuation plans.**

A specific escape and evacuation plan and revisions thereof suitable to the conditions and mining system of the mine and showing assigned responsibilities of all key personnel in the event of an emergency shall be developed by the operator and set out in written form. Within 45 calendar days after promulgation of this standard a copy of the plan and revisions thereof shall be available to the Secretary or his authorized representative. Also, copies of the plan and revisions thereof shall be posted at locations convenient to all persons on the surface and underground. Such a plan shall be updated as necessary and shall be reviewed jointly by the operator and the Secretary or his authorized representative at least once every six months from the date of the last review. The plan shall include:

- (a) Mine maps or diagrams showing directions of principal air flow, location of escape routes and locations of existing telephones, primary fans, primary fan controls, fire doors, ventilation doors, and refuge chambers. Appropriate portions of such maps or diagrams shall be posted at all shaft stations and in underground shops, lunchrooms, and elsewhere in working areas where persons congregate;
- (b) Procedures to show how the miners will be notified of emergency;
- (c) An escape plan for each working area in the mine to include instructions showing how each working area should be evacuated. Each such plan shall be posted at appropriate shaft stations and elsewhere in working areas where persons congregate;
- (d) A fire fighting plan;
- (e) Surface procedure to follow in an emergency, including the notification of proper authorities, preparing rescue equipment, and other equipment which may be used in rescue and recovery operations; and
- (f) A statement of the availability of emergency communication and transportation facilities, emergency power and ventilation and location of rescue personnel and equipment.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33722, June 29, 1995]

### **§ 57.11054 Communication with refuge chambers.**

Telephone or other voice communication shall be provided between the surface and refuge chambers and such systems shall be independent of the mine power supply.

### **§ 57.11055 Inclined escapeways.**

Any portion of a designated escapeway which is inclined more than 30 degrees from the horizontal and that is more than 300 feet in vertical extent shall be provided with an emergency hoisting facility.

### **§ 57.11056 Emergency hoists.**

The procedure for inspection, testing and maintenance required by standard 57.19120 shall be utilized at least every 30 days for hoists designated as emergency hoists in any evacuation plan.

### **§ 57.11058 Check-in, check-out system.**

Each operator of an underground mine shall establish a check-in and check-out system which shall provide an accurate record of persons in the mine. These records shall be kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazards. Every person underground shall carry a positive means of being identified.

### **§ 57.11059 Respirable atmosphere for hoist operators underground.**

For the protection of operators of hoists located underground which are part of the mine escape and evacuation plan required under standard 57.11053, the hoist operator shall be provided with a respirable atmosphere completely independent of the mine atmosphere. This independent ventilation system shall convert, without contamination, to an approved and properly maintained 2-hour self-contained breathing apparatus to provide a safe means of escape for the hoist operator after the hoisting duties have been completed as prescribed in the mine escape and evacuation plan for that hoist. The hoist operator's independent ventilation system shall be provided by one of the following methods:

(a) A suitable enclosure equipped with a positive pressure ventilation system which may be operated continuously or be capable of immediate activation from within the enclosure during an emergency evacuation. Air for the enclosure's ventilation system shall be provided in one of the following ways:

(1) Air coursed from the surface through a borehole into the hoist enclosure directly or through a metal pipeline from such borehole; or

(2) Air coursed from the surface through metal duct work into the hoist enclosure, although this duct work shall not be located in timber-supported active workings; or

(3) Air supplied by air compressors located on the surface and coursed through metal pipe into the hoist enclosure.

A back-up system shall be provided for a hoist enclosure ventilation system provided by either of the methods set forth in paragraphs (a) (2) and (3) of this section. This back-up system shall consist of compressed air stored in containers connected to the enclosure. This back-up system shall provide and maintain a respirable atmosphere in the enclosure for a period of time equal to at least twice the time necessary to complete the evacuation of all persons designated to use that hoist as prescribed in the mine escape and evacuation plan required under standard 57.11053; or

(b) An approved and properly maintained self-contained breathing apparatus system which shall consist of a mask connected to compressed air stored in containers adjacent to the hoist controls. The self-contained breathing system shall provide a minimum of 24 hours of respirable atmosphere to the hoist operator. In addition, the self-contained breathing system shall be capable of a quick connect with the approved 2-hour self-contained breathing apparatus above.

## **Subpart K—Electricity**

### **Surface and Underground**

#### **§ 57.12001 Circuit overload protection.**

Circuits shall be protected against excessive overloads by fuses or circuit breakers of the correct type and capacity.

#### **§ 57.12002 Controls and switches.**

Electric equipment and circuits shall be provided with switches or other controls. Such switches or controls shall be of approved design and construction and shall be properly installed.

#### **§ 57.12003 Trailing cable overload protection.**

Individual overload protection or short circuit protection shall be provided for the trailing cables of mobile equipment.

#### **§ 57.12004 Electrical conductors.**

Electrical conductors shall be of a sufficient size and current-carrying capacity to ensure that a rise in temperature resulting from normal operations will not damage the insulating materials. Electrical conductors exposed to mechanical damage shall be protected.

#### **§ 57.12005 Protection of power conductors from mobile equipment.**

Mobile equipment shall not run over power conductors, nor shall loads be dragged over power conductors, unless the conductors are properly bridged or protected.

#### **§ 57.12006 Distribution boxes.**

Distribution boxes shall be provided with a disconnecting device for each branch circuit. Such disconnecting devices shall be equipped or designed in such a manner that it can be determined by visual observation when such a device is open and that the circuit is deenergized, and the distribution box shall be labeled to show which circuit each device controls.

#### **§ 57.12007 Junction box connection procedures.**

Trailing cable and power-cable connections to junction boxes shall not be made or broken under load.

#### **§ 57.12008 Insulation and fittings for power wires and cables.**

Power wires and cables shall be insulated adequately where they pass into or out of electrical compartments. Cables shall enter metal frames of motors, splice boxes, and electrical compartments only through proper fittings. When insulated wires, other than cables, pass through metal frames, the holes shall be substantially bushed with insulated bushings.

#### **§ 57.12010 Isolation or insulation of communication conductors.**

Telephone and low-potential signal wire shall be protected, by isolation or suitable insulation, or both, from contacting energized power conductors or any other power source.

#### **§ 57.12011 High-potential electrical conductors.**

High-potential electrical conductors shall be covered, insulated, or placed to prevent contact with low potential conductors.

#### **§ 57.12012 Bare signal wires.**

The potential on bare signal wires accessible to contact by persons shall not exceed 48 volts.

#### **§ 57.12013 Splices and repairs of power cables.**

Permanent splices and repairs made in power cables, including the ground conductor where provided, shall be—

- (a) Mechanically strong with electrical conductivity as near as possible to that of the original;
- (b) Insulated to a degree at least equal to that of the original, and sealed to exclude moisture; and,
- (c) Provided with damage protection as near as possible to that of the original, including good bonding to the outer jacket.

#### **§ 57.12014 Handling energized power cables.**

Power cables energized to potentials in excess of 150 volts, phase-to-ground, shall not be moved with equipment unless sleds or slings, insulated from such equipment, are used. When such energized cables are moved manually, insulated hooks, tongs, ropes, or slings shall be used unless suitable protection for persons is provided by other means. This does not prohibit pulling or dragging of cable by the equipment it powers when the cable is physically attached to the equipment by suitable mechanical devices, and the cable is insulated from the equipment in conformance with other standards in this part.

#### **§ 57.12016 Work on electrically-powered equipment.**

Electrically powered equipment shall be deenergized before mechanical work is done on such equipment. Power switches shall be locked out or other measures taken which shall prevent the equipment from being energized without the knowledge of the individuals working on it. Suitable warning notices shall be posted at the power switch and signed by the individuals who are to do the work. Such locks or preventive devices shall be removed only by the persons who installed them or by authorized personnel.

#### **§ 57.12017 Work on power circuits.**

Power circuits shall be deenergized before work is done on such circuits unless hot-line tools are used. Suitable warning signs shall be posted by the individuals who are to do the work. Switches shall be locked out or other measures taken which shall prevent the power circuits from being energized without the knowledge of the individuals working on them. Such locks, signs, or preventive devices shall be removed only by the person who installed them or by authorized personnel.

#### **§ 57.12018 Identification of power switches.**

Principal power switches shall be labeled to show which units they control, unless identification can be made readily by location.

#### **§ 57.12019 Access to stationary electrical equipment or switchgear.**

Where access is necessary, suitable clearance shall be provided at stationary electrical equipment or switchgear.

#### **§ 57.12020 Protection of persons at switchgear.**

Dry wooden platforms, insulating mats, or other electrically-nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand and which are kept at the same potential as the grounded, metal, non-current-carrying parts of the power switches to be operated may be used.

#### **§ 57.12021 Danger signs.**

Suitable danger signs shall be posted at all major electrical installations.

#### **§ 57.12022 Authorized persons at major electrical installations.**

Areas containing major electrical installations shall be entered only by authorized persons.

#### **§ 57.12023 Guarding electrical connections and resistor grids.**

Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

#### **§ 57.12025 Grounding circuit enclosures.**

All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. This requirement does not apply to battery-operated equipment.

#### **§ 57.12026 Grounding transformer and switchgear enclosures.**

Metal fencing and metal buildings enclosing transformers and switchgear shall be grounded.

#### **§ 57.12027 Grounding mobile equipment.**

Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.

#### **§ 57.12028 Testing grounding systems.**

Continuity and resistance of grounding systems shall be tested immediately after installation, repair, and modification; and annually thereafter. A record of the resistance measured during the most recent test shall be made available on a request by the Secretary or his duly authorized representative.

#### **§ 57.12030 Correction of dangerous conditions.**

When a potentially dangerous condition is found it shall be corrected before equipment or wiring is energized.

#### **§ 57.12032 Inspection and cover plates.**

Inspection and cover plates on electrical equipment and junction boxes shall be kept in place at all times except during testing or repairs.

#### **§ 57.12033 Hand-held electric tools.**

Hand-held electric tools shall not be operated at high potential voltages.

#### **§ 57.12034 Guarding around lights.**

Portable extension lights, and other lights that by their location present a shock or burn hazard, shall be guarded.

#### **§ 57.12035 Weatherproof lamp sockets.**

Lamp sockets shall be of a weatherproof type where they are exposed to weather or wet conditions that may interfere with illumination or create a shock hazard.

#### **§ 57.12036 Fuse removal or replacement.**

Fuses shall not be removed or replaced by hand in an energized circuit, and they shall not otherwise be removed or replaced in an energized circuit unless equipment and techniques especially designed to prevent electrical shock are provided and used for such purpose.

#### **§ 57.12037 Fuses in high-potential circuits.**

Fuse tongs or hotline tools, shall be used when fuses are removed or replaced in high-potential circuits.

#### **§ 57.12038 Attachment of trailing cables.**

Trailing cables shall be attached to machines in a suitable manner to protect the cable from damage and to prevent strain on the electrical connections.

#### **§ 57.12039 Protection of surplus trailing cables.**

Surplus trailing cables to shovels, cranes and similar equipment shall be—

- (a) Stored in cable boats;
- (b) Stored on reels mounted on the equipment; or
- (c) Otherwise protected from mechanical damage.

#### **§ 57.12040 Installation of operating controls.**

Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

### **§ 57.12041 Design of switches and starting boxes.**

Switches and starting boxes shall be of safe design and capacity.

### **§ 57.12042 Track bonding.**

Both rails shall be bonded or welded at every joint and rails shall be crossbonded at least every 200 feet if the track serves as the return trolley circuit. When rails are moved, replaced, or broken bonds are discovered, they shall be rebonded within three working shifts.

### **§ 57.12045 Overhead powerlines.**

Overhead high-potential powerlines shall be installed as specified by the National Electrical Code.

### **§ 57.12047 Guy wires.**

Guy wires of poles supporting high-voltage transmission lines shall meet the requirements for grounding or insulator protection of the National Electrical Safety Code, part 2, entitled "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines" (also referred to as National Bureau of Standards Handbook 81, Nov. 1, 1961), and Supplement 2 thereof issued March 1968, which are hereby incorporated by reference and made a part hereof. These publications and documents may be obtained from the National Institute of Science and Technology, 100 Bureau Drive, Stop 3460, Gaithersburg, MD 20899-3460. Telephone: 301-975-6478 (not a toll free number); <http://ts.nist.gov/nvl/>; or from the Government Printing Office, Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; Telephone: 866-512-1800 (toll free) or 202-512-1800; <http://bookstore.gpo.gov/>, or may be examined in any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration.

[53 FR 32526, Aug. 25, 1988, as amended at 60 FR 35695, July 11, 1995; 71 FR 16667, Apr. 3, 2006]

### **§ 57.12048 Communication conductors on power poles.**

Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting powerlines, they shall be installed as specified by the National Electrical Code.

### **§ 57.12050 Installation of trolley wires.**

Trolley wires shall be installed at least seven feet above rails where height permits, and aligned and supported to suitably control sway and sag.

### **§ 57.12053 Circuits powered from trolley wires.**

Ground wires for lighting circuits powered from trolley wires shall be connected securely to the ground return circuit.

## **Surface Only**

### **§ 57.12065 Short circuit and lightning protection.**

Powerlines, including trolley wires, and telephone circuits shall be protected against short circuits and lightning.

### **§ 57.12066 Guarding trolley wires and bare powerlines.**

Where metallic tools or equipment can come in contact with trolley wires or bare powerlines, the lines shall be guarded or deenergized.

### **§ 57.12067 Installation of transformers.**

Transformers shall be totally enclosed, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

### **§ 57.12068 Locking transformer enclosures.**

Transformer enclosures shall be kept locked against unauthorized entry.

#### **§ 57.12069 Lightning protection for telephone wires and ungrounded conductors.**

Each ungrounded conductor or telephone wire that leads underground and is directly exposed to lightning shall be equipped with suitable lightning arrestors of approved type within 100 feet of the point where the circuit enters the mine. Lightning arrestors shall be connected to a low resistance grounding medium on the surface and shall be separated from neutral grounds by a distance of not less than 25 feet.

#### **§ 57.12071 Movement or operation of equipment near high-voltage powerlines.**

When equipment must be moved or operated near energized high-voltage powerlines (other than trolley lines) and the clearance is less than 10 feet, the lines shall be deenergized or other precautionary measures shall be taken.

### **Underground Only**

#### **§ 57.12080 Bare conductor guards.**

Trolley wires and bare power conductors shall be guarded at mantrip loading and unloading points, and at shaft stations. Where such trolley wires and bare power conductors are less than 7 feet above the rail, they shall be guarded at all points where persons work or pass regularly beneath.

#### **§ 57.12081 Bonding metal pipelines to ground return circuits.**

All metal pipelines, 1,000 feet or more in length running parallel to trolley tracks, that are used as a ground return circuit shall be bonded to the return circuit rail at the ends of the pipeline and at intervals not to exceed 500 feet.

#### **§ 57.12082 Isolation of powerlines.**

Powerlines shall be well separated or insulated from waterlines, telephone lines and air lines.

#### **§ 57.12083 Support of power cables in shafts and boreholes.**

Power cables in shafts and boreholes shall be fastened securely in such a manner as to prevent undue strain on the sheath, insulation, or conductors.

#### **§ 57.12084 Branch circuit disconnecting devices.**

Disconnecting switches that can be opened safely under load shall be provided underground at all branch circuits extending from primary power circuits near shafts, adits, levels and boreholes.

#### **§ 57.12085 Transformer stations.**

Transformer stations shall be enclosed to prevent persons from unintentionally or inadvertently contacting energized parts.

#### **§ 57.12086 Location of trolley wire.**

Trolley and trolley feeder wire shall be installed opposite the clearance side of haulageways. However, this standard does not apply where physical limitations would prevent the safe installation or use of such trolley and trolley feeder wire.

#### **§ 57.12088 Splicing trailing cables.**

No splice, except a vulcanized splice or its equivalent, shall be made in a trailing cable within 25 feet of the machine unless the machine is equipped with a cable reel or other power feed cable payout-retrieval system. However, a temporary splice may be made to move the equipment for repair.

## **Subpart L—Compressed Air and Boilers**

### **§ 57.13001 General requirements for boilers and pressure vessels.**

All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

### **§ 57.13010 Reciprocating-type air compressors.**

(a) Reciprocating-type air compressors rated over 10 horsepower shall be equipped with automatic temperature-actuated shutoff mechanisms which shall be set or adjusted to the compressor when the normal operating temperature is exceeded by more than 25 percent.

(b) However, this standard does not apply to reciprocating-type air compressors rated over 10 horsepower if equipped with fusible plugs that were installed in the compressor discharge lines before November 15, 1979, and designed to melt at temperatures at least 50 degrees below the flash point of the compressors' lubricating oil.

### **§ 57.13011 Air receiver tanks.**

Air receiver tanks shall be equipped with one or more automatic pressure-relief valves. The total relieving capacity of the relief valves shall prevent pressure from exceeding the maximum allowable working pressure in a receiver tank by not more than 10 percent. Air receiver tanks also shall be equipped with indicating pressure gages which accurately measure the pressure within the air receiver tanks.

### **§ 57.13012 Compressor air intakes.**

Compressor air intakes shall be installed to ensure that only clean, uncontaminated air enters the compressors.

### **§ 57.13015 Inspection of compressed-air receivers and other unfired pressure vessels.**

(a) Compressed-air receivers and other unfired pressure vessels shall be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a Manual for Boiler and Pressure Vessel Inspectors, 1979. This code is incorporated by reference and made a part of this standard. It may be examined at any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration, and may be obtained from the publisher, the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229.

(b) Records of inspections shall be kept in accordance with requirements of the National Board Inspection Code, and the records shall be made available to the Secretary or his authorized representative.

### **§ 57.13017 Compressor discharge pipes.**

Compressor discharge pipes where carbon build-up may occur shall be cleaned periodically as recommended by the manufacturer, but no less frequently than once every two years.

### **§ 57.13019 Pressure system repairs.**

Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been bled off.

### **§ 57.13020 Use of compressed air.**

At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

### **§ 57.13021 High-pressure hose connections.**

Except where automatic shutoff valves are used, safety chains or other suitable locking devices shall be used at connections to machines of high-pressure hose lines of 3/4-inch inside diameter or larger, and between high-pressure hose lines of 3/4-inch inside diameter or larger, where a connection failure would create a hazard.

## **§ 57.13030 Boilers.**

(a) Fired pressure vessels (boilers) shall be equipped with water level gauges, pressure gauges, automatic pressure-relief valves, blowdown piping, and other safety devices approved by the American Society of Mechanical Engineers to protect against hazards from overpressure, flameouts, fuel interruptions and low water level, all as required by the appropriate sections, chapters and appendices listed in paragraphs (b) (1) and (2) of this section.

(b) These gauges, devices and piping shall be designed, installed, operated, maintained, repaired, altered, inspected, and tested by inspectors holding a valid National Board Commission and in accordance with the following listed sections, chapters and appendices:

(1) The ASME Boiler and Pressure Vessel Code, 1977, published by the American Society of Mechanical Engineers.

### Section and Title

I Power Boilers

II Material Specifications—Part A—Ferrous

II Material Specifications—Part B—Non-ferrous

II Material Specifications—Part C—Welding Rods, Electrodes, and Filler Metals

IV Heating Boilers

V Nondestructive Examination

VI Recommended Rules for Care and Operation of Heating Boilers

VII Recommended Rules for Care of Power Boilers

(2) The National Board Inspection Code, a Manual for Boiler and Pressure Vessel Inspectors, 1979, published by the National Board of Boiler and Pressure Vessel Inspectors.

### Chapter and Title

I Glossary of Terms

II Inspection of Boilers and Pressure Vessels

III Repairs and Alterations to Boiler and Pressure Vessels by Welding

IV Shop Inspection of Boilers and Pressure Vessels

V Inservice Inspection of Pressure Vessels by Authorized Owner-User Inspection Agencies

### Appendix and Title

A Safety and Safety Relief Valves

B Non-ASME Code Boilers and Pressure Vessels

C Storage of Mild Steel Covered Arc Welding Electrodes

D-R National Board “R” (Repair) Symbol Stamp

D-VR National Board “VR” (Repair of Safety and Safety Relief Valve) Symbol Stamp

D-VR1 Certificate of Authorization for Repair Symbol Stamp for Safety and Safety Relief Valves

D-VR2 Outline of Basic Elements of Written Quality Control System for Repairers of ASME Safety and Safety Relief Valves

D-VR3 Nameplate Stamping for “VR”

E Owner-User Inspection Agencies

F Inspection Forms

(c) Records of inspections and repairs shall be kept in accordance with the requirements of the ASME Boiler and Pressure Vessel Code and the National Board Inspection Code. The records shall be made available to the Secretary or his authorized representative.

(d) Sections of the ASME Boiler and Pressure Vessel Code, 1977, listed in paragraph (b)(1) of this section, and chapters and appendices of the National Board Inspection Code, 1979, listed in paragraph (b)(2) of this section, are incorporated by reference and made a part of this standard. These publications may be obtained from the publishers, the American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, New Jersey 07007, Phone: 800-843-2763 (toll free); <http://www.asme.org>, and the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229. The publication may be examined at any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration.

[50 FR 4082, Jan. 29, 1985, as amended at 71 FR 16667, Apr. 3, 2006]

## **Subpart M—Machinery and Equipment**

**Source:** 53 FR 32528, Aug. 25, 1988, unless otherwise noted.

### **§ 57.14000 Definitions.**

The following definitions apply in this subpart.

*Travelway.* A passage, walk, or way regularly used or designated for persons to go from one place to another.

[53 FR 32528, Aug. 25, 1988, as amended at 69 FR 38842, June 29, 2004]

## **Safety Devices and Maintenance Requirements**

### **§ 57.14100 Safety defects; examination, correction and records.**

(a) Self-propelled mobile equipment to be used during a shift shall be inspected by the equipment operator before being placed in operation on that shift.

(b) Defects on any equipment, machinery, and tools that affect safety shall be corrected in a timely manner to prevent the creation of a hazard to persons.

(c) When defects make continued operation hazardous to persons, the defective items including self-propelled mobile equipment shall be taken out of service and placed in a designated area posted for that purpose, or a tag or other effective method of marking the defective items shall be used to prohibit further use until the defects are corrected.

(d) Defects on self-propelled mobile equipment affecting safety, which are not corrected immediately, shall be reported to, and recorded by, the mine operator. The records shall be kept at the mine or nearest mine office from the date the defects are recorded, until the defects are corrected. Such records shall be made available for inspection by an authorized representative of the Secretary.

### **§ 57.14101 Brakes.**

(a) *Minimum requirements.* (1) Self-propelled mobile equipment shall be equipped with a service brake system capable of stopping and holding the equipment with its typical load on the maximum grade it travels. This standard does not apply to equipment which is not originally equipped with brakes unless the manner in which the equipment is being operated requires the use of brakes for safe operation. This standard does not apply to rail equipment.

(2) If equipped on self-propelled mobile equipment, parking brakes shall be capable of holding the equipment with its typical load on the maximum grade it travels.

(3) All braking systems installed on the equipment shall be maintained in functional condition.

(b) *Testing.* (1) Service brake tests shall be conducted on surface-operated equipment at underground mines when an MSHA inspector has reasonable cause to believe that the service brake system does not function as required, unless the mine operator removes the equipment from service for the appropriate repair;

(2) The performance of the service brakes shall be evaluated according to Table M-1.

**Table M-1**

Gross vehicle weight lbs.	Equipment Speed, MPH										
	10	11	12	13	14	15	16	17	18	19	20
Service Brake Maximum Stopping Distance—Feet											
0–36,000	34	38	43	48	53	59	64	70	76	83	89
36,000–70,000	41	46	52	58	62	70	76	83	90	97	104
70,000–14,0000	48	54	61	67	74	81	88	95	103	111	119
140,000–250,000	56	62	69	77	84	92	100	108	116	125	133
250,000–400,000	59	66	74	81	89	97	105	114	123	132	141
Over–400,000	63	71	78	86	94	103	111	120	129	139	148

Stopping distances are computed using a constant deceleration of 9.66 FPS<sup>2</sup> and system response times of .5, 1, 1.5, 2, 2.25 and 2.5 seconds for each of increasing weight category respectively. Stopping distance values include a one-second operator response time.

**Table M-2—The Speed of a Vehicle Can Be Determined by Clocking It Through a 100-Foot Measured Course at Constant Velocity Using Table M-2. When the Service Brakes Are Applied at the End of the Course, Stopping Distance Can Be Measured and Compared to Table M-1.**

Miles per hour	10	11	12	13	14	15	16	17	18	19	20
Seconds required to travel 100 feet	6.8	6.2	5.7	5.2	4.9	4.5	4.3	4.0	3.8	3.6	3.4

(3) Service brake tests shall be conducted under the direction of the mine operator in cooperation with and according to the instructions provided by the MSHA inspector as follows:

(i) Equipment capable of traveling at least 10 miles per hour shall be tested with a typical load for that particular piece of equipment. Front-end loaders shall be tested with the loader bucket empty. Equipment shall not be tested when carrying hazardous loads, such as explosives.

(ii) The approach shall be of sufficient length to allow the equipment operator to reach and maintain a constant speed between 10 and 20 miles per hour prior to entering the 100 foot measured area. The constant speed shall be maintained up to the point when the equipment operator receives the signal to apply the brakes. The roadway shall be wide enough to accommodate the size of the equipment being tested. The ground shall be generally level, packed, and dry in the braking portion of the test course. Ground moisture may be present to the extent that it does not adversely affect the braking surface.

(iii) Braking is to be performed using only those braking systems, including auxiliary retarders, which are designed to bring the equipment to a stop under normal operating conditions. Parking or emergency (secondary) brakes are not to be actuated during the test.

(iv) The tests shall be conducted with the transmission in the gear appropriate for the speed the equipment is traveling except for equipment which is designed for the power train to be disengaged during braking.

(v) Testing speeds shall be a minimum of 10 miles per hour and a maximum of 20 miles per hour.

(vi) Stopping distances shall be measured from the point at which the equipment operator receives the signal to apply the service brakes to the final stopped position.

(4) Test results shall be evaluated as follows:

(i) If the initial test run is valid and the stopping distance does not exceed the corresponding stopping distance listed in Table 1, the performance of the service brakes shall be considered acceptable. For tests to be considered valid, the equipment shall not slide sideways or exhibit other lateral motion during the braking portion of the test.

(ii) If the equipment exceeds the maximum stopping distance in the initial test run, the mine operator may request from the inspector up to four additional test runs with two runs to be conducted in each direction. The performance of the service brakes shall be considered acceptable if the equipment does not exceed the maximum stopping distance on at least three of the additional tests.

(5) Where there is not an appropriate test site at the mine or the equipment is not capable of traveling at least 10 miles per hour, service brake tests will not be conducted. In such cases, the inspector will rely upon other available evidence to determine whether the service brake system meets the performance requirements of this standard.

[53 FR 32528, Aug. 25, 1988; 53 FR 44588, Nov. 4, 1988]

### **§ 57.14102 Brakes for rail equipment.**

Braking systems on railroad cars and locomotives shall be maintained in functional condition.

### **§ 57.14103 Operators' stations.**

(a) If windows are provided on operators' stations of self-propelled mobile equipment, the windows shall be made of safety glass or material with equivalent safety characteristics. The windows shall be maintained to provide visibility for safe operation.

(b) If damaged windows obscure visibility necessary for safe operation, or create a hazard to the equipment operator, the windows shall be replaced or removed. Damaged windows shall be replaced if absence of a window would expose the equipment operator to hazardous environmental conditions which would affect the ability of the equipment operator to safely operate the equipment.

(c) The operators' stations of self-propelled mobile equipment shall—

(1) Be free of materials that may create a hazard to persons by impairing the safe operation of the equipment; and

(2) Not be modified, in a manner that obscures visibility necessary for safe operation.

### **§ 57.14104 Tire repairs.**

(a) Before a tire is removed from a vehicle for tire repair, the valve core shall be partially removed to allow for gradual deflation and then removed. During deflation, to the extent possible, persons shall stand outside of the potential trajectory of the lock ring of a multi-piece wheel rim.

(b) To prevent injury from wheel rims during tire inflation, one of the following shall be used:

(1) A wheel cage or other restraining device that will constrain all wheel rim components during an explosive separation of a multi-piece wheel rim, or during the sudden release of contained air in a single piece rim wheel; or

(2) A stand-off inflation device which permits persons to stand outside of the potential trajectory of wheel components.

### **§ 57.14105 Procedures during repairs or maintenance.**

Repairs or maintenance on machinery or equipment shall be performed only after the power is off, and the machinery or equipment blocked against hazardous motion. Machinery or equipment motion or activation is permitted to the extent that adjustments or testing cannot be performed without motion or activation, provided that persons are effectively protected from hazardous motion.

#### **§ 57.14106 Falling object protection.**

(a) Fork-lift trucks, front-end loaders, and bulldozers shall be provided with falling object protective structures if used in an area where falling objects could create a hazard to the operator.

(b) The protective structure shall be capable of withstanding the falling object loads to which it could be subjected.

#### **§ 57.14107 Moving machine parts.**

(a) Moving machine parts shall be guarded to protect persons from contacting gears, sprockets, chains, drive, head, tail, and takeup pulleys, flywheels, coupling, shafts, fan blades; and similar moving parts that can cause injury.

(b) Guards shall not be required where the exposed moving parts are at least seven feet away from walking or working surfaces.

#### **§ 57.14108 Overhead drive belts.**

Overhead drive belts shall be guarded to contain the whipping action of a broken belt if that action could be hazardous to persons.

#### **§ 57.14109 Unguarded conveyors with adjacent travelways.**

Unguarded conveyors next to travelways shall be equipped with—

(a) Emergency stop devices which are located so that a person falling on or against the conveyor can readily deactivate the conveyor drive motor; or

(b) Railings which—

(1) Are positioned to prevent persons from falling on or against the conveyor;

(2) Will be able to withstand the vibration, shock, and wear to which they will be subjected during normal operation; and

(3) Are constructed and maintained so that they will not create a hazard.

#### **§ 57.14110 Flying or falling materials.**

In areas where flying or falling materials generated from the operation of screens, crushers, or conveyors present a hazard, guards, shields, or other devices that provide protection against such flying or falling materials shall be provided to protect persons.

#### **§ 57.14111 Slusher, backlash guards and securing.**

(a) When persons are exposed to slushing operations, the slushers shall be equipped with rollers and drum covers and anchored securely before slushing operations are started to protect against hazardous movement before slushing operations are started.

(b) Slushers rated over 10 horsepower shall be equipped with backlash guards, unless the equipment operator is otherwise protected.

(c) This standard does not apply to air tuggers of 10 horsepower or less that have only one cable and one drum.

#### **§ 57.14112 Construction and maintenance of guards.**

(a) Guards shall be constructed and maintained to—

(1) Withstand the vibration, shock, and wear to which they will be subjected during normal operation; and

(2) Not create a hazard by their use.

(b) Guards shall be securely in place while machinery is being operated, except when testing or making adjustments which cannot be performed without removal of the guard.

### **§ 57.14113 Inclined conveyors: backstops or brakes.**

Backstops or brakes shall be installed on drive units of inclined conveyors to prevent the conveyors from running in reverse, creating a hazard to persons.

### **§ 57.14114 Air valves for pneumatic equipment.**

A manual master quick-close type air valve shall be installed on all pneumatic-powered equipment if there is a hazard of uncontrolled movement when the air supply is activated. The valve shall be closed except when the equipment is being operated.

[53 FR 32528, Aug. 25, 1988; 53 FR 44588, Nov. 4, 1988]

### **§ 57.14115 Stationary grinding machines.**

Stationary grinding machines, other than special bit grinders, shall be equipped with—

- (a) Peripheral hoods capable of withstanding the force of a bursting wheel and enclosing not less than 270°—of the periphery of the wheel;
- (b) Adjustable tool rests set so that the distance between the grinding surface of the wheel and the tool rest is not greater than 1/8inch; and
- (c) A safety washer on each side of the wheel.

[53 FR 32528, Aug. 25, 1988; 53 FR 44588, Nov. 4, 1988]

### **§ 57.14116 Hand-held power tools.**

(a) Power drills, disc sanders, grinders and circular and chain saws, when used in the hand-held mode shall be operated with controls which require constant hand or finger pressure.

(b) Circular saws and chain saws shall not be equipped with devices which lock-on the operating controls.

### **§ 57.14130 Roll-over protective structures (ROPS) and seat belts for surface equipment.**

(a) *Equipment included.* Roll-over protective structures (ROPS) and seat belts shall be installed on—

- (1) Crawler tractors and crawler loaders;
- (2) Graders;
- (3) Wheel loaders and wheel tractors;
- (4) The tractor portion of semi-mounted scrapers, dumpers, water wagons, bottom-dump wagons, rear-dump wagons, and towed fifth wheel attachments;
- (5) Skid-steer loaders; and
- (6) Agricultural tractors.

(b) *ROPS construction.* ROPS shall meet the requirements of the following Society of Automotive Engineers (SAE) publications, as applicable, which are incorporated by reference:

(1) SAE J1040, "Performance Criteria for Roll-Over Protective Structures (ROPS) for Construction, Earthmoving, Forestry, and Mining Machines," 1986; or

(2) SAE J1194, "Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors", 1983.

(c) *ROPS labeling.* ROPS shall have a label permanently affixed to the structure identifying—

- (1) The manufacturer's name and address;
- (2) The ROPS model number; and
- (3) The make and model number of the equipment for which the ROPS is designed.

(d) *ROPS installation.* ROPS shall be installed on the equipment in accordance with the recommendations of the ROPS manufacturer.

(e) *ROPS maintenance.* (1) ROPS shall be maintained in a condition that meets the performance requirements applicable to the equipment. If the ROPS is subjected to a roll-over or abnormal structural loading, the equipment manufacturer or a registered professional engineer with knowledge and experience in ROPS design shall recertify that the ROPS meets the applicable performance requirements before it is returned to service.

(2) Alterations or repairs on ROPS shall be performed only with approval from the ROPS manufacturer or under the instructions of a registered professional engineer with knowledge and experience in ROPS design. The manufacturer or engineer shall certify that the ROPS meets the applicable performance requirements.

(f) *Exemptions.* (1) This standard does not apply to—

- (i) Self-propelled mobile equipment manufactured prior to July 1, 1969;
- (ii) Over-the-road type tractors that pull trailers or vans on highways;
- (iii) Equipment that is only operated by remote control; and

(2) Self-propelled mobile equipment manufactured prior to October 24, 1988, that is equipped with ROPS and seat belts that meet the installation and performance requirements of 30 CFR 57.9088 (1986 edition) shall be considered in compliance with paragraphs (b) and (h) of this section.

(g) *Wearing seat belts.* Seat belts shall be worn by the equipment operator except that when operating graders from a standing position, the grader operator shall wear safety lines and a harness in place of a seat belt.

(h) *Seat belts construction.* Seat belts required under this section shall meet the requirement of SAE J386, "Operator Restraint System for Off-Road Work Machines" (1985, 1993, or 1997), or SAE J1194, "Roll-Over Protective Structures (ROPS) for Wheeled Agricultural Tractors" (1983, 1989, 1994, or 1999), as applicable, which are incorporated by reference.

(i) *Seat belt maintenance.* Seat belts shall be maintained in functional condition, and replaced when necessary to assure proper performance.

(j) *Publications.* The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209-3939; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001.

[53 FR 32528, Aug. 25, 1988; 53 FR 44588, Nov. 4, 1988, as amended at 60 FR 33722, June 29, 1995; 67 FR 38385, June 4, 2002; 68 FR 19347, Apr. 21, 2003]

## **§ 57.14131 Seat belts for surface haulage trucks.**

(a) Seat belts shall be provided and worn in haulage trucks.

(b) Seat belts shall be maintained in functional condition, and replaced when necessary to assure proper performance.

(c) Seat belts required under this section shall meet the requirements of SAE J386, "Operator Restraint System for Off-Road Work Machines" (1985, 1993, or 1997), which are incorporated by reference.

(d) The incorporation by reference of these publications is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of these publications may be examined at any Metal and Nonmetal Mine Safety and Health District Office; at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209-3939; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be purchased from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001.

[53 FR 32528, Aug. 25, 1988, as amended at 67 FR 38385, June 4, 2002; 68 FR 19347, Apr. 21, 2003]

### **§ 57.14132 Horns and backup alarms for surface equipment.**

(a) Manually-operated horns or other audible warning devices provided on self-propelled mobile equipment as a safety device shall be maintained in a functional condition.

(b)(1) When the operator has an obstructed view to the rear, self-propelled mobile equipment shall have—

(i) An automatic reverse-activated signal alarm;

(ii) A wheel-mounted bell alarm which sounds at least once for each three feet of reverse movement;

(iii) A discriminating backup alarm that covers the area of obstructed view; or

(iv) An observer to signal when it is safe to back up.

(2) Alarms shall be audible above the surrounding noise level.

(3) An automatic reverse-activated strobe light may be used at night in lieu of an audible reverse alarm.

(c) This standard does not apply to rail equipment.

### **§ 57.14160 Mantrip trolley wire hazards underground.**

Mantrips shall be covered if there is danger of persons contacting the trolley wire.

### **§ 57.14161 Makeshift couplings.**

Couplings used on underground rail equipment shall be designed for that equipment, except that makeshift couplings may be used to move disabled rail equipment for repairs if no hazard to persons is created.

### **§ 57.14162 Trip lights.**

On underground rail haulage, trip lights shall be used on the rear of pulled trips and on the front of pushed trips.

## **Safety Practices and Operational Procedures**

### **§ 57.14200 Warnings prior to starting or moving equipment.**

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.

### **§ 57.14201 Conveyor start-up warnings.**

(a) When the entire length of a conveyor is visible from the starting switch, the conveyor operator shall visually check to make certain that all persons are in the clear before starting the conveyor.

(b) When the entire length of the conveyor is not visible from the starting switch, a system which provides visible or audible warning shall be installed and operated to warn persons that the conveyor will be started. Within 30 seconds after the warning is given, the conveyor shall be started or a second warning shall be given.

#### **§ 57.14202 Manual cleaning of conveyor pulleys.**

Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

#### **§ 57.14203 Application of belt dressing.**

Belt dressings shall not be applied manually while belts are in motion unless a pressurized-type applicator is used that allows the dressing to be applied from outside the guards.

#### **§ 57.14204 Machinery lubrication.**

Machinery or equipment shall not be lubricated manually while it is in motion where application of the lubricant may expose persons to injury.

#### **§ 57.14205 Machinery, equipment, and tools.**

Machinery, equipment, and tools shall not be used beyond the design capacity intended by the manufacturer, where such use may create a hazard to persons.

#### **§ 57.14206 Securing movable parts.**

(a) When moving mobile equipment between workplaces, booms, forks, buckets, beds, and similar movable parts of the equipment shall be positioned in the travel mode and, if required for safe travel, mechanically secured.

(b) When mobile equipment is unattended or not in use, dippers, buckets and scraper blades shall be lowered to the ground. Other movable parts, such as booms, shall be mechanically secured or positioned to prevent movement which would create a hazard to persons.

#### **§ 57.14207 Parking procedures for unattended equipment.**

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 or rib.

#### **§ 57.14208 Warning devices.**

(a) Visible warning devices shall be used when parked mobile equipment creates a hazard to persons in other mobile equipment.

(b) Mobile equipment, other than forklifts, carrying loads that project beyond the sides or more than four feet beyond the rear of the equipment shall have a warning flag at the end of the projection. Under conditions of limited visibility these loads shall have a warning light at the end of the projection. Such flags or lights shall be attached to the end of the projection or be carried by persons walking beside or behind the projection.

#### **§ 57.14209 Safety procedures for towing.**

(a) A properly sized tow bar or other effective means of control shall be used to tow mobile equipment.

(b) Unless steering and braking are under the control of the equipment operator on the towed equipment, a safety chain or wire rope capable of withstanding the loads to which it could be subjected shall be used in conjunction with any primary rigging.

(c) This provision does not apply to rail equipment.

### **§ 57.14210 Movement of dippers, buckets, loading booms, or suspended loads.**

(a) Dippers, buckets, loading booms, or suspended loads shall not be swung over the operators' stations of self-propelled mobile equipment until the equipment operator is out of the operator's station and in a safe location.

(b) This section does not apply when the equipment is specifically designed to protect the equipment operator from falling objects.

### **§ 57.14211 Blocking equipment in a raised position.**

(a) Persons shall not work on top of, under, or work from mobile equipment in a raised position until the equipment has been blocked or mechanically secured to prevent it from rolling or falling accidentally.

(b) Persons shall not work on top of, under, or work from a raised component of mobile equipment until the component has been blocked or mechanically secured to prevent accidental lowering. The equipment must also be blocked or secured to prevent rolling.

(c) A raised component must be secured to prevent accidental lowering when persons are working on or around mobile equipment and are exposed to the hazard of accidental lowering of the component.

(d) Under this section, a raised component of mobile equipment is considered to be blocked or mechanically secured if provided with a functional load-locking device or devices which prevent free and uncontrolled descent.

(e) Blocking or mechanical securing of the raised component is required during repair or maintenance of elevated mobile work platforms.

### **§ 57.14212 Chains, ropes, and drive belts.**

Chains, ropes, and drive belts shall be guided mechanically onto moving pulleys, sprockets, or drums except where equipment is designed specifically for hand feeding.

### **§ 57.14213 Ventilation and shielding for welding.**

(a) Welding operations shall be shielded when performed at locations where arc flash could be hazardous to persons.

(b) All welding operations shall be well-ventilated.

### **§ 57.14214 Train warnings.**

A warning that is audible above the surrounding noise level shall be sounded—

(a) Immediately prior to moving trains;

(b) When trains approach persons, crossing, other trains on adjacent tracks; and

(c) Any place where the train operator's vision is obscured.

### **§ 57.14215 Coupling or uncoupling cars.**

Prior to coupling or uncoupling cars manually, trains shall be brought to a complete stop, and then moved at minimum tram speed until the coupling or uncoupling activity is completed. Coupling or uncoupling shall not be attempted from the inside of curves unless the railroad and cars are designed to eliminate hazards to persons.

### **§ 57.14216 Backpoling.**

Backpoling of trolleys is prohibited except where there is inadequate clearance to reverse the trolley pole. Where backpoling is required, it shall be done only at the minimum tram speed of the trolley.

### **§ 57.14217 Securing parked railcars.**

Parked railcars shall be blocked securely unless held effectively by brakes.

**§ 57.14218 Movement of equipment on adjacent tracks.**

When a locomotive on one track is used to move rail equipment on adjacent tracks, a chain, cable, or drawbar shall be used which is capable of withstanding the loads to which it could be subjected.

**§ 57.14219 Brakeman signals.**

When a train is under the direction of a brakeman and the train operator cannot clearly recognize the brakeman's signals, the train operator shall bring the train to a stop.

**Appendix I to Subpart M of Part 57—National Consensus Standards**

Mine operators seeking further information regarding the construction and installation of falling object protective structures (FOPS) may consult the following national consensus standards, as applicable.

**MSHA Standard 57.14106, Falling Object Protection**

<b>Equipment</b>	<b>National consensus standard</b>
Front-end loaders and bulldozers	Society of Automotive Engineers (SAE) minimum performance criteria for falling object protective structures (FOPS) SAE J231—January, 1981.
Fork-lift trucks	American National Standards Institute (ANSI) safety standard for low lift and high lift trucks, B 56.1, section 7.27—1983; or
	American National Standards Institute (ANSI) standard, rough terrain fork lift trucks, B 56.6—1987.

**Subpart N—Personal Protection**

**Surface and Underground**

**§ 57.15001 First aid materials.**

Adequate first-aid materials, including stretchers and blankets shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled, or used.

**§ 57.15002 Hard hats.**

All persons shall wear suitable hard hats when in or around a mine or plant where falling objects may create a hazard.

**§ 57.15003 Protective footwear.**

All persons shall wear suitable protective footwear when in or around an area of a mine or plant where a hazard exists which could cause an injury to the feet.

**§ 57.15004 Eye protection.**

All persons shall wear safety glasses, goggles, or face shields or other suitable protective devices when in or around an area of a mine or plant where a hazard exists which could cause injury to unprotected eyes.

#### **§ 57.15005 Safety belts and lines.**

Safety belts and lines shall be worn when persons work where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

#### **§ 57.15006 Protective equipment and clothing for hazards and irritants.**

Special protective equipment and special protective clothing shall be provided, maintained in a sanitary and reliable condition and used whenever hazards of process or environment, chemical hazards, radiological hazards, or mechanical irritants are encountered in a manner capable of causing injury or impairment.

#### **§ 57.15007 Protective equipment or clothing for welding, cutting, or working with molten metal.**

Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting, or working with molten metal.

#### **§ 57.15014 Eye protection when operating grinding wheels.**

Face shields or goggles in good condition shall be worn when operating a grinding wheel.

[53 FR 32533, Aug. 25, 1988]

### **Surface Only**

#### **§ 57.15020 Life jackets and belts.**

Life jackets or belts shall be worn where there is danger from falling into water.

### **Underground Only**

#### **§ 57.15030 Provision and maintenance of self-rescue devices.**

A 1-hour self-rescue device approved by MSHA and NIOSH under 42 CFR part 84 shall be made available by the operator to all personnel underground. Each operator shall maintain self-rescue devices in good condition.

[60 FR 30401, June 8, 1995]

#### **§ 57.15031 Location of self-rescue devices.**

(a) Except as provided in paragraph (b) and (c) of this section, self-rescue devices meeting the requirements of standard 57.15030 shall be worn or carried by all persons underground.

(b) Where the wearing or carrying of self-rescue devices meeting the requirements of standard 57.15030 is hazardous to a person, such self-rescue devices shall be located at a distance no greater than 25 feet from such person.

(c) Where a person works on or around mobile equipment, self-rescue devices may be placed in a readily accessible location on such equipment.

### **Subpart O—Materials Storage and Handling**

#### **§ 57.16001 Stacking and storage of materials.**

Supplies shall not be stacked or stored in a manner which creates tripping or fall-of-material hazards.

### **§ 57.16002 Bins, hoppers, silos, tanks, and surge piles.**

(a) Bins, hoppers, silos, tanks, and surge piles, where loose unconsolidated materials are stored, handled or transferred shall be—

(1) Equipped with mechanical devices or other effective means of handling materials so that during normal operations persons are not required to enter or work where they are exposed to entrapment by the caving or sliding of materials; and

(2) Equipped with supply and discharge operating controls. The controls shall be located so that spills or overruns will not endanger persons.

(b) Where persons are required to move around or over any facility listed in this standard, suitable walkways or passageways shall be provided.

(c) Where persons are required to enter any facility listed in this standard for maintenance or inspection purposes, ladders, platforms, or staging shall be provided. No person shall enter the facility until the supply and discharge of materials have ceased and the supply and discharge equipment is locked out. Persons entering the facility shall wear a safety belt or harness equipped with a lifeline suitably fastened. A second person, similarly equipped, shall be stationed near where the lifeline is fastened and shall constantly adjust it or keep it tight as needed, with minimum slack.

### **§ 57.16003 Storage of hazardous materials.**

Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

### **§ 57.16004 Containers for hazardous materials.**

Containers holding hazardous materials must be of a type approved for such use by recognized agencies.

[67 FR 42389, June 21, 2002]

### **§ 57.16005 Securing gas cylinders.**

Compressed and liquid gas cylinders shall be secured in a safe manner.

### **§ 57.16006 Protection of gas cylinder valves.**

Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

### **§ 57.16007 Taglines, hitches, and slings.**

(a) Taglines shall be attached to loads that may require steadying or guidance while suspended.

(b) Hitches and slings used to hoist materials shall be suitable for the particular material handled.

### **§ 57.16009 Suspended loads.**

Persons shall stay clear of suspended loads.

### **§ 57.16010 Dropping materials from overhead.**

To protect personnel, material shall not be dropped from an overhead elevation until the drop area is first cleared of personnel and the area is then either guarded or a suitable warning is given.

### **§ 57.16011 Riding hoisted loads or on the hoist hook.**

Persons shall not ride on loads being moved by cranes or derricks, nor shall they ride the hoisting hooks unless such method eliminates a greater hazard.

### **§ 57.16012 Storage of incompatible substances.**

Chemical substances, including concentrated acids and alkalies, shall be stored to prevent inadvertent contact with each other or with other substances, where such contact could cause a violent reaction or the liberation of harmful fumes or gases.

### **§ 57.16013 Working with molten metal.**

Suitable warning shall be given before molten metal is poured and before a container of molten metal is moved.

### **§ 57.16014 Operator-carrying overhead cranes.**

Operator-carrying overhead cranes shall be provided with—

- (a) Bumpers at each end of each rail;
- (b) Automatic switches to halt uptravel of the blocks before they strike the hoist;
- (c) Effective audible warning signals within easy reach of the operator; and
- (d) A means to lock out the disconnect switch.

### **§ 57.16015 Work or travel on overhead crane bridges.**

No person shall work from or travel on the bridge of an overhead crane unless the bridge is provided with substantial footwalks with toeboards and railings the length of the bridge.

### **§ 57.16016 Lift trucks.**

Fork and other similar types of lift trucks shall be operated with the:

- (a) Upright tilted back to steady and secure the load;
- (b) Load in the upgrade position when ascending or descending grades in excess of 10 percent;
- (c) Load not raised or lowered enroute except for minor adjustments; and
- (d) Load-engaging device downgrade when traveling unloaded on all grades.

### **§ 57.16017 Hoisting heavy equipment or material.**

Where the stretching or contraction of a hoist rope could create a hazard, chairs or other suitable blocking shall be used to support conveyances at shaft landings before heavy equipment or material is loaded or unloaded.

## **Subpart P—Illumination**

### **§ 57.17001 Illumination of surface working areas.**

Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

### **§ 57.17010 Electric lamps.**

Individual electric lamps shall be carried for illumination by all persons underground.

## **Subpart Q—Safety Programs**

## **Surface and Underground**

### **§ 57.18002 Examination of working places.**

(a) A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.

(b) A record that such examinations were conducted shall be kept by the operator for a period of one year, and shall be made available for review by the Secretary or his authorized representative.

(c) In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

### **§ 57.18006 New employees.**

New employees shall be indoctrinated in safety rules and safe work procedures.

### **§ 57.18009 Designation of person in charge.**

When persons are working at the mine, a competent person designated by the mine operator shall be in attendance to take charge in case of an emergency.

### **§ 57.18010 First aid.**

An individual capable of providing first aid shall be available on all shifts. The individual shall be currently trained and have the skills to perform patient assessment and artificial respiration; control bleeding; and treat shock, wounds, burns, and musculoskeletal injuries. First aid training shall be made available to all interested miners.

[61 FR 50436, Sept. 26, 1996]

### **§ 57.18012 Emergency telephone numbers.**

Emergency telephone numbers shall be posted at appropriate telephones.

### **§ 57.18013 Emergency communications system.**

A suitable communication system shall be provided at the mine to obtain assistance in the event of an emergency.

### **§ 57.18014 Emergency medical assistance and transportation.**

Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons.

## **Surface Only**

### **§ 57.18020 Working alone.**

No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

## **Underground Only**

### **§ 57.18025 Working alone.**

No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless his cries for help can be heard or he can be seen.

### **§ 57.18028 Mine emergency and self-rescuer training.**

(a) On an annual basis, all persons who are required to go underground shall be instructed in the Mine Safety and Health Administration approved course contained in Bureau of Mines Instruction Guide 19, "Mine Emergency Training" (September 1972). The instruction shall be given by MSHA personnel or by persons who are certified by the District Manager of the area in which the mine is located.

(b) On an annual basis, all persons who go underground shall be instructed in the Mine Safety and Health Administration course contained in Bureau of Mines Instruction Guide 2, "MSA W-65 Self-Rescuer" (March 1972) or Bureau of Mines Instruction Guide 3, "Permissible Drager 810 Respirator for Self-Rescue" (March 1972). The instruction shall be given by MSHA personnel or by persons who are certified by the District Manager of the area in which the mine is located: *Provided, however,* That if a Mine Safety and Health Administration instructor or a certified instructor is not immediately available such instruction of new employees in self-rescuers may be conducted by qualified company personnel who are not certified, but who have obtained provisional approval from the District Manager. Any person who has not had self-rescuer instruction within 12 months immediately preceding going underground shall be instructed in the use of self-rescuers before going underground.

(c) All instructional material, handouts, visual aids, and other such teaching accessories used by the operator in the courses prescribed in paragraphs (a) and (b) of this section shall be available for inspection by the Secretary or his authorized representative.

(d) Records of all instruction shall be kept at the mine site or nearest mine office at least 2 years from the date of instruction. Upon completion of such instruction, copies of the record shall be submitted to the District Manager.

(e) The Bureau of Mines instruction guides to which reference is made in items (a) and (b) of this standard are hereby incorporated by reference and made a part hereof. The incorporated instruction guides are available and shall be provided upon request made to any Metal and Nonmetal Mine Safety and Health district office.

[50 FR 4082, Jan. 29, 1985, as amended at 71 FR 16667, Apr. 3, 2006]

## **Subpart R—Personnel Hoisting**

### **§ 57.19000 Application.**

(a) The hoisting standards in this subpart apply to those hoists and appurtenances used for hoisting persons. However, where persons may be endangered by hoists and appurtenances used solely for handling ore, rock, and materials, the appropriate standards should be applied.

(b) Standards 57.19021 through 57.19028 shall apply to wire ropes in service used to hoist—

- (1) Persons in shafts and slopes underground;
- (2) Persons with an incline hoist on the surface; or
- (3) Loads in shaft or slope development when persons work below suspended loads.
- (4) These standards do not apply to wire ropes used for elevators.

(c) Emergency hoisting facilities should conform to the extent possible to safety requirements for other hoists, and should be adequate to remove the persons from the mine with a minimum of delay.

## **Hoists**

### **§ 57.19001 Rated capacities.**

Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used.

### **§ 57.19002 Anchoring.**

Hoists shall be anchored securely.

### **§ 57.19003 Driving mechanism connections.**

Belt, rope, or chains shall not be used to connect driving mechanisms to man hoists.

### **§ 57.19004 Brakes.**

Any hoist used to hoist persons shall be equipped with a brake or brakes which shall be capable of holding its fully loaded cage, skip, or bucket at any point in the shaft.

### **§ 57.19005 Locking mechanism for clutch.**

The operating mechanism of the clutch of every man-hoist drum shall be provided with a locking mechanism, or interlocked electrically or mechanically with the brake to prevent accidental withdrawal of the clutch.

### **§ 57.19006 Automatic hoist braking devices.**

Automatic hoists shall be provided with devices that automatically apply the brakes in the event of power failure.

### **§ 57.19007 Overtravel and overspeed devices.**

All man hoists shall be provided with devices to prevent overtravel. When utilized in shafts exceeding 100 feet in depth, such hoists shall also be provided with overspeed devices.

### **§ 57.19008 Friction hoist synchronizing mechanisms.**

Where creep or slip may alter the effective position of safety devices, friction hoists shall be equipped with synchronizing mechanisms that recalibrate the overtravel devices and position indicators.

### **§ 57.19009 Position indicator.**

An accurate and reliable indicator of the position of the cage, skip, bucket, or cars in the shaft shall be provided.

### **§ 57.19010 Location of hoist controls.**

Hoist controls shall be placed or housed so that the noise from machinery or other sources will not prevent hoistmen from hearing signals.

### **§ 57.19011 Drum flanges.**

Flanges on drums shall extend radially a minimum of 4 inches or three rope diameters beyond the last wrap, whichever is the lesser.

### **§ 57.19012 Grooved drums.**

Where grooved drums are used, the grooves shall be of suitable size and pitch for the ropes used.

### **§ 57.19013 Diesel- and other fuel-injection-powered hoists.**

Where any diesel or similar fuel-injection engine is used to power a hoist, the engine shall be equipped with a damper or other cutoff in its air intake system. The control handle shall be clearly labeled to indicate that its intended function is for emergency stopping only.

### **§ 57.19014 Friction hoist overtravel protection.**

In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance and arranged to prevent overtravel in the event of failure of other devices.

### **§ 57.19017 Emergency braking for electric hoists.**

Each electric hoist shall be equipped with a manually-operable switch that will initiate emergency braking action to bring the conveyance and the counterbalance safely to rest. This switch shall be located within reach of the hoistman in case the manual controls of the hoist fail.

#### **§ 57.19018 Overtravel by-pass switches.**

When an overtravel by-pass switch is installed, the switch shall function so as to allow the conveyance to be moved through the overtravel position when the switch is held in the closed position by the hoistman. The overtravel by-pass switch shall return automatically to the open position when released by the hoistman.

### **Wire Ropes**

**Authority:** Sec. 101, Federal Mine Safety and Health Act of 1977, Pub. L. 91–173 as amended by Pub. L. 95–164, 91 Stat. 1291 (30 U.S.C. 811).

#### **§ 57.19019 Guide ropes.**

If guide ropes are used in shafts for personnel hoisting applications other than shaft development, the nominal strength (manufacturer's published catalog strength) of the guide rope at installation shall meet the minimum value calculated as follows: Minimum value=Static Load×5.0.

#### **§ 57.19021 Minimum rope strength.**

At installation, the nominal strength (manufacturer's published catalog strength) of wire ropes used for hoisting shall meet the minimum rope strength values obtained by the following formulas in which "L" equals the maximum suspended rope length in feet:

(a) *Winding drum ropes* (all constructions, including rotation resistant).

For rope lengths less than 3,000 feet: Minimum Value=Static Load×(7.0–0.001L)

For rope lengths 3,000 feet or greater: Minimum Value=Static Load×4.0.

(b) *Friction drum ropes.*

For rope lengths less than 4,000 feet: Minimum Value=Static Load×(7.0–0.0005L)

For rope lengths 4,000 feet or greater: Minimum Value=Static Load×5.0.

(c) *Tail ropes* (balance ropes).

Minimum Value=Weight of Rope×7.0

#### **§ 57.19022 Initial measurement.**

After initial rope stretch but before visible wear occurs, the rope diameter of newly installed wire ropes shall be measured at least once in every third interval of active length and the measurements averaged to establish a baseline for subsequent measurements. A record of the measurements and the date shall be made by the person taking the measurements. This record shall be retained until the rope is retired from service.

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33722, June 29, 1995]

#### **§ 57.19023 Examinations.**

(a) At least once every fourteen calendar days, each wire rope in service shall be visually examined along its entire active length for visible structural damage, corrosion, and improper lubrication or dressing. In addition, visual examination for wear and broken wires shall be made at stress points, including the area near attachments, where the rope rests on sheaves, where the rope leaves the drum, at drum crossovers, and at change-of-layer regions. When any visible condition that results in a reduction of rope strength is present, the affected portion of the rope shall be examined on a daily basis.

(b) Before any person is hoisted with a newly installed wire rope or any wire rope that has not been examined in the previous fourteen calendar days, the wire rope shall be examined in accordance with paragraph (a) of this section.

(c) At least once every six months, nondestructive tests shall be conducted of the active length of the rope, or rope diameter measurements shall be made—

- (1) Wherever wear is evident;
- (2) Where the hoist rope rests on sheaves at regular stopping points;
- (3) Where the hoist rope leaves the drum at regular stopping points; and
- (4) At drum crossover and change-of-layer regions.

(d) At the completion of each examination required by paragraph (a) of this section, the person making the examination shall certify, by signature and date, that the examination has been made. If any condition listed in paragraph (a) of this section is present, the person conducting the examination shall make a record of the condition and the date. Certifications and records of examinations shall be retained for one year.

(e) The person making the measurements or nondestructive tests as required by paragraph (c) of this section shall record the measurements or test results and the date. This record shall be retained until the rope is retired from service.

### **§ 57.19024 Retirement criteria.**

Unless damage or deterioration is removed by cutoff, wire ropes shall be removed from service when any of the following conditions occurs:

- (a) The number of broken wires within a rope lay length, excluding filler wires, exceeds either—
  - (1) Five percent of the total number of wires; or
  - (2) Fifteen percent of the total number of wires within any strand.
- (b) On a regular lay rope, more than one broken wire in the valley between strands in one rope lay length.
- (c) A loss of more than one-third of the original diameter of the outer wires.
- (d) Rope deterioration from corrosion.
- (e) Distortion of the rope structure.
- (f) Heat damage from any source.
- (g) Diameter reduction due to wear that exceeds six percent of the baseline diameter measurement.
- (h) Loss of more than ten percent of rope strength as determined by nondestructive testing.

### **§ 57.19025 Load end attachments.**

- (a) Wire rope shall be attached to the load by a method that develops at least 80 percent of the nominal strength of the rope.
- (b) Except for terminations where use of other materials is a design feature, zinc (spelter) shall be used for socketing wire ropes. Design feature means either the manufacturer's original design or a design approved by a registered professional engineer
- (c) Load end attachment methods using splices are prohibited.

### **§ 57.19026 Drum end attachment.**

- (a) For drum end attachment, wire rope shall be attached—

- (1) Securely by clips after making one full turn around the drum spoke;
  - (2) Securely by clips after making one full turn around the shaft, if the drum is fixed to the shaft; or
  - (3) By properly assembled anchor bolts, clamps, or wedges, provided that the attachment is a design feature of the hoist drum. Design feature means either the manufacturer's original design or a design approved by a registered professional engineer.
- (b) A minimum of three full turns of wire rope shall be on the drum when the rope is extended to its maximum working length.

#### **§ 57.19027 End attachment retermination.**

Damaged or deteriorated wire rope shall be removed by cutoff and the rope reterminated where there is—

- (a) More than one broken wire at an attachment;
- (b) Improper installation of an attachment;
- (c) Slippage at an attachment; or
- (d) Evidence of deterioration from corrosion at an attachment.

#### **§ 57.19028 End attachment replacement.**

Wire rope attachments shall be replaced when cracked, deformed, or excessively worn.

#### **§ 57.19030 Safety device attachments.**

Safety device attachments to hoist ropes shall be selected, installed, and maintained according to manufacturers' specifications to minimize internal corrosion and weakening of the hoist rope.

### **Headframes and Sheaves**

#### **§ 57.19035 Headframe design.**

All headframes shall be constructed with suitable design considerations to allow for all dead loads, live loads, and wind loads.

#### **§ 57.19036 Headframe height.**

Headframes shall be high enough to provide clearance for overtravel and safe stopping of the conveyance.

#### **§ 57.19037 Fleet angles.**

Fleet angles on hoists installed after November 15, 1979, shall not be greater than one and one-half degrees for smooth drums or two degrees for grooved drums.

#### **§ 57.19038 Platforms around elevated head sheaves.**

Platforms with toeboards and handrails shall be provided around elevated head sheaves.

### **Conveyances**

#### **§ 57.19045 Metal bonnets.**

Man cages and skips used for hoisting or lowering employees or other persons in any vertical shaft or any incline shaft with an angle of inclination of forty-five degrees from the horizontal, shall be covered with a metal bonnet.

### **§ 57.19049 Hoisting persons in buckets.**

Buckets shall not be used to hoist persons except during shaft sinking operations, inspection, maintenance, and repairs.

### **§ 57.19050 Bucket requirements.**

Buckets used to hoist persons during vertical shaft sinking operations shall—

- (a) Be securely attached to a crosshead when traveling in either direction between the lower and upper crosshead parking locations;
- (b) Have overhead protection when the shaft depth exceeds 50 feet;
- (c) Have sufficient depth or a suitably designed platform to transport persons safely in a standing position; and
- (d) Have devices to prevent accidental dumping where the bucket is supported by a bail attached to its lower half.

### **§ 57.19054 Rope guides.**

Where rope guides are used in shafts other than in shaft sinking operations, the rope guides shall be a type of lock coil construction.

## **Hoisting Procedures**

### **§ 57.19055 Availability of hoist operator for manual hoists.**

When a manually operated hoist is used, a qualified hoistman shall remain within hearing of the telephone or signal device at all times while any person is underground.

### **§ 57.19056 Availability of hoist operator for automatic hoists.**

When automatic hoisting is used, a competent operator of the hoist shall be readily available at or near the hoisting device while any person is underground.

### **§ 57.19057 Hoist operator's physical fitness.**

No person shall operate a hoist unless within the preceding 12 months he has had a medical examination by a qualified, licensed physician who shall certify his fitness to perform this duty. Such certification shall be available at the mine.

### **§ 57.19058 Experienced hoist operators.**

Only experienced hoistmen shall operate the hoist except in cases of emergency and in the training of new hoistmen.

### **§ 57.19061 Maximum hoisting speeds.**

The safe speed for hoisting persons shall be determined for each shaft, and this speed shall not be exceeded. Persons shall not be hoisted at a speed faster than 2,500 feet per minute, except in an emergency.

### **§ 57.19062 Maximum acceleration and deceleration.**

Maximum normal operating acceleration and deceleration shall not exceed 6 feet per second per second. During emergency braking, the deceleration shall not exceed 16 feet per second per second.

### **§ 57.19063 Persons allowed in hoist room.**

Only authorized persons shall be in hoist rooms.

### **§ 57.19065 Lowering conveyances by the brakes.**

Conveyances shall not be lowered by the brakes alone except during emergencies.

**§ 57.19066 Maximum riders in a conveyance.**

In shafts inclined over 45 degrees, the operator shall determine and post in the conveyance or at each shaft station the maximum number of persons permitted to ride in a hoisting conveyance at any one time. Each person shall be provided a minimum of 1.5 square feet of floor space.

**§ 57.19067 Trips during shift changes.**

During shift changes, an authorized person shall be in charge of each trip in which persons are hoisted.

**§ 57.19068 Orderly conduct in conveyances.**

Persons shall enter, ride, and leave conveyances in an orderly manner.

**§ 57.19069 Entering and leaving conveyances.**

Persons shall not enter or leave conveyances which are in motion or after a signal to move the conveyance has been given to the hoistman.

**§ 57.19070 Closing cage doors or gates.**

Cage doors or gates shall be closed while persons are being hoisted; they shall not be opened until the cage has come to a stop.

**§ 57.19071 Riding in skips or buckets.**

Persons shall not ride in skips or buckets with muck, supplies, materials, or tools other than small hand tools.

**§ 57.19072 Skips and cages in same compartment.**

When combinations of cages and skips are used in the same compartment, the cages shall be enclosed to protect personnel from flying material and the hoist speed reduced to man-speed as defined in standard 57.19061, but not to exceed 1,000 feet per minute. Muck shall not be hoisted with personnel during shift changes.

**§ 57.19073 Hoisting during shift changes.**

Rock or supplies shall not be hoisted in the same shaft as persons during shift changes, unless the compartments and dumping bins are partitioned to prevent spillage into the cage compartment.

**§ 57.19074 Riding the bail, rim, bonnet, or crosshead.**

Persons shall not ride the bail, rim, bonnet, or crosshead of any shaft conveyance except when necessary for inspection and maintenance, and then only when suitable protection for persons is provided.

**§ 57.19075 Use of open hooks.**

Open hooks shall not be used to hoist buckets or other conveyances.

**§ 57.19076 Maximum speeds for hoisting persons in buckets.**

When persons are hoisted in buckets, speeds shall not exceed 500 feet per minute and shall not exceed 200 feet per minute when within 100 feet of the intended station.

#### **§ 57.19077 Lowering buckets.**

Buckets shall be stopped about 15 feet from the shaft bottom to await a signal from one of the crew on the bottom for further lowering.

#### **§ 57.19078 Hoisting buckets from the shaft bottom.**

All buckets shall be stopped after being raised about three feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at a minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

#### **§ 57.19079 Blocking mine cars.**

Where mine cars are hoisted by cage or skip, means for blocking cars shall be provided at all landings and also on the cage.

#### **§ 57.19080 Hoisting tools, timbers, and other materials.**

When tools, timbers, or other materials are being lowered or raised in a shaft by means of a bucket, skip, or cage, they shall be secured or so placed that they will not strike the sides of the shaft.

#### **§ 57.19081 Conveyances not in use.**

When conveyances controlled by a hoist operator are not in use, they shall be released and the conveyances shall be raised or lowered a suitable distance to prevent persons from boarding or loading the conveyances.

#### **§ 57.19083 Overtravel backout device.**

A manually operated device shall be installed on each electric hoist that will allow the conveyance or counterbalance to be removed from an overtravel position. Such device shall not release the brake, or brakes, holding the overtravelled conveyance or counterbalance until sufficient drive motor torque has been developed to assure movement of the conveyance or counterbalance in the correct direction only.

### **Signaling**

#### **§ 57.19090 Dual signaling systems.**

There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

#### **§ 57.19091 Signaling instructions to hoist operator.**

Hoist operators shall accept hoisting instructions only by the regular signaling system unless it is out of order. In such an event, and during other emergencies, the hoist operator shall accept instructions to direct movement of the conveyances only from authorized persons.

#### **§ 57.19092 Signaling from conveyances.**

A method shall be provided to signal the hoist operator from cages or other conveyances at any point in the shaft.

#### **§ 57.19093 Standard signal code.**

A standard code of hoisting signals shall be adopted and used at each mine. The movement of a shaft conveyance on a "one bell" signal is prohibited.

#### **§ 57.19094 Posting signal code.**

A legible signal code shall be posted prominently in the hoist house within easy view of the hoistmen, and at each place where signals are given or received.

#### **§ 57.19095 Location of signal devices.**

Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

#### **§ 57.19096 Familiarity with signal code.**

Any person responsible for receiving or giving signals for cages, skips, and mantrips when persons or materials are being transported shall be familiar with the posted signaling code.

### **Shafts**

#### **§ 57.19100 Shaft landing gates.**

Shaft landings shall be equipped with substantial safety gates so constructed that materials will not go through or under them; gates shall be closed except when loading or unloading shaft conveyances.

#### **§ 57.19101 Stopblocks and derail switches.**

Positive stopblocks or a derail switch shall be installed on all tracks leading to a shaft collar or landing.

#### **§ 57.19102 Shaft guides.**

A means shall be provided to guide the movement of a shaft conveyance.

#### **§ 57.19103 Dumping facilities and loading pockets.**

Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

#### **§ 57.19104 Clearance at shaft stations.**

Suitable clearance at shaft stations shall be provided to allow safe movement of persons, equipment and materials.

#### **§ 57.19105 Landings with more than one shaft entrance.**

A safe means of passage around open shaft compartments shall be provided on landings with more than one entrance to the shaft.

#### **§ 57.19106 Shaft sets.**

Shaft sets shall be kept in good repair and clean of hazardous material.

#### **§ 57.19107 Precautions for work in compartment affected by hoisting operation.**

Hoistmen shall be informed when persons are working in a compartment affected by that hoisting operation and a "Men Working in Shaft" sign shall be posted at the hoist.

#### **§ 57.19108 Posting warning signs during shaft work.**

When persons are working in a shaft "Men Working in Shaft" signs shall be posted at all devices controlling hoisting operations that may endanger such persons.

#### **§ 57.19109 Shaft inspection and repair.**

Shaft inspection and repair work in vertical shafts shall be performed from substantial platforms equipped with bonnets or equivalent overhead protection.

#### **§ 57.19110 Overhead protection for shaft deepening work.**

A substantial bulkhead or equivalent protection shall be provided above persons at work deepening a shaft.

#### **§ 57.19111 Shaft-sinking ladders.**

Substantial fixed ladders shall be provided from the collar to as near the shaft bottom as practical during shaft-sinking operations, or an escape hoist powered by an emergency power source shall be provided. When persons are on the shaft bottom, a chain ladder, wire rope ladder, or other extension ladders shall be used from the fixed ladder or lower limit of the escape hoist to the shaft bottom.

### **Inspection and Maintenance**

#### **§ 57.19120 Procedures for inspection, testing, and maintenance.**

A systematic procedure of inspection, testing and maintenance of shaft and hoisting equipment shall be developed and followed. If it is found or suspected that any part is not functioning properly, the hoist shall not be used until the malfunction has been located and repaired or adjustments have been made.

#### **§ 57.19121 Recordkeeping.**

At the time of completion, the person performing inspections, tests, and maintenance of shafts and hoisting equipment required in standard 57.19120 shall certify, by signature and date, that they have been done. A record of any part that is not functioning properly shall be made and dated. Certifications and records shall be retained for one year.

(Sec. 101, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811))

[50 FR 4082, Jan. 29, 1985, as amended at 60 FR 33722, June 29, 1995]

#### **§ 57.19122 Replacement parts.**

Parts used to repair hoists shall have properties that will ensure the proper and safe function of the hoist.

#### **§ 57.19129 Examinations and tests at beginning of shift.**

Hoistmen shall examine their hoists and shall test overtravel, deadman controls, position indicators, and braking mechanisms at the beginning of each shift.

#### **§ 57.19130 Conveyance shaft test.**

Before hoisting persons and to assure that the hoisting compartments are clear of obstructions, empty hoist conveyances shall be operated at least one round trip after—

(a) Any hoist or shaft repairs or related equipment repairs that might restrict or obstruct conveyance clearance;

(b) Any oversize or overweight material or equipment trips that might restrict or obstruct conveyance clearance;

(c) Blasting in or near the shaft that might restrict or obstruct conveyance clearance; or

(d) Remaining idle for one shift or longer.

#### **§ 57.19131 Hoist conveyance connections.**

Hoist conveyance connections shall be inspected at least once during any 24-hour period that the conveyance is used for hoisting persons.

#### **§ 57.19132 Safety catches.**

(a) A performance drop test of hoist conveyance safety catches shall be made at the time of installation, or prior to installation in a mockup of the actual installation. The test shall be certified to in writing by the manufacturer or by a registered professional engineer performing the test.

(b) After installation and before use, and at the beginning of any seven day period during which the conveyance is to be used, the conveyance shall be suitably rested and the hoist rope slackened to test for the unrestricted functioning of the safety catches and their activating mechanisms.

(c) The safety catches shall be inspected by a competent person at the beginning of any 24-hour period that the conveyance is to be used.

#### **§ 57.19133 Shaft.**

Shafts that have not been inspected within the past 7 days shall not be used until an inspection has been conducted by a competent person.

#### **§ 57.19134 Sheaves.**

Sheaves in operating shafts shall be inspected weekly and kept properly lubricated.

#### **§ 57.19135 Rollers in inclined shafts.**

Rollers used in operating inclined shafts shall be lubricated, properly aligned, and kept in good repair.

### **Subpart S—Miscellaneous**

#### **§ 57.20001 Intoxicating beverages and narcotics.**

Intoxicating beverages and narcotics shall not be permitted or used in or around mines. Persons under the influence of alcohol or narcotics shall not be permitted on the job.

#### **§ 57.20002 Potable water.**

(a) An adequate supply of potable drinking water shall be provided at all active working areas.

(b) The common drinking cup and containers from which drinking water must be dipped or poured are prohibited.

(c) Where single service cups are supplied, a sanitary container for unused cups and a receptacle for used cups shall be provided.

(d) When water is cooled by ice, the ice shall either be of potable water or shall not come in contact with the water.

(e) Potable water outlets shall be posted.

(f) Potable water systems shall be constructed to prevent backflow or backsiphonage of non-potable water.

### **§ 57.20003 Housekeeping.**

At all mining operations—

(a) Workplaces, passageways, storerooms, and service rooms shall be kept clean and orderly;

(b) The floor of every workplace shall be maintained in a clean and, so far as possible, dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places shall be provided where practicable; and

(c) Every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards, as practicable.

### **§ 57.20005 Carbon tetrachloride.**

Carbon tetrachloride shall not be used.

### **§ 57.20008 Toilet facilities.**

(a) Toilet facilities shall be provided at locations that are compatible with the mine operations and that are readily accessible to mine personnel.

(b) The facilities shall be kept clean and sanitary. Separate toilet facilities shall be provided for each sex except where toilet rooms will be occupied by no more than one person at a time and can be locked from the inside.

### **§ 57.20009 Tests for explosive dusts.**

Dusts suspected of being explosive shall be tested for explosibility. If tests prove positive, appropriate control measures shall be taken.

### **§ 57.20010 Retaining dams.**

If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and inspected at regular intervals.

### **§ 57.20011 Barricades and warning signs.**

Areas where health or safety hazards exist that are not immediately obvious to employees shall be barricaded, or warning signs shall be posted at all approaches. Warning signs shall be readily visible, legible, and display the nature of the hazard and any protective action required.

### **§ 57.20013 Waste receptacles.**

Receptacles with covers shall be provided at suitable locations and used for the disposal of waste food and associated materials. They shall be emptied frequently and shall be maintained in a clean and sanitary condition.

### **§ 57.20014 Prohibited areas for food and beverages.**

No person shall be allowed to consume or store food or beverages in a toilet room or in any area exposed to a toxic material.

### **§ 57.20020 Unattended mine openings.**

Access to unattended mine openings shall be restricted by gates or doors, or the openings shall be fenced and posted.

#### **§ 57.20021 Abandoned mine openings.**

Upon abandonment of a mine, the owner or operator shall effectively close or fence off all surface openings down which persons could fall or through which persons could enter. Upon or near all such safeguards, trespass warnings and appropriate danger notices shall be posted.

#### **§ 57.20031 Blasting underground in hazardous areas.**

In underground areas where dangerous accumulations of water, gas, mud, or fire atmosphere could be encountered, persons shall be removed to safe places before blasting.

#### **§ 57.20032 Two-way communication equipment for underground operations.**

Telephones or other two-way communication equipment with instructions for their use shall be provided for communication from underground operations to the surface.

### **Subpart T—Safety Standards for Methane in Metal and Nonmetal Mines**

**Authority:** 30 U.S.C. 811.

**Source:** 52 FR 24941, July 1, 1987, unless otherwise noted.

#### **General**

##### **§ 57.22001 Scope.**

This subpart T sets forth procedures and safety standards for each metal and nonmetal underground mine subject to the Federal Mine Safety and Health Act of 1977. All metal and nonmetal mines will be placed into one of the categories or subcategories defined in this subpart. Mines shall operate in accordance with the applicable standards in this subpart to protect persons against the hazards of methane gas and dust containing volatile matter. The standards in this subpart apply to underground mines as well as surface mills at Subcategory I-C mines. These mines are also required to be operated in accordance with the other applicable health and safety standards published in 30 CFR part 57.

##### **§ 57.22002 Definitions.**

The following definitions apply in this subpart:

*Competent person.* A person designated by the mine operator who has sufficient experience and training to perform the assigned task.

*Explosive material.* Explosives, blasting agents, and detonators. Explosives are substances classified as explosives by the Department of Transportation in §§173.53, 173.88, and 173.100 of Title 49 of the Code of Federal Regulations (1986 Edition). Blasting agents are substances classified as blasting agents by the Department of Transportation in §173.114(a) of Title 49 of the Code of Federal Regulations (1986 Edition). Detonators are devices containing a detonating charge used to initiate explosives. Examples of detonators are blasting caps, electric or non-electric instantaneous or delay blasting caps and delay connectors. [A copy of Title 49 is available at any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration].

*Substantial construction.* Construction of such strength, material, and workmanship that the object will withstand air blasts, blasting shock, ground movement, pressure differentials, wear, and usage which may be expected to occur in the mining environment.

[52 FR 24941, July 1, 1987, as amended at 69 FR 38842, June 29, 2004]

#### **Mine Categorization**

### § 57.22003 Mine category or subcategory.

(a) All underground mines, and the surface mills of Subcategory I-C mines (gilsonite), shall be placed into one of the following categories or subcategories to protect persons against the hazards of methane and dusts containing volatile matter. Categories and subcategories are defined as follows:

(1) *Category I* applies to mines that operate within a combustible ore body and either liberate methane or have the potential to liberate methane based on the history of the mine or the geological area in which the mine is located. Category I is divided into Subcategories I-A, I-B, and I-C as follows:

(i) *Subcategory I-A* applies to mines that operate within a combustible ore body and liberate methane and in which—

(A) A concentration of 0.25 percent or more methane has been detected in the mine atmosphere and confirmed by laboratory analysis; or

(B) An ignition of methane has occurred.

(ii) *Subcategory I-B* applies to mines that operate within a combustible ore body and have the potential to liberate methane based on the history of the mine or geological area in which the mine is located and in which—

(A) A concentration of 0.25 percent or more methane has not been detected in the mine atmosphere; and

(B) An ignition of methane has not occurred.

(iii) *Subcategory I-C* applies to mines in which the product extracted is combustible and the dust has a volatile matter content of 60 percent or more measured on a moisture free basis<sup>1</sup>.

<sup>1</sup> Measured by the American Society for Testing and Materials, ASTM D 3175–82, Standard Test Method for Volatile Matter in the Analysis Sample of Coal and Coke. (This document is available at any Metal and Nonmetal Mine Safety and Health District Office of the Mine Safety and Health Administration).

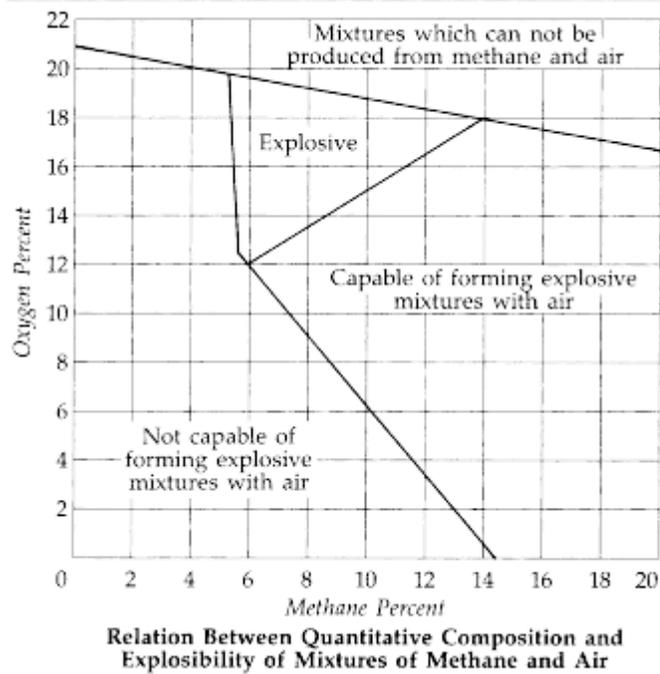
(2) *Category II* applies to domal salt mines where the history of the mine or geological area indicates the occurrence of or the potential for an outburst. Category II is divided into Subcategories II-A and II-B as follows:

(i) *Subcategory II-A* applies to domal salt mines where an outburst reportable under §57.22004(c)(1) has occurred.

(ii) *Subcategory II-B* applies to domal salt mines where an outburst reportable under §57.22004(c)(1) has not occurred, but which have the potential for an outburst based on the history of the mine or geological area in which the mine is located.

(3) *Category III* applies to mines in which noncombustible ore is extracted and which liberate a concentration of methane that is explosive, or is capable of forming explosive mixtures with air, or have the potential to do so based on the history of the mine or the geological area in which the mine is located. The concentration of methane in such mines is explosive or is capable of forming explosive mixtures if mixed with air as illustrated by Table 1 below, entitled "Relation Between Quantitative Composition and Explosibility of Mixtures of Methane and Air".

**Table 1**



(4) *Category IV* applies to mines in which noncombustible ore is extracted and which liberate a concentration of methane that is not explosive nor capable of forming explosive mixtures with air based on the history of the mine or the geological area in which the mine is located. The concentration of methane in such mines is not explosive nor capable of forming explosive mixtures if mixed with air as illustrated by Table 1 above, entitled "Relation Between Quantitative Composition and Explosibility of Mixtures of Methane and Air".

(5) *Category V* applies to petroleum mines. *Category V* is divided into Subcategories V-A and V-B as follows:

(i) *Subcategory V-A* applies to petroleum mines that operate entirely or partially within an oil reservoir; and all other petroleum mines in which—

(A) A concentration of 0.25 percent or more methane has been detected in the mine atmosphere and confirmed by laboratory analysis; or

(B) An ignition of methane has occurred.

(ii) *Subcategory V-B* applies to petroleum mines that operate outside of and drill into an oil reservoir and in which—

(A) A concentration of 0.25 percent or more methane has not been detected in the mine atmosphere; and

(B) An ignition of methane has not occurred.

(6) *Category VI* applies to mines in which the presence of methane has not been established and are not included in another category or subcategory.

(b) *Category* or subcategory placement or change in placement shall include consideration of the following:

(1) The history and geology of the mine or of the geological area in which the mine is located;

(2) The ore body and host rock;

(3) The character, amount, duration, origin, and nature of methane emission and the presence of explosive dust and inert gases; and

(4) Whether or not conditions encountered during primary or access development are transient or permanent.

(c)(1) Gas samples for the purpose of category or subcategory placement or change in placement, and for determining action levels, shall be taken in the mine atmosphere. Gas samples taken to determine the nature and extent of an occurrence under §57.22004 (c) and (d) may be taken at any location, including the source, point of entry and the mine atmosphere.

(2) Tests for methane shall be made with hand-held methanometers, methane monitors, atmospheric monitoring systems, devices used to provide laboratory analysis of samples, or with other equally effective sampling devices. However, only methane samples that have been confirmed by laboratory analysis shall be used for category or subcategory placement or change in placement.

(d) Each mine and mill shall be required to operate in accordance with the safety standards applicable to its particular category or subcategory.

### **§ 57.22004 Category placement or change in placement.**

The Administrator for Metal and Nonmetal Mine Safety and Health (Administrator) shall be responsible for category and subcategory placement, change in placement, and notification of placement of mines.

(a) The Administrator's proposed notice of placement or change in placement shall be sent to the mine operator and the appropriate representative of miners and shall include—

- (1) The category or subcategory;
- (2) The reasons for placement or change in placement;
- (3) The data considered;
- (4) The applicable standards and a time schedule for the mine operator to achieve compliance;
- (5) Whether or not conditions encountered during primary or access development are transient or permanent; and
- (6) Notification of the right to appeal the Administrator's determination under §57.22005.

(b) The operator or the representative of the miners shall have the right to request of the Administrator reassignment of the mine to a more appropriate category or subcategory if, based on operating experience, the conditions set forth in §57.22003(b) indicate that the hazards of methane exist under circumstances more appropriately governed by a different category or subcategory. In response to such a request, the procedures set forth in paragraph (d) of this section shall apply. While the request for category or subcategory reassignment is pending, the mine shall continue to operate under the standards for the category or subcategory to which originally assigned.

(c) MSHA shall be notified as soon as possible if any of the following events occur:

- (1) An outburst that results in 0.25 percent or more methane in the mine atmosphere;
- (2) A blowout that results in 0.25 percent or more methane in the mine atmosphere;
- (3) An ignition of methane; or
- (4) Air sample results that indicate 0.25 percent or more methane in the mine atmosphere of a Subcategory I-B, I-C, II-B, V-B or Category VI mine.

(d) The Administrator shall promptly appoint an MSHA committee to investigate occurrences reported in accordance with paragraph (c) of this section or requests filed in accordance with paragraph (b) of this section. Upon completion of an investigation, the committee shall make a written report of the findings. These investigations may include an evaluation of the following:

- (1) Source, nature, and extent of occurrences;
- (2) Conditions under which the incident occurred;
- (3) Samples and tests;
- (4) Physical conditions at the time of the occurrence;
- (5) Charts, logs, and records related to the occurrence;

(6) Whether the occurrence is isolated, continuous, or could recur;

(7) Conditions indicating that the hazards of methane no longer exist or exist under circumstances more appropriately governed by a different category or subcategory;

(8) The geology of the mine and the geological area in which the mine is located; and

(9) Statements by witnesses, company officials, employees, and other persons having knowledge of the mine or the occurrence. Representatives of the mine operator, the miners and the appropriate State agency may participate in the investigation.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987; 60 FR 33722, June 29, 1995]

## **§ 57.22005 Notice and appeal of placement or change in placement.**

(a) The Administrator's determination of category or subcategory placement or change in placement shall become final upon the 30th day after it is served on the mine operator and representative of miners, unless a request for a hearing has been filed. Service of the Administrator's determination is complete upon mailing by registered or certified mail, return receipt requested.

(b) The mine operator or representative of miners may obtain review of the Administrator's determination by filing a request for a hearing with the Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration, 1100 Wilson Blvd., Room 2322, Arlington, Virginia 22209-3939 within 30 days of the Administrator's determination. Service of a request for hearing is completed upon mailing by registered or certified mail, return receipt requested. Requests for a hearing shall be in writing and contain the following information:

(1) Name, address, and mine identification number;

(2) A concise statement of the reason why the Administrator's determination is inappropriate; and

(3) A copy of the Administrator's determination.

(c) The mine operator shall post a copy of the Administrator's determination and the request for a hearing on the mine bulletin board, and shall maintain the posting until the placement becomes final.

(d) Promptly after receipt of the request for a hearing, the Assistant Secretary shall refer to the Chief Administrative Law Judge, United States Department of Labor, the following:

(1) The request for a hearing;

(2) The Administrator's determination; and

(3) All information upon which the Administrator's determination was based.

(e) The hearing shall be regulated and conducted by an Administrative Law Judge in accordance with 29 CFR part 18, entitled, "Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges." Once the Administrative Law Judge has made an initial decision and served each party, the decision shall be final on the 30th day after service, unless discretionary review is undertaken by the Assistant Secretary or an appeal is filed by the mine operator or representative of the miners under paragraph (f) of this section.

(f) Within 30 days after service of an initial decision of an Administrative Law Judge, the Assistant Secretary for Mine Safety and Health may undertake a discretionary review of the initial decision, or the mine operator, or representative of the miners may appeal the initial decision of the Administrative Law Judge to the Assistant Secretary.

(1) The Assistant Secretary shall give notice of discretionary review to the mine operator and representative of the miners. The mine operator or representative of the miners shall give notice of an appeal to the other party. The notice shall specify the suggested changes and refer to the specific findings of fact, conclusions of law, and terms of the initial decision to be reviewed or appealed. The Assistant Secretary shall fix a time for filing any objections to the suggested changes and supporting reasons.

(2) The Assistant Secretary shall promptly notify the Administrative Law Judge of a discretionary review or an appeal. The entire record of the proceedings shall be transmitted to the Assistant Secretary for review.

(3) The Assistant Secretary shall make the final decision based upon consideration of the record of the proceedings. The final decision may affirm, modify, or set aside in whole or in part, the findings and conclusions contained in the initial decision. A statement of reasons for the

action taken shall be included in the final decision. The final decision shall be served upon the mine operator and representative of the miners.

(g) Unless a decision by the Administrator for Metal and Nonmetal Mine Safety and Health, or the initial decision of the Administrative Law Judge, is appealed within 30 days, it becomes final, and is not subject to judicial review for the purposes of 5 U.S.C. 704. Only a decision by the Assistant Secretary shall be considered final Agency action for purposes of judicial review. Any such appeal must be filed in the appropriate circuit of the United States Court of Appeal.

(h) While a final decision of category placement is pending the following procedures shall apply:

(1) Where a mine has been classified as gassy prior to the effective date of these standards, existing gassy mines standards 30 CFR 57.21001 through 57.21101 (1986 Edition) shall continue to be applicable until placement is final.

(2) Where a mine has not been classified as gassy prior to the effective date of these standards and it is placed in Categories I through V, the mine shall comply with Category VI standards (§§57.22231, 57.22232, 57.22236, and 57.22238) until placement is final.

(3) Where a mine has been classified in Categories I through V after the effective date of these standards and category reassignment is being considered, the mine shall comply with the standards applicable to the category to which presently assigned until category placement is final.

[52 FR 24941, July 1, 1987; 52 FR 27903, July 24, 1987, as amended at 67 FR 38385, June 4, 2002]

## **Fire Prevention and Control**

Note: The Category or Subcategory applicability of each standard appears in the parentheses of each standard's title line].

### **§ 57.22101 Smoking (I-A, II-A, III, and V-A mines).**

Persons shall not smoke or carry smoking materials, matches, or lighters underground. The operator shall institute a reasonable program to assure that persons entering the mine do not carry such items.

### **§ 57.22102 Smoking (I-C mines).**

(a) Persons shall not smoke or carry smoking materials, matches, or lighters underground or within 50 feet of a mine opening. The operator shall institute a reasonable program to assure that persons entering the mine do not carry such items.

(b) Smoking is prohibited in surface milling facilities except in designated, dust-free smoking areas.

### **§ 57.22103 Open flames (I-A, II-A, III, and V-A mines).**

Open flames shall not be permitted underground except for welding, cutting, and other maintenance operations, and for igniting underground retorts in a Subcategory I-A mine. When using open flames in other than fresh air, or in places where methane may enter the air current, tests for methane shall be conducted by a competent person before work is started and every 10 minutes until the job is completed. Continuous methane monitors with audible alarms may be used after the initial test has been conducted as an alternative to the ten-minute interval testing requirement. Open flames shall not be used in atmospheres containing 0.5 percent or more methane.

### **§ 57.22104 Open flames (I-C mines).**

(a) Open flames, including cutting and welding, shall not be used underground.

(b) Welding and cutting shall not be done within 50 feet of a mine opening unless all persons are out of the mine and the mine opening is covered. The cover shall be a substantial material, such as metal or wood, topped with a layer of wetted material to prevent sparks and flames from entering the mine opening.

### **§ 57.22105 Smoking and open flames (IV mines).**

Smoking or open flames shall not be permitted in a face or raise, or during release of gas from a borehole until tests have been conducted in accordance with §57.22226 and the methane level has been determined to be below 0.5 percent.

### **§ 57.22106 Dust containing volatile matter (I-C mines).**

Dust containing volatile matter shall not be allowed to accumulate on the surfaces of enclosures, facilities, or equipment used in surface milling in amounts that, if suspended in air, would become an explosive mixture. An explosive mixture of dust containing volatile matter is 0.02 ounce or more per cubic foot of air.

## **Ventilation**

### **§ 57.22201 Mechanical ventilation (I-A, I-B, I-C, II-A, II-B, III, IV, V-A, and V-B mines).**

All mines shall be ventilated mechanically.

### **§ 57.22202 Main fans (I-A, I-B, I-C, II-A, III, V-A, and V-B mines).**

(a) Main fans shall be—

- (1) Installed on the surface in noncombustible housings provided with noncombustible air ducts;
- (2) Except in Subcategory I-A mines, provided with an automatic signal device to give an alarm when the fan stops. The signal device shall be located so that it can be seen or heard by a person designated by the mine operator.

(b) Fan installations shall be—

- (1) Offset so that the fan and its associated components are not in direct line with possible explosive forces;
- (2) Equipped with explosion-doors, a weak-wall, or other equivalent devices located to relieve the pressure that would be created by an explosion underground. The area of the doors or weak-wall shall be at least equivalent to the average cross-sectional area of the airway.
- (c) (1) All main fan-related electrical equipment and cables located within or exposed to the forward or reverse airstream shall be approved by MSHA under the applicable requirements of 30 CFR part 18;
- (2) Drive belts and nonmetallic fan blades shall be constructed of static-conducting material; and
- (3) Aluminum alloy fan blades shall not contain more than 0.5 percent magnesium. [Paragraph (c)(3) of this section does not apply to Subcategory I-C mines].

(d) When an internal combustion engine is used to power a main fan or as standby power, the engine shall be—

- (1) Installed in a noncombustible housing;
  - (2) Protected from a possible fuel supply fire or explosion; and
  - (3) Located out of direct line with the forward and reverse airstream provided by the fan. Engine exhaust gases shall be vented to the atmosphere so that exhaust cannot contaminate mine intake air.
- (e) For Subcategory I-A mines only: Main exhaust fans shall be equipped with methane monitors to give an alarm when methane in the return air reaches 0.5 percent. The alarm shall be located so that it can be seen or heard by a person designated by the mine operator.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987]

### **§ 57.22203 Main fan operation (I-C mines).**

Main fans shall be operated continuously while ore production is in progress.

### **§ 57.22204 Main fan operation and inspection (I-A, II-A, III, and V-A mines).**

Main fans shall be—

- (a) Provided with a pressure-recording system; and

(b) Inspected daily while operating if persons are underground. Certification of inspections shall be made by signature and date. Certifications and pressure recordings shall be retained for at least one year and made available to an authorized representative of the Secretary.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987; 60 FR 33722, June 29, 1995]

### **§ 57.22205 Doors on main fans (I-A, II-A, III, and V-A mines).**

In mines ventilated by multiple main fans, each main fan installation shall be equipped with noncombustible doors. Such doors shall automatically close to prevent air reversal through the fan. The doors shall be located so that they are not in direct line with explosive forces which could come out of the mine.

### **§ 57.22206 Main ventilation failure (I-A, II-A, III, and V-A mines).**

(a) When there has been a main ventilation failure, such as stoppage of main fans or failure of other components of the main ventilation system, tests for methane shall be conducted in affected active workings until normal air flow has resumed.

(b) If a total failure of ventilation occurs while all persons are out of the mine and the failure lasts for more than 30 minutes, only competent persons shall be allowed underground to examine the mine or to make necessary ventilation changes. Other persons may reenter the mine after the main fans have been operational for at least 30 minutes, or after the mine atmosphere has been tested and contains less than 1.0 percent methane. Persons other than examiners shall not reenter a Subcategory II-A mine until the methane level is less than 0.5 percent.

### **§ 57.22207 Booster fans (I-A, II-A, III, and V-A mines).**

(a) Booster fans shall be approved by MSHA under the applicable requirements of 30 CFR part 18, and be—

(1) Provided with an automatic signal device located so that it can be seen or heard by a person designated by the mine operator to give an alarm when the fan stops or when methane reaches the following levels:

(i) 1.0 percent at the fan in Subcategory I-A, Category III, and Subcategory V-A mines; and

(ii) 0.5 percent at the fan in Subcategory II-A mines.

(2) Equipped with a device that automatically deenergizes power in affected workings should the fan stop; and

(3) Equipped with starting and stopping controls located at the fan and at another accessible remote location.

(b) Booster fan installations, except for booster fans installed in ducts, shall be—

(1) Provided with doors which open automatically when all fans in the installation stop; and

(2) Provided with an air lock when passage through the fan bulkhead is necessary.

### **§ 57.22208 Auxiliary fans (I-A, II-A, III, and V-A mines).**

(a) Auxiliary fans, except fans used in shops and other areas which have been so designed that methane cannot enter the airway, shall be approved by MSHA under the applicable requirements of 30 CFR part 18, and be operated so that recirculation is minimized. Auxiliary fans shall not be used to ventilate work places during the interruption of normal mine ventilation.

(b) Tests for methane shall be made at auxiliary fans before they are started.

### **§ 57.22209 Auxiliary fans (I-C mines).**

Electric auxiliary fans shall be approved by MSHA under the applicable requirements of 30 CFR part 18. Tests for methane shall be made at electric auxiliary fans before they are started. Such fans shall not be operated when air passing over or through them contains 0.5 percent or more methane.

### **§ 57.22210 In-line filters (I-C mines).**

Filters or separators shall be installed on air-lift fan systems to prevent explosive concentrations of dust from passing through the fan.

### **§ 57.22211 Air flow (I-A mines).**

The average air velocity in the last open crosscut in pairs or sets of developing entries, or through other ventilation openings nearest the face, shall be at least 40 feet per minute. The velocity of air ventilating each face at a work place shall be at least 20 feet per minute.

### **§ 57.22212 Air flow (I-C, II-A, and V-A mines).**

Air flow across each working face shall be sufficient to carry away any accumulation of methane, smoke, fumes, and dust.

### **§ 57.22213 Air flow (III mines).**

The quantity of air coursed through the last open crosscut in pairs or sets of entries, or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet per minute, or 9,000 cubic feet per minute in longwall and continuous miner sections. The quantity of air across each face at a work place shall be at least 2,000 cubic feet per minute.

### **§ 57.22214 Changes in ventilation (I-A, II-A, III, and V-A mines).**

(a) Changes in ventilation which affect the main air current or any split thereof and which adversely affect the safety of persons in the mine shall be made only when the mine is idle.

(b) Only persons engaged in making such ventilation changes shall be permitted in the mine during changes.

(c) Power shall be deenergized in affected areas prior to making ventilation changes, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18. Power shall not be restored until the results of the change have been determined and a competent person has examined affected working places for methane.

### **§ 57.22215 Separation of intake and return air (I-A, II-A, III, and V-A mines).**

Main intake and return air currents shall be coursed through separate mine openings and shall be separated throughout the mine, except—

(a) Where multiple shafts are used for ventilation and a single shaft contains a curtain wall or partition for separation of air currents. Such wall or partition shall be constructed of reinforced concrete or other noncombustible equivalent, and provided with pressure-relief devices.

(b) During development of openings to the surface—

(1) Ventilation tubing approved by MSHA in accordance with 30 CFR part 7 or previously issued a BC or VT acceptance number by the MSHA Approval and Certification Center may be used for separation of main air currents in the same opening. Flexible ventilation tubing shall not exceed 250 feet in length.

(2) Only development related to making a primary ventilation connection may be performed beyond 250 feet of the shaft.

[52 FR 24941, July 1, 1987, as amended at 54 FR 30508, July 20, 1989]

### **§ 57.22216 Separation of intake and return air (I-C mines).**

The main intake and return air currents in single shafts shall be separated by ventilation tubing, curtain walls, or partitions. Ventilation tubing shall be constructed of noncombustible material. Curtain walls or partitions shall be constructed of reinforced concrete or other noncombustible equivalent, and provided with pressure-relief devices.

### **§ 57.22217 Seals and stoppings (I-A, I-B, and I-C mines).**

All seals, and those stoppings that separate main intake from main return airways, shall be of substantial construction and constructed of noncombustible materials, except that stoppings constructed of brattice materials may be used in face areas.

### **§ 57.22218 Seals and stoppings (III, V-A, and V-B mines).**

(a) All seals, and those stoppings that separate main intake from main return airways, shall be of substantial construction, except that stoppings constructed of brattice materials may be used in face areas.

(b) Exposed surfaces on the intake side of stoppings constructed of combustible materials or foam-type blocks shall be coated with at least one inch of construction plaster containing perlite and gypsum; at least one inch of expanded vermiculite, Portland cement and limestone; or other coatings with equivalent fire resistance. Stoppings constructed to phenolic foam blocks at least 12 inches thick need not be coated for fire resistance. All foam-type blocks used for stopping construction shall be solid.

(c) Exposed surfaces on the fresh air side of seals constructed of combustible materials shall be coated with at least one inch of construction plaster containing perlite and gypsum; at least one inch of expanded vermiculite, Portland cement and limestone; or other coatings with equivalent fire resistance. Foam-type blocks shall not be used for seals.

### **§ 57.22219 Seals and stoppings (II-A mines).**

(a) Exposed surfaces on the intake side of stoppings constructed of combustible materials, except brattice, shall be coated with at least one inch of construction plaster containing perlite and gypsum; at least one inch of expanded vermiculite, Portland cement and limestone; or other coatings with equivalent fire resistance.

(b) Seals shall be of substantial construction. Exposed surfaces on the fresh air side of seals constructed of combustible materials shall be coated with at least one inch of construction plaster containing perlite and gypsum; at least one inch of expanded vermiculite, Portland cement and limestone; or other coatings with equivalent fire resistance. Foam-type blocks shall not be used for seals.

### **§ 57.22220 Air passing unsealed areas (I-A, II-A, III, and V-A mines).**

Air that has passed by or through unsealed abandoned or unsealed inactive areas and contains 0.25 percent or more methane shall—

- (a) Be coursed directly to a return airway;
- (b) Be tested daily for methane by a competent person; and
- (c) Not be used to ventilate work places.

### **§ 57.22221 Overcast and undercast construction (I-A, II-A, III, and V-A mines).**

Overcasts and undercasts shall be—

- (a) Of substantial construction;
- (b)(1) Constructed of noncombustible materials; or
- (2) Where constructed of combustible materials, the outside surfaces shall be coated with at least one inch of construction plaster containing perlite and gypsum; at least one inch of expanded vermiculite, Portland cement and limestone; or other coatings with equivalent fire resistance;
- (c) Kept clear of obstructions.

### **§ 57.22222 Ventilation materials (I-A, I-B, I-C, II-A, III, V-A, and V-B mines).**

Brattice cloth and ventilation tubing shall be approved by MSHA in accordance with 30 CFR part 7, or shall bear a BC or VT acceptance number issued by the MSHA Approval and Certification Center.

[54 FR 30508, July 20, 1989]

#### **§ 57.22223 Crosscuts before abandonment (III mines).**

A means of ventilating faces shall be provided before workings are abandoned in unsealed areas, unless crosscuts are provided within 30 feet of the face.

#### **§ 57.22224 Auxiliary equipment stations (I-A and III mines).**

Battery charging stations, compressor stations, pump stations, and transformer stations shall be installed in intake air at locations which are sufficiently ventilated to prevent the accumulation of methane.

#### **§ 57.22225 Auxiliary equipment stations (I-C mines).**

Battery charging stations, compressor stations, and electrical substations shall not be installed underground or within 50 feet of a mine opening.

#### **§ 57.22226 Testing for methane (IV mines).**

Tests for methane shall be conducted in the mine atmosphere by a competent person—

- (a) At least once each shift prior to starting work in each face and raise; and
- (b) Upon initial release of gas into the mine atmosphere from boreholes.

#### **§ 57.22227 Approved testing devices (I-A, I-B, I-C, II-A, II-B, III, IV, V-A, and V-B mines).**

(a) Methane monitoring devices and portable, battery-powered, self-contained devices used for measuring methane, other gases, and contaminants in mine air shall be approved by MSHA under the applicable requirements of 30 CFR parts 18, 21, 22, 23, 27, and 29. Such devices shall be maintained in accordance with manufacturers' instructions, or an equivalent maintenance and calibration procedure.

(b)(1) Flame safety lamps shall not be used to test for methane except as supplementary devices.

(2) Flame safety lamps shall not be used in Subcategory I-C mines.

(c)(1) If electrically powered, remote sensing devices are used, that portion of the instrument located in return air or other places where combustible gases may be present shall be approved by MSHA under the applicable requirements of 30 CFR parts 18, 22, 23, 27, and 29.

(2) If air samples are delivered to remote analytical devices through sampling tubes, such tubes shall be provided with in-line flame arrestors. Pumping equipment and analytical instruments shall be located in intake air.

#### **§ 57.22228 Preshift examination (I-A, I-C, II-A, III, and V-A mines).**

(a) Preshift examinations shall be conducted within three hours prior to the start of the shift for which the examination is being made.

(b) Prior to the beginning of a shift following an idle shift, a competent person shall test the mine atmosphere for methane at all work places before persons other than examiners enter the mine.

(c) When one shift immediately follows another, a competent person shall test the mine atmosphere at each active working face for methane before work is started on that shift.

(d) A competent person shall test the mine atmosphere at each face blasted before work is started.

(e) Except in Subcategory I-C or Category III mines, vehicles used for transportation when examining the mine shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36.

[52 FR, 24941, July 1, 1987, as amended at 53 FR 9615, Mar. 24, 1988]

**§ 57.22229 Weekly testing (I-A, III, and V-A mines).**

(a) The mine atmosphere shall be tested for methane and carbon monoxide at least once every seven days by a competent person or an atmospheric monitoring system, or a combination of the two. Such testing shall be done at the following locations:

- (1) The return of each split where it enters the main return;
- (2) Adjacent to retreat areas, if accessible;
- (3) At least one seal of each sealed area, if accessible;
- (4) Main returns;
- (5) At least one entry of each intake and return;
- (6) Idle workings; and
- (7) Return air from unsealed abandoned workings.

(b) The volume of air (velocity in Subcategory I-A mines) shall be measured at least once every seven days by a competent person. Such measurement shall be done at the following locations:

- (1) Entering main intakes;
- (2) Leaving main returns;
- (3) Entering each main split;
- (4) Returning from each main split; and
- (5) In the last open crosscuts or other ventilation openings nearest the active faces where the air enters the return.

(c) Where such examinations disclose hazardous conditions, affected persons shall be informed and corrective action shall be taken.

(d) Certification of examinations shall be made by signature and date. Certifications shall be retained for at least one year and made available to authorized representatives of the Secretary.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987]

**§ 57.22230 Weekly testing (II-A mines).**

(a) The mine atmosphere shall be tested for methane at least once every seven days by a competent person or an atmospheric monitoring system, or a combination of the two. Such testing shall be done at the following locations:

- (1) Active mining faces and benches;
- (2) Main returns;
- (3) Returns from idle workings;
- (4) Returns from abandoned workings; and
- (5) Seals.

(b) Where such examinations disclose hazardous conditions, affected persons shall be informed and corrective action shall be taken.

(c) Certification of examinations shall be made by signature and date. Certifications shall be kept for at least one year and made available to authorized representatives of the Secretary.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987; 60 FR 33723, June 29, 1995]

#### **§ 57.22231 Actions at 0.25 percent methane (I-B, II-B, V-B, and VI mines).**

If methane reaches 0.25 percent in the mine atmosphere, changes shall be made to improve ventilation, and MSHA shall be notified immediately.

#### **§ 57.22232 Actions at 0.5 percent methane (I-B, II-A, II-B, IV, V-B, and VI mines).**

If methane reaches 0.5 percent in the mine atmosphere, ventilation changes shall be made to reduce the level of methane. Until methane is reduced to less than 0.5 percent, electrical power shall be deenergized in affected areas, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18. Diesel equipment shall be shut off or immediately removed from the area and no other work shall be permitted in affected areas.

[52 FR 24941, July 1, 1987; 52 FR 27903, July 24, 1987]

#### **§ 57.22233 Actions at 0.5 percent methane (I-C mines).**

If methane reaches 0.5 percent in the mine atmosphere, ventilation changes shall be made to reduce the level of methane. Until methane is reduced to less than 0.5 percent, no other work shall be permitted in affected areas.

[52 FR 24941, July 1, 1987; 52 FR 27903, July 24, 1987]

#### **§ 57.22234 Actions at 1.0 percent methane (I-A, I-B, III, V-A, and V-B mines).**

(a) If methane reaches 1.0 percent in the mine atmosphere, ventilation changes shall be made to reduce the methane. Until such changes are achieved—

- (1) All persons other than competent persons necessary to make the ventilation changes shall be withdrawn from affected areas;
- (2) Electrical power shall be deenergized in affected areas, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18; and
- (3) Diesel equipment shall be shut off or immediately removed from the area.

(b) If methane reaches 1.0 percent at a main exhaust fan, electrical power underground shall be deenergized, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, and all persons shall be withdrawn from the mine.

(c) If methane reaches 1.0 percent at a work place and there has been a failure of the main ventilation system, all persons shall be withdrawn from the mine.

[52 FR, 24941, July 1, 1987, as amended at 53 FR 9615, Mar. 24, 1988]

#### **§ 57.22235 Actions at 1.0 percent methane (I-C, II-A, II-B, and IV mines).**

(a) If methane reaches 1.0 percent in the mine atmosphere, all persons other than competent persons necessary to make ventilation changes shall be withdrawn from affected areas until methane is reduced to less than 0.5 percent.

(b) If methane reaches 1.0 percent at a work place and there has been a failure of the main ventilation system, all persons shall be withdrawn from the mine.

#### **§ 57.22236 Actions at 1.0 percent methane (VI mines).**

If methane reaches 1.0 percent in the mine atmosphere, all persons other than competent persons necessary to make ventilation changes shall be withdrawn from affected areas until methane is reduced to less than 0.5 percent.

#### **§ 57.22237 Actions at 2.0 to 2.5 percent methane in bleeder systems (I-A and III mines).**

If methane reaches 2.0 percent in bleeder systems at the point where a bleeder split enters a main return split, mining shall not be permitted on ventilation splits affected by the bleeder system. If methane has not been reduced to less than 2.0 percent within 30 minutes, or if methane levels reach 2.5 percent, all persons other than competent persons necessary to take corrective action shall be withdrawn from affected areas.

#### **§ 57.22238 Actions at 2.0 percent methane (I-B, II-B, V-B, and VI mines).**

If methane reaches 2.0 percent in the mine atmosphere, all persons other than competent persons necessary to make ventilation changes shall be withdrawn from the mine until methane is reduced to less than 0.5 percent.

#### **§ 57.22239 Actions at 2.0 percent methane (IV mines).**

If methane reaches 2.0 percent in the mine atmosphere, all persons other than competent persons necessary to make ventilation changes shall be withdrawn from the mine until methane is reduced to less than 0.5 percent. MSHA shall be notified immediately.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987; 60 FR 33723, June 29, 1995]

#### **§ 57.22240 Actions at 2.0 percent methane (V-A mines).**

If methane reaches 2.0 percent in the mine atmosphere, all persons other than competent persons necessary to make ventilation changes shall be withdrawn from affected areas until methane is reduced to less than 1.0 percent.

[52 FR 24941, July 1, 1987; 52 FR 27903, July 24, 1987]

#### **§ 57.22241 Advance face boreholes (I-C mines).**

(a) Boreholes shall be drilled at least 25 feet in advance of a face whenever the work place is within—

- (1) 50 feet of a surveyed abandoned mine or abandoned workings which cannot be inspected; or
- (2) 200 feet of an unsurveyed abandoned mine or abandoned workings which cannot be inspected.

(b) Boreholes shall be drilled in such a manner to insure that the advancing face will not accidentally break into an abandoned mine or abandoned working.

### **Equipment**

#### **§ 57.22301 Atmospheric monitoring systems (I-A, II-A, and V-A mines).**

(a) An atmospheric monitoring system shall be installed to provide surface readings of methane concentrations in the mine atmosphere from underground locations. Components of the system shall be approved by MSHA under the applicable requirements of 30 CFR parts 18, 22, 23, and 27; or be determined by MSHA under 30 CFR part 18 to be intrinsically safe or explosion-proof.

(b) Atmospheric monitoring systems shall—

(1) Give warnings on the surface and underground when methane at any sensor reaches 0.5 percent or more, and when power to a sensor is interrupted. Warning devices shall be located so that they can be seen and heard by a person designated by the mine operator; and

(2) Automatically deenergize power in affected areas, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, when methane at any sensor reaches—

(i) 1.0 percent in a Subcategory I-A or V-A mine; or

(ii) 0.5 percent while persons are underground and 1.0 percent during blasting in a Subcategory II-A mine. Timing devices are permitted to avoid nuisance tripping for periods not to exceed 30 seconds, except during blasting or the ventilation time following a blast in a Subcategory II-A mine.

(c) Atmospheric monitoring systems shall be checked with a known mixture of methane, and calibrated if necessary at least once every 30 days. Certification of calibration tests shall be made by signature and date. Certifications of tests shall be retained for at least one year and made available to authorized representatives of the Secretary.

#### **§ 57.22302 Approved equipment (I-A and V-A mines).**

Equipment used in or beyond the last open crosscut shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36. Equipment shall not be operated in atmospheres containing 1.0 percent or more methane.

#### **§ 57.22303 Approved equipment (I-C mines).**

Only electrical equipment that is approved by MSHA under the applicable requirements of 30 CFR parts 18 through 28 or approved under 30 CFR part 29 contained in the 30 CFR, parts 1–199, edition, revised as of July 1, 1999, shall be used underground, except for submersible sump pumps.

[64 FR 43283, Aug. 10, 1999]

#### **§ 57.22304 Approved equipment (II-A mines).**

(a) Cutting and drilling equipment used at a face or bench shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36.

(b) While cutting or drilling is in progress, equipment not approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36 shall remain at least 100 feet from the face or bench being mined.

(c) Tests for methane shall be conducted immediately before nonapproved equipment is taken to a face or bench after blasting.

(d) Mine power transformers and stationary equipment not approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36 shall be installed in fresh air or downwind from an atmospheric methane monitor sensor.

#### **§ 57.22305 Approved equipment (III mines).**

Equipment used in or beyond the last open crosscut and equipment used in areas where methane may enter the air current, such as pillar recovery workings, longwall faces and shortwall faces, shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36. Equipment shall not be operated in atmospheres containing 1.0 percent or more methane.

#### **§ 57.22306 Methane monitors (I-A mines).**

(a) Methane monitors shall be installed on continuous mining machines, longwall mining systems, and on loading and haulage equipment used in or beyond the last open crosscut.

(b) The monitors shall—

(1) Give warning at 1.0 percent methane;

(2) Automatically deenergize electrical equipment, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, and prevent starting such equipment when methane levels reach 1.5 percent. Diesel equipment shall be shut off or immediately removed from the affected area; and

(3) Automatically deenergize electrical equipment when power to a sensor is interrupted. Diesel equipment shall not be operated if the monitor is inoperative.

(c) Sensing units of monitors shall be positioned at a location which provides for the most effective measurement of methane.

#### **§ 57.22307 Methane monitors (II-A mines).**

(a) Methane monitors shall be installed on continuous mining machines, longwall mining systems, bench and face drills, and undercutting machines used in or beyond the last open crosscut.

(b) The monitors shall—

(1) Give warning at 0.5 percent methane;

(2) Automatically deenergize electrical equipment, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, and prevent starting such equipment when methane levels reach 1.0 percent; and

(3) Automatically deenergize the equipment when power to a sensor is interrupted.

(c) Sensing units of monitors shall be positioned at a location which provides for the most effective measurement of methane.

#### **§ 57.22308 Methane monitors (III mines).**

(a) Methane monitors shall be installed on continuous mining machines and longwall mining systems.

(b) The monitors shall—

(1) Give warning at 1.0 percent methane;

(2) Automatically deenergize electrical equipment, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, and prevent starting such equipment when methane levels reach 1.5 percent; and

(3) Automatically deenergize the equipment when power to a sensor is interrupted.

(c) Sensing units of monitors shall be positioned at a location which provides for the most effective measurement of methane.

#### **§ 57.22309 Methane monitors (V-A mines).**

(a) Methane monitors shall be installed on continuous mining machines used in or beyond the last open crosscut.

(b) The monitors shall—

(1) Give warning at 1.0 percent methane.

(2) Automatically deenergize electrical equipment, except power to monitoring equipment determined by MSHA to be intrinsically safe under 30 CFR part 18, and prevent starting of such equipment when methane levels reach 1.5 percent; and

(3) Automatically deenergize the equipment when power to a sensor is interrupted.

(c) Sensing units of monitors shall be positioned at a location which provides for the most effective measurement of methane.

#### **§ 57.22310 Electrical cables (I-C mines).**

Electrical cables used to power submersible sump pumps shall be accepted or approved by MSHA as flame resistant, or be installed in continuous metal conduit or metal pipe. The ends of such conduit or pipe shall be sealed to prevent entry of explosive gas or dust.

[57 FR 61223, Dec. 23, 1992]

#### **§ 57.22311 Electrical cables (II-A mines).**

Only jacketed electrical cables accepted or approved by MSHA as flame resistant shall be used to supply power to distribution boxes and electrical equipment operating in face and bench areas.

[57 FR 61223, Dec. 23, 1992]

### **§ 57.22312 Distribution boxes (II-A and V-A mines).**

Distribution boxes containing short circuit protection for trailing cables of approved equipment shall be approved by MSHA under 30 CFR part 18.

### **§ 57.22313 Explosion-protection systems (I-C mines).**

Pressure-relief systems including vents, or explosion suppression systems, shall be provided on explosive dust handling and processing equipment and on facilities housing such equipment. Vents shall be installed so that forces are directed away from persons should an explosion occur. The ratio of vent size to internal size of the equipment or facility shall not be less than one square foot of vent for each 80 cubic feet of volume or space.

### **§ 57.22314 Flow-control devices (V-A and V-B mines).**

Oil recovery drill holes that penetrate oil bearing formations shall have devices to control the release of liquid hydrocarbons and hazardous gases during the drilling process. Such devices may be recovered for reuse after the formation has been depressurized or the well or borehole has been capped or connected to a collection system.

### **§ 57.22315 Self-contained breathing apparatus (V-A mines).**

Self-contained breathing apparatus of a duration to allow for escape from the mine and sufficient in number to equip all persons underground shall be strategically located throughout the mine. Such apparatus shall be approved by MSHA and NIOSH under 42 CFR part 84 and shall be maintained in accordance with manufacturers' specifications. This standard does not apply to double entry mining systems where crosscut intervals do not exceed 250 feet.

[52 FR, 24941, July 1, 1987, as amended at 60 FR 30401, June 8, 1995]

## **Underground Retorts**

### **§ 57.22401 Underground retorts (I-A and I-B mines).**

(a) Retorts shall be provided with—

(1) Two independent power sources for main mine ventilation fans and those fans directly ventilating retort bulkheads, and for retort blowers, and provisions for switching promptly from one power source to the other; and

(2) An alarm system for blower malfunctions and an evacuation plan to assure safety of personnel in the event of a failure.

(b) Prior to the ignition of underground retorts, a written ignition and operation plan shall be submitted to the MSHA District Manager for the area in which the mine is located. The mine operator shall comply with all provisions of the retort plan. The retort plan shall include—

(1) Acceptable levels of combustible gases and oxygen in retort off-gases during start-up and during burning; levels at which corrective action will be initiated; levels at which personnel will be removed from the retort areas, from the mine, and from endangered surface areas; and the conditions for reentering the mine;

(2) Specification and locations of off-gas monitoring procedures and equipment;

(3) Specifications for construction of retort bulkheads and seals, and their locations;

(4) Procedures for ignition of a retort and for reignition following a shutdown; and

(5) Details of area monitoring and alarm systems for hazardous gases and actions to be taken to assure safety of personnel.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987; 60 FR 33723, June 29, 1995]

## **Illumination**

### **§ 57.22501 Personal electric lamps (I-A, I-B, I-C, II-A, II-B, III, IV, V-A, and V-B mines).**

Electric lamps used for personal illumination shall be approved by MSHA under the requirements of 30 CFR parts 19 or 20, as applicable.

## **Explosives**

### **§ 57.22601 Blasting from the surface (I-A mines).**

(a) All development, production, and bench rounds shall be initiated from the surface after all persons are out of the mine. Persons shall not enter the mine until ventilating air has passed over the blast area and through at least one atmospheric monitoring sensor.

(b) After blasting, if the monitoring system indicates that methane in the mine is less than 1.0 percent, persons may enter the mine. All places blasted shall be tested for methane by a competent person before work is started.

(c) If the monitoring system indicates the presence of 1.0 percent or more methane, persons other than examiners shall not enter the mine until the mine has been examined by a competent person and the methane content has been reduced to less than 1.0 percent.

(d) Vehicles used for transportation when examining the mine shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36.

[52 FR, 24941, July 1, 1987, as amended at 53 FR 9615, Mar. 24, 1988]

**Effective Date Note:** At 53 FR 9615, Mar. 24, 1988, §57.22601 was stayed until further notice.

### **§ 57.22602 Blasting from the surface (I-C mines).**

(a) All blasting shall be initiated from the surface after all persons are out of the mine and any connecting mines.

(b) Persons shall not enter the mine until a competent person has examined the blast sites and methane concentrations are less than 0.5 percent.

### **§ 57.22603 Blasting from the surface (II-A mines).**

(a) All development, production, and bench rounds shall be initiated from the surface after all persons are out of the mine. Persons shall not enter the mine until the mine has been ventilated for at least 15 minutes and the ventilating air has passed over the blast area and through at least one atmospheric monitoring sensor.

(b) If the monitoring system indicates that methane in the mine is less than 0.5 percent, competent persons may enter the mine to test for methane in all blast areas.

(c) If the monitoring system indicates that methane in the mine is 0.5 percent or more, the mine shall be ventilated and persons shall not enter the mine until the monitoring system indicates that methane in the mine is less than 0.5 percent.

(d) If the monitoring system is inoperable or malfunctions, the mine shall be ventilated for at least 45 minutes and the mine power shall be deenergized before persons enter the mine. Only competent persons necessary to test for methane may enter the mine until the methane in the mine is less than 0.5 percent.

(e) Vehicles used for transportation when examining the mine shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36. Vehicles shall not be used to examine the mine if the monitoring system is inoperable or has malfunctioned.

### **§ 57.22604 Blasting from the surface (II-B mines).**

All development, production, and bench rounds shall be initiated from the surface after all persons are out of the mine. Persons other than those designated by the mine operator to make methane tests shall not enter the mine until all blast areas have been tested for methane.

### **§ 57.22605 Blasting from the surface (V-A mines).**

(a) All development and production blasting shall be initiated from the surface after all persons are out of the mine. Persons shall not enter the mine until ventilating air has passed over the blast area and through at least one atmospheric monitoring sensor.

(b) If the monitoring system indicates that methane in the mine is less than 1.0 percent, persons may enter the mine, and all places blasted shall be tested for methane by a competent person before work is started.

(c) If the monitoring system indicates the presence of 1.0 percent or more methane, persons other than examiners shall not enter the mine until the mine has been examined by a competent person and the methane level is less than 1.0 percent.

(d) Vehicles used for transportation when examining the mine shall be approved by MSHA under the applicable requirements of 30 CFR parts 18 through 36.

(e) This standard applies only to mines blasting within an oil reservoir.

### **§ 57.22606 Explosive materials and blasting units (III mines).**

(a) Mine operators shall notify the appropriate MSHA District Manager of all nonapproved explosive materials and blasting units to be used prior to their use. Explosive materials used for blasting shall be approved by MSHA under 30 CFR part 15, or nonapproved explosive materials shall be evaluated and determined by the District Manager to be safe for blasting in a potentially gassy environment. The notice shall also include the millisecond-delay interval between successive shots and between the first and last shot in a round.

(b) Faces shall be examined for proper placement of holes, possible breakthrough, and water. Ammonium nitrate blasting agents shall not be loaded into wet holes.

(c) Multiple-shot blasts shall be initiated with detonators encased in copper-based alloy shells. Aluminum and aluminum alloy-cased detonators, nonelectric detonators, detonating cord, and safety fuses shall not be used. All detonators in a round shall be made by the same manufacturer.

(d) Nonapproved explosives shall be used only as primers with ammonium nitrate-fuel oil blasting agents. Such primers shall be placed at the back or bottom of the hole.

(e) Blast holes shall be stemmed with a noncombustible material in an amount to confine the explosive charge. Breakthrough holes shall be stemmed at both ends.

(f) Mudcaps or other nonapproved unconfined shots shall not be blasted.

(g)(1) Blasting units shall be approved by MSHA under 30 CFR part 25; or

(2) Blasting units used to fire more than 20 detonators shall provide at least 2 amperes through each detonator but not more than an average of 100 amperes through one ohm for 10 milliseconds, and provide the necessary current for at least the first 5 milliseconds with a cutoff not to exceed 10 milliseconds.

[52 FR, 24941, July 1, 1987, as amended at 52 FR 41397, Oct. 27, 1987]

### **§ 57.22607 Blasting on shift (III mines).**

When blasting on shift, tests for methane shall be made in the mine atmosphere by a competent person before blasting. Blasting shall not be done when 1.0 percent or more methane is present.

### **§ 57.22608 Secondary blasting (I-A, II-A, and V-A mines).**

Prior to secondary blasting, tests for methane shall be made in the mine atmosphere at blast sites by a competent person. Secondary blasting shall not be done when 0.5 percent or more methane is present.