

SUBCHAPTER G—FILING AND OTHER ADMINISTRATIVE REQUIREMENTS

PART 40—REPRESENTATIVE OF MINERS

Sec.

- 40.1 Definitions.
- 40.2 Requirements.
- 40.3 Filing procedures.
- 40.4 Posting at mine.
- 40.5 Termination of designation as representative of miners.

AUTHORITY: Secs. 5(f)(1), 101(c) and (e), 103(c), (f), (g)(1) and (g)(2), 104(c), 105(a), (b)(1), (c)(1), (c)(2), (c)(3), and (d), 107(b)(1) and (e)(1), 109(b), 115(a)(1) and (a)(2), 302(a), 305(b), 312(b), 505 and 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 83 Stat. 745, 91 Stat. 1294, 1295, 1298, 1299, 1301, 1303, 1304, 1305, 1308, 1310 and 1316, 83 Stat. 766, 777, 785, 802, and 803 (30 U.S.C. 804(f)(1), 811(c) and (e), 813(c), (f), (g)(1) and (g)(2), 814(c), 815(a), (b)(1), (c)(1), (c)(2), (c)(3) and (d), 817(b)(1) and (e)(1), 819(b), 825(a)(1) and (a)(2), 862(a), 865(b), 872(b), 954 and 957); sec. 307, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

SOURCE: 43 FR 29509, July 7, 1978, unless otherwise noted.

§ 40.1 Definitions.

As used in this Part 40:

(a) *Act* means the Federal Mine Safety and Health Act of 1977.

(b) *Representative of miners* means:

(1) Any person or organization which represents two or more miners at a coal or other mine for the purposes of the Act, and

(2) *Representatives authorized by the miners, miners or their representative, authorized miner representative*, and other similar terms as they appear in the Act.

§ 40.2 Requirements.

(a) A representative of miners shall file with the Mine Safety and Health Administration District Manager for the district in which the mine is located the information required by § 40.3 of this part. Concurrently, a copy of this information shall be provided to the operator of the mine by the representative of miners.

(b) Miners or their representative organization may appoint or designate

different persons to represent them under various sections of the act relating to representatives of miners.

(c) All information filed pursuant to this part shall be maintained by the appropriate Mine Safety and Health Administration District Office and shall be made available for public inspection.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[43 FR 29509, July 7, 1978, as amended at 47 FR 14696, Apr. 6, 1982; 60 FR 33722, June 29, 1995]

§ 40.3 Filing procedures.

(a) The following information shall be filed by a representative of miners with the appropriate District Manager, with copies to the operators of the affected mines. This information shall be kept current:

(1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the title of the official or position, who is to serve as the representative and his or her telephone number.

(2) The name and address of the operator of the mine where the represented miners work and the name, address, and Mine Safety and Health Administration identification number, if known, of the mine.

(3) A copy of the document evidencing the designation of the representative of miners.

(4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Act; or if the representative's authority is limited, a statement of the limitation.

(5) The names, addresses, and telephone numbers, of any representative to serve in his absence.

(6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to or concurrently with the filing of this statement.

Mine Safety and Health Admin., Labor

§ 41.1

(7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

(b) The representative of miners shall be responsible for ensuring that the appropriate District Manager and operator have received all of the information required by this part and informing such District Manager and operator of any subsequent changes in the information.

§ 40.4 Posting at mine.

A copy of the information provided the operator pursuant to § 40.3 of this part shall be posted upon receipt by the operator on the mine bulletin board and maintained in a current status.

§ 40.5 Termination of designation as representative of miners.

(a) A representative of miners who becomes unable to comply with the requirements of this part shall file a statement with the appropriate District Manager terminating his or her designation.

(b) The Mine Safety and Health Administration shall terminate and remove from its files all designations of representatives of miners which have been terminated pursuant to paragraph (a) of this section or which are not in compliance with the requirements of this part. The Mine Safety and Health Administration shall notify the operator of such termination.

PART 41—NOTIFICATION OF LEGAL IDENTITY

Subpart A—Definitions

Sec.

41.1 Definitions.

Subpart B—Notification of Legal Identity

41.10 Scope.

41.11 Notification by operator.

41.12 Changes; notification by operator.

41.13 Failure to notify.

Subpart C—Operator's Report to the Mine Safety and Health Administration

41.20 Legal identity report.

41.30 Address of record and telephone number.

AUTHORITY: Secs. 103(h), 109(d) and 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1299 and 1310, 83 Stat. 803 (30 U.S.C. 813(h), 819(d) and 957); sec. 307, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1322 (30 U.S.C. 801 note).

SOURCE: 43 FR 29512, July 7, 1978, unless otherwise noted.

Subpart A—Definitions

§ 41.1 Definitions.

As used in this part:

(a) *Operator* means any owner, lessee, or other person who operates, controls, or supervises a coal or other mine or any designated independent contractor performing services or construction at such mine.

(b) *Person* means any individual, sole proprietor, partnership, association, corporation, firm, subsidiary of a corporation, or other organization.

(c) *Coal or other mine* means (a) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (b) private ways and roads appurtenant to such area, and (c) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this act, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment.