



Who is MSHA?

Many operators of energy resource facilities or material supply companies are requiring that Independent Contractors successfully complete training programs associated with OSHA, EPA or MSHA before they can work or continue to work on-site. CNX is requiring this training before contractors can even receive their company orientation training. Where much of the focus this year has been from companies involved in tapping the Marcellus and Utica Shale Formations, scrutiny is increasing in the general mining industry both for surface mining and underground mining operations. ECRM is committed to seeing that its clients working for Consol and others are not caught by surprise.

The mining industry has been in the news recently relative to a proposal by President Obama. The Office of Surface Mines' proposed legislation would create a new program to "competitively allocate" future mine reclamation funding to states with the most need for it. Obama proposed to increase OSM's funding for implementation of existing environmental standards by \$4.1 million. With the changes in MSHA's surface mining standards this can only lead to more oversight and inspections.

So Who is MSHA and What Do They Want From Independent Contractors?

The Mine Safety and Health Administration, MSHA, is the federal organization that provides governmental oversight of the country's mining industry. Contractors have been surprised this year to find out how much effect that can have on them relative to surface mines. If you are an Independent Contractor that performs services at a shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate or surface limestone mine, then MSHA Part 46 applies to you. Your employees are considered miners and must have a written training plan and have 8 hours of annual refresher training if experienced. MSHA requires training for any person doing work, maintenance, or anything on a mine site for an extended period of time or on a frequent basis, usually defined as more than 5 days out of the year. In addition many surface operations require Part 46 training even if MSHA doesn't.

MSHA Part 46 is the section of Title 30 Code of Federal Regulations which defines health and safety rules and compliance requirements for surface mines. It has been a source of

confusion that both site employees and Independent Contractors are considered surface miners. This extends to job functions like;

- Office employees
- Scientific and sampling technicians
- Delivery drivers
- Commercial over-the-road truck drivers
- Construction workers
- Vendors or visitors
- Maintenance or service workers even if working on non-mining equipment
- Drillers or blasters, etc.

MSHA Part 46 requires new employees to be provided with 24 hours of training no later than 90 days after providing services at the mine. Four hours of training needs to take place BEFORE working at the surface mine.

In summary, your company needs:

- A training plan meeting MSHA requirements
- 40 hours of training covering required MSHA Part 46 topics and job specific hazard analysis
- Proper training records

Our surface miner training and compliance programs are designed to help your firm navigate the confusion associated with MSHA's Part 46 requirements. At the same time it puts you in good standing with mine operators. ECRM can make the whole process clear and assist you in meeting your business goal.