

(7) *Prevention of accidents.* The course shall include a review of accidents and causes of accidents, and instruction in accident prevention in the work environment.

(8) *Self-rescue and respiratory devices.* The course shall include instruction and demonstration in the use, care, and maintenance of self-rescue and respiratory devices used at the mine. Training in the use of self-contained self-rescue devices shall include complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip.

(9) *Explosives.* The course shall include a review and instruction on the hazards related to explosives. The only exception to this course component is when there are no explosives used or stored on the mine property.

(10) *Mine gases.* The course shall include instruction in the detection and avoidance of hazards associated with mine gases.

(11) *Health.* The course shall include instruction on the purpose of taking dust, noise, and other health measurements and any health control plan in effect at the mine shall be explained. The health provisions of the Act and warning labels shall also be explained.

(12) Such other courses as may be required by the District Manager based on circumstances and conditions at the mine.

(c) All coal supervisors who are subject to §75.161(a) of this chapter must receive annual refresher training required by this section within 12 months of October, 1998.

(d) Where annual refresher training is conducted periodically, such sessions shall not be less than 30 minutes of actual instruction time and the miners shall be notified that the session is part of annual refresher training.

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 23640, May 28, 1982; 53 FR 10336, Mar. 30, 1988; 63 FR 53760, Oct. 6, 1998]

EFFECTIVE DATE NOTE: At 67 FR 42389, June 21, 2002, §48.8 was amended by redesignating paragraphs (c) and (d) as (d) and (e) and adding a new paragraph (c), effective Sept. 23,

2002. For the convenience of the user, the added text is set forth as follows:

§ 48.8 Annual refresher training of miners; minimum courses of instruction; hours of instruction.

* * * * *

(c) Refresher training may include other health and safety subjects that are relevant to mining operations at the mine. Recommended subjects include, but are not limited to, information about the physical and health hazards of chemicals in the miner's work area, the protective measures a miner can take against these hazards, and the contents of the mine's HazCom program.

* * * * *

§ 48.9 Records of training.

(a) Upon a miner's completion of each MSHA approved training program, the operator shall record and certify on MSHA form 5000-23 that the miner has received the specified training. A copy of the training certificate shall be given to the miner at the completion of the training. The training certificates for each miner shall be available at the minesite for inspection by MSHA and for examination by the miners, the miner's representative, and State inspection agencies. When a miner leaves the operator's employ, the miner shall be entitled to a copy of his training certificates.

(b) False certification that training was given shall be punishable under section 110 (a) and (f) of the Act.

(c) Copies of training certificates for currently employed miners shall be kept at the minesite for 2 years, or for 60 days after termination of employment.

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

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 14706, Apr. 6, 1982; 60 FR 33722, June 29, 1995]

§ 48.10 Compensation for training.

(a) Training shall be conducted during normal working hours; miners attending such training shall receive the rate of pay as provided in § 48.2(d) (Definition of normal working hours) of this subpart A.

(b) If such training shall be given at a location other than the normal place

§ 48.11

of work, miners shall be compensated for the additional cost, such as mileage, meals, and lodging, they may incur in attending such training sessions.

§ 48.11 Hazard training.

(a) Operators shall provide to those miners, as defined in § 48.2(a)(2) (Definition of miner) of this subpart A, a training program before such miners commence their work duties. This training program shall include the following instruction, which is applicable to the duties of such miners:

- (1) Hazard recognition and avoidance;
- (2) Emergency and evacuation procedures;
- (3) Health and safety standards, safety rules, and safe working procedures;
- (4) Use of self-rescue and respiratory devices, with self-contained self-rescue device training that includes complete donning procedures in which each person assumes a donning position, opens the device, activates the device, inserts the mouthpiece or simulates this task while explaining proper insertion of the mouthpiece, and puts on the nose clip; and
- (5) Such other instruction as may be required by the District Manager based on circumstances and conditions at the mine.

(b) Miners shall receive the instruction required by this section at least once every 12 months.

(c) The training program required by this section shall be submitted with the training plan required by § 48.3(a) (Training plans: Submission and approval) of this subpart A and shall include a statement on the methods of instruction to be used.

(d) In accordance with § 48.9 (Records of training) of this subpart A, the operator shall maintain and make available for inspection certificates that miners have received the hazard training required by this section.

(e) Miners subject to hazard training shall be accompanied at all times while underground by an experienced miner, as defined in § 48.2(b) (Definition of miner) of this subpart A.

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 23640, May 25, 1982; 53 FR 10336, Mar. 30, 1988]

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§ 48.12 Appeals procedures.

The operator, miner, and miners' representative shall have the right of appeal from a decision of the District Manager.

(a) In the event an operator, miner, or miners' representative decides to appeal a decision by a District Manager, such an appeal shall be submitted, in writing, to the Administrator for Coal Mine Safety and Health or Administrator for Metal and Non-metal Safety and Health, as appropriate, MSHA, 4015 Wilson Boulevard, Arlington, Va. 22203, within 30 days of notification of the District Manager's decision.

(b) The Administrator may require additional information from the operator, the miners, or their representatives, and the District Manager, if the Administrator determines such information is necessary.

(c) The Administrator shall render a decision on the appeal within 30 days after receipt of the appeal.

[43 FR 47459, Oct. 13, 1978, as amended at 47 FR 23640, May 28, 1982]

Subpart B—Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines

§ 48.21 Scope.

The provisions of this subpart B set forth the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working at surface mines and surface areas of underground mines. Requirements regarding compensation for training and retraining are also included. The requirements for training and retraining miners working in underground mines are set forth in subpart A of this part. This part does not apply to training and retraining of miners at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines, which are covered under 30 CFR Part 46.

[43 FR 47459, Oct. 13, 1978, as amended at 64 FR 53130, Sept. 30, 1999]

§ 48.22 Definitions.

For the purposes of this subpart B—