

Responsibilities of Independent Contractors Working on Mine Property



**Best Practice Series
BP-67**

Independent contractors perform a wide variety of tasks at mines throughout the country. These activities significantly affect the health and safety of independent contractors' employees, as well as the health and safety of other miners working on mine property. Many independent contractor employees have been killed while working on mine property and many injured. In an effort to improve working conditions at the Nation's mines, the Mine Safety and Health Administration (MSHA) has undertaken an initiative that concentrates on contractor activities that create the greatest potential hazards. To achieve the goal of improved health and safety for all miners, it is essential that independent contractors are aware of their obligations under the Federal Mine Safety and Health Act of 1977 (Mine Act), and that independent contractors work with mine operators, MSHA, and others in the mining community to identify and eliminate hazardous conditions.

Compliance with Health and Safety Standards — Independent contractors are specifically identified as mine "operators" under the Mine Act. Thus, independent contractors who perform services at a mine must comply with the relevant health and safety standards which apply to the work that they are performing. These health and

MSHA looks forward to a continued partnership with mine operators, independent contractors, miners, and other interested parties. Together we can make significant strides toward reducing the fatalities, injuries and illnesses that have been associated with work performed by independent contractors at the Nation's mines.

For additional information pertaining to MSHA's regulations, policies, and initiatives, as well as relevant MSHA forms, visit our website at <http://www.msha.gov>.

*For additional information on training materials
call (304) 256-3257 or visit our website at
<http://www.msha.gov>.*

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Mine Safety and Health Administration
Office of Injury and Employment Information
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Denver, CO 80225-0367

safety standards are published annually in Title 30 of the Code of Federal Regulations (30 CFR). MSHA personnel located at MSHA's headquarters in Arlington, Virginia, and at MSHA district offices throughout the Nation are available to answer questions and to assist independent contractors as they work to comply with applicable health and safety standards. Compliance with these standards is the most effective way to reduce fatalities, injuries, and illnesses.

Training Requirements — Employees who are not properly trained to recognize mining hazards and to perform their jobs safely put themselves and other employees at risk. Thus, it is important for independent contractors to provide appropriate health and safety training to their employees. In general, MSHA requires that independent contractors comply with 30 CFR Part 46 or Part 48 training regulations, including making sure their employees are adequately trained in the health and safety aspects of the tasks they will perform while on mine property. In addition, mine operators are responsible for determining that all appropriate training is completed, including site-specific hazard training. Independent contractors should discuss all aspects of the required training with the mine operator before beginning work on mine property in order to ensure that their employees are adequately trained.

Inquiries regarding training requirements for independent contractors should be directed to MSHA's local district offices.

Reporting Requirements — Independent contractors working at mines are required to comply with all provisions of 30 CFR 50 that pertain to their employees. In order to ensure accurate reporting and to avoid duplication, it is important that production operators and their independent

contractors carefully coordinate their Part 50 responsibilities.

Registration Requirements — All production operators are required to file a legal identity report and obtain an MSHA identification number. In addition, independent contractors performing the following types of mining activities must obtain identification numbers: (1) mine development; (2) construction or reconstruction of mine facilities; (3) demolition of mine facilities; (4) construction of dams; (5) excavation or earthmoving activities involving mobile equipment; (6) equipment installation (e.g., crushers and mills); (7) equipment service or repair on mine property for a period exceeding five consecutive days at a particular mine; (8) material handling on mine property (including haulage of coal, ore, refuse, etc., unless done for the sole purpose of direct removal from, or delivery to, the mine property); and (9) drilling and blasting. Independent contractors who perform other types of services or construction on mine property may also obtain an MSHA identification number in accordance with the provisions of 30 CFR 45.3. Regardless of whether an independent contractor has an identification number, all independent contractors are required to provide the mine's production operator with the information specified in 30 CFR 45.4 prior to beginning work at the mine.

For contractors who are required to obtain an MSHA identification number, as well as those who choose to obtain an MSHA identification number, this card contains a form that can be completed and submitted to MSHA. Contractors may also request an MSHA identification number through MSHA's website at <http://www.msha.gov> or through MSHA's district offices.

MSHA CONTRACTOR ID REQUEST FORM

(Cut Here)

Company Name:

Company Address:

Contact Person:

Telephone Number: