

HOW TO CONDUCT YOURSELF ON AN MSHA INSPECTION

YOU NEVER GET A SECOND CHANCE TO MAKE A GOOD “FIRST” IMPRESSION

PREPARING FOR THE PENDING INSPECTION:

- **Property Entry** – Install safety signs: slogans, number of lost time free days, codes of safe practice/safety rules, requirements for safety gear, provide landscaping (when possible), manicured roadways adequate berms
- **Exterior** – Safe haul roads, adequate berms, neat bone-yard storage, neat materials storage, adequate clearly readable and defined traffic control signage, neatly delineated mine property perimeter
- **Interior** – Required employee bulletin board posting: Company Safety Policy, Safety Awards, Environmental Awards, Community Activity, Sponsor Plaques, etc.

NEVER RESIST ENTRY BY AN MSHA INSPECTOR TO THE MINE PROPERTY

FOR EXAMPLE...

- Refusal to furnish transportation
- Withdrawal of miners
- Removing power from the mine or its ventilation systems
- Denying access to equipment or the immediate work area
- Withholding vital information regarding operation or ownership of mine and equipment
- Failing to provide information to inspectors concerning areas that are unsafe to travel into and inspect without specific knowledge

WHAT WILL CAUSE AN MSHA INSPECTION?

- General, random or scheduled inspection.
- Miner, miner rep or interested party.
- Discrimination complaint related to safety issue.
- When a inspector requests an inspection out of his/her expertise.
- Follow-up inspection regarding abatement.
- Failure to reply on previously sent communications.
- Failure to file extensions on open or unabated citations.

- Upon immediate notification requirements.

1. A death of an individual at a mine.
2. An injury to an individual at a mine which has a reasonable potential to cause death.
3. An entrapment of an individual at a mine for more than 30 minutes.
4. An unplanned inundation of a mine by a liquid or gas.
5. Unplanned ignition or explosion of gas or dust at a mine.
6. An unplanned mine fire not extinguished within 30 minutes of discovery.
7. An unplanned ignition or explosion of a blasting agent or an explosive at a mine.
8. An unplanned roof fall at or above the anchorage zone in active mine workings where roof bolts are in use; or, an unplanned roof or rib fall in active mine workings that impairs ventilation or impedes passage

9. A goal or rock outburst that causes withdrawal of miners or that disrupts regular mining activity for more than one hour.
10. An unstable condition at an impoundment, refuse pile, or bank that requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile or bank.
 11. Damage to hoisting equipment in a shaft or slope that endangers an individual or that interferes with use of the equipment for more than 30 minutes.
 12. An event at a mine that causes death or bodily injury to an individual not on the mine property at the time the event occurs. Examples: a detonation of explosives at a mine which throws material outside the mine property, or a haulage truck which rolls off the mine property and causes injury.

PLANNING AND PREPARATION BEFORE THE INSPECTION

- Designate personnel to accompany the inspector.
- Brief all mine personnel on their conduct and responsibilities.
- Know the designated miners representative.
- Have a camera and adequate camera supplies on hand at all times.
- Have adequate writing materials available for taking copious notes, making sketches, etc.
- Have your written Injury and Illness Prevention Program/Safety Program Manual in a visible notebook or binder, and make sure that the location of this program is well known by all personnel.

- Have all required Mine I.D.'s, Quarterly Mine Reports and back up records, and other required docs up to date and make sure location of records is known by all.
- Establish prior to the inspection procedures for non-routine activities

Warrants/Subpoenas

Special Investigations

Media Coverage

Legal Counsel

WHEN THE INSPECTOR ARRIVES

- Have the inspector wait until the designated team is assembled.
- Call the Safety representative IMMEDIATELY.
- Be polite and as prompt as possible.
- Request an opening conference with the inspector and inspection team.
- Request that the inspector show his/her credentials to team members.
- Request that the inspector state the reason for the inspection.
- Have the inspector explain how the inspection will be conducted.
- Ask if the inspector has any requests of the management/inspection team.

DURING THE INSPECTION

- At no time during the inspection should the inspector be left unaccompanied by mine personnel.
- When inspecting documents, Safety Manual, Quarterly Mine Reports, bring documents requested to the inspector.
- Take the most direct route to inspections area.
- Show the inspector only the areas he/she wants to see.
- If the inspector has a warrant/subpoena
 - Obtain a copy
 - Follow warrant/subpoena procedure
 - Restrict inspection to areas/documents covered by warrant/subpoena

- Answer all questions **politely** and **briefly**.

Do not be argumentative

Do not volunteer any information over and above questions asked

- Take copious notes of all comments made.
- Request that the inspector notify you immediately of any condition that will result in a citation.
- **Take pictures of all conditions/alleged violations resulting in a citation.**
- Make a note for post-inspection to request copies of all pictures taken by inspectors.
- If you feel a citation is or will be issued unjustly, inform the inspector.

Be **polite** and **brief**.

Be **diplomatic** and **don't be argumentative or hostile.**

Provide inspector with factual mitigating circumstances.

- Do not allow inspectors to “shoot from the hip.” Ask for specific regulatory information, such as MSHA Program Policy Manual guidance on an alleged violation.
- Take rapid appropriate corrective action on citations issued.
- When possible....”work with” the inspector on establishing abatement times on violations cited.
- Post citations conspicuously on employee bulletin board until abated.
- Abate all citations on a timely basis.

AT THE CLOSING CONFERENCE

- Listen carefully to violations and citations as explained by the inspector.
- Take copious notes of comments made by all parties present.
- If you feel a citation is unfair or unjust, or the gravity, negligence factors, etc., are overstated, inform the inspector.

Be prepared to back up your position.

Explain mitigating circumstances briefly but completely

Be polite, diplomatic, brief, but **never be argumentative or hostile.**

- Discuss any questionable items, i.e. abatement times, corrective procedures, etc.

AFTER THE CLOSE-OUT CONFERENCE

- The inspection team should discuss each citation and subsequent action.
- Request a conference on disputed citations within 10 days form date of issuance.
- Request extensions on citation requiring corrective action past the “set” or “agreed to” abatement originally established.

SUPERVISORY STAFF DURING MSHA INSPECTION:

- Safety Department,
- Management (could include specialty supervisor or staff for some areas, ie electrical, hydraulic, maintenance, production, engineering, etc)
- Each inspection team will be manned with one member from the list above and one miner representative