

SUPPORTING STATEMENT

30 C.F.R. §§ 50.10, 50.11, 50.20, 50.30: Mine Accident, Injury, and Illness Report and Quarterly Mine Employment and Coal Production Report (MSHA Forms 7000-1 and 7000-2).

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The reporting and recordkeeping provisions in 30 C.F.R. pt. 50, Notification, Investigation, Reports and Records of Accidents, Injuries and Illnesses, Employment and Coal Production in Mines, are essential elements in MSHA's Congressional mandate to reduce work-related injuries and illnesses among the nation's miners.

Section 50.10 requires mine operators and mining contractors to immediately notify MSHA in the event of an accident. This immediate notification is critical to MSHA's timely investigation and assessment of the probable cause of the accident.

Section 50.11 requires that the operator or contractor investigate each accident and occupational injury and prepare a report. The operator or contractor may not use MSHA Form 7000-1 as a report, unless the mine employs fewer than 20 miners and the occurrence involves an occupational injury not related to an accident.

Section 50.20(a) requires mine operators and mining contractors to report each accident, injury, or illness to MSHA on Form 7000-1 within 10 working days after an accident or injury has occurred or an occupational illness has been diagnosed. The use of MSHA Form 7000-1 provides for uniform information gathering across the mining industry.

Section 50.30(a) requires mine operators and independent contractors working on mine property to report quarterly employment and coal production to MSHA on Form 7000-2. MSHA tabulates and analyzes the information from this form along with data from MSHA Form 7000-1, Mine Accident, Injury, and Illness Report, to compute incidence and severity rates for various injury types. These rates are used to analyze trends and to assess the degree of success of the health and safety efforts of MSHA and the mining industry.

MSHA tabulates and analyzes the information from MSHA Form 7000-1, along with data from MSHA Form 7000-2, Quarterly Mine Employment and Coal Production Report to compute incidence and severity rates for various injury types. These rates are used to analyze trends and to assess the degree of success of the health and safety efforts of MSHA and the mining industry.

Accident, injury, and illness data, when correlated with employment and production data, provide information that allows MSHA to improve its safety and health enforcement programs, focus its education and training efforts, and establish priorities for its technical assistance activities in mine safety

and health. Maintaining a current database allows MSHA to identify and direct increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing. This could not be done effectively utilizing historical data. The information collected under Part 50 is the most comprehensive and reliable occupational data available concerning the mining industry.

Section 103(d) of the Federal Mine Safety and Health Act of 1977 (Mine Act) mandates that each accident be investigated by the operator to determine the cause and means of preventing a recurrence. Records of such accidents and investigations shall be kept and made available to the Secretary or his authorized representative and the appropriate State agency. Section 103(h) requires operators to keep any records and make any reports that are reasonably necessary for MSHA to perform its duties under the Mine Act. Section 103(j) of the Mine Act requires operators to notify MSHA of the occurrence of an accident and to take appropriate measures to preserve any evidence which would assist in the investigation into the cause or causes of the accident.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. For revisions, extensions, and reinstatements of a currently approved collection, indicate the actual use the agency has made of the information received from the current collection.

Data collected through MSHA Form 7000-1 and MSHA Form 7000-2 enable MSHA to publish timely quarterly and annual statistics, reflecting current safety and health conditions in the mining industry. The data gathered from this collection provides MSHA with the figures upon which to base its incidence rate calculations and trend analyses. These data are used not only by MSHA, but also by other Federal and State agencies, health and safety researchers, and the mining community to assist in measuring and comparing the results of health and safety efforts both in the United States and internationally.

MSHA tabulates and analyzes information from MSHA Form 7000-1, along with that from MSHA Form 7000-2, Quarterly Mine Employment and Coal Production Report, to derive quarterly evaluations of normalized injury and illness experience at the nation's mines. These data allow MSHA to detect accident, injury, and illness trends ascribable to specific mine sites, types of mining, work locations, or tasks.

MSHA uses this information to target its inspection and assistance activities toward those mines, industry segments, and geographical areas which the current data demonstrate as having particular problems. Injury rates must be computed at least quarterly for MSHA to target its enforcement and assistance resources. Less frequent data collection would neither be timely nor statistically valid for this purpose.

The mining industry also uses this quarterly injury incidence data in its efforts to reduce injuries and illnesses. MSHA's compilations are the only source of information which permits a particular mining operation to compare its record with that of similar mines.

Coal production data are used in various analyses that range from a comparative nature to complex modeling--such as the Cost of Injury Model developed through research. Additionally, this information impacts the evaluation and review of MSHA's regulations, the development of new safety and health standards, and the evaluation of MSHA's programs.

Quarterly employment and work time information provide control figures on which MSHA can base its incidence rate calculations and trend analyses. The employment data are used to normalize injury experience so that mines of different sizes can be compared and also to compare experience for different time periods.

MSHA tabulates and analyzes the information from MSHA Form 7000-2, along with that from MSHA Form 7000-1, Mine Accident, Injury, and Illness Report, to compute incidence and severity rates for various injury types. The following calculations are made:

Incidence Rate. Incidence rate is defined as the number of injuries per 200,000 employee-hours. The following is the standard incidence rate formula:

$$IR = \frac{\text{Number of injuries} \times 200,000}{\text{Number of employee-hours}}$$

Severity Measure. Severity measure is the number of lost workdays per 200,000 employee-hours. The following is the standard severity measure formula:

$$SM = \frac{\text{Number of lost workdays} \times 200,000}{\text{Number of employee-hours}}$$

Average Severity. Average severity is the average number of lost workdays per fatality or lost time injury. The following is the standard average severity formula:

$$AS = \frac{\text{Number of lost workdays}}{\text{Number of injuries contributing to the lost workdays}}$$

MSHA uses this information to direct its inspection and assistance activities to those mines, industry segments, and geographical areas which the current data demonstrate as having particular problems. Injury rates must be computed at least quarterly for MSHA to target its enforcement and assistance resources. Less frequent data collection would neither be timely nor statistically valid for this purpose.

Coal production data are used in various analyses that range from a comparative nature to complex modeling--such as the Cost of Injury Model developed through research. Additionally, this information impacts the evaluation and review of MSHA's regulations, the development of new safety and health standards, and the evaluation of MSHA's programs.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

MSHA has established the capability to allow mine operators and mining contractors to fax completed 7000-1 and 7000-2 forms in lieu of sending the forms by mail. Forms 7000-1 and 7000-2 can be submitted

by mine operators and contractors via the internet. In order to better serve the mining community, and to reduce the paperwork burden, MSHA provides for and encourages mine operators and mining contractors to submit Forms 7000-1 and 7000-2 electronically. Electronic submittal of the 7000-2 form can reduce response time up to 50%. The breakdown of electronic submissions from the past 2 years is as follows:

- Of the 16,068 White initial injury 7000-1 forms submitted in 2006 calendar year, 6,674 or 42% were submitted electronically. Of the 5,782 Pink 7000-1 return to work forms submitted in calendar year 2006 2,344 or 41% were submitted electronically.
- Of the 15,608 White initial injury 7000-1 forms submitted in calendar year 2005, 5,788 or 37% were submitted electronically. Of the 6,104 Pink 7000-1 return to work forms submitted in calendar year 2005 2,125 or 35% were submitted electronically. Of the 86,306 Responses submitted in 2005; 17,937 or 21% were submitted electronically.
- Of the 89,927 form 7000-2 Responses submitted in 2006, there were 22,387 or 25% submitted electronically.
- Of the 16,068 White 7000-1 forms submitted in 2006 calendar year, 6,674 or 42% were submitted electronically.
- Of the 5,782 return to work forms submitted in calendar year 2006 there were 2,344 or 41%, submitted electronically.
- Overall, based on the total number of forms submitted, there were 29% submitted electronically.

MSHA considered the wide range of resource availability among mine operators in preparing the burden estimates. The burden will be minimized to the extent that mine operators incorporate advances in information processing technology into all facets of their business.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

MSHA has Federal jurisdiction over safety and health at the nation's mines. The information collected pertains to specific accidents, injuries, and occupational illnesses. There is no similar information that could be used.

Although the Department of Health and Human Services may require reporting of some health and safety information from mines, it does so in concert with MSHA, and its information requests have not duplicated information collected by MSHA under 30 C.F.R. Part 50.

A review of MSHA's information collection requirements was conducted as a part of the Department of Labor's Information Resource Management (IRM) Review Program. The purpose of the review was to verify the statutory and regulatory justification for MSHA's Quarterly Mine Employment and Coal Production Report (MSHA Form 7000-2), and to examine the practical utility and relevance of the information within the context of MSHA's program objectives.

The Office of Surface Mining – OSM, MSHA, Energy Information Agency – EIA, IRS, and the state of PA are jointly collaborating to review the forms and to begin looking at where we might be able to either

develop a nationwide format for the collection of some selected data and information – replacing the multiple requirements with a single reporting requirement (or at least one that is common to all agencies) OR develop a set of agreed upon data collection questions, formats, and protocols that could be used by each agency on their respective forms in an effort to standardize the reporting function for industry.

The Energy Information Administration (EIA) of the Department of Energy collects coal production data from mine operators. To address this current duplicate data collection, MSHA and the EIA have developed a Memorandum of Understanding under which MSHA will provide the EIA with mine-specific coal production and employment data. By standardizing and using data collected by MSHA from coal mine operators, the EIA will be able to reduce the reporting burden for Form EIA-7A, "Coal Production Report," and Form EIA-6, "Coal Distribution Report." The total respondent burden reduction resulting from standardizing and utilizing MSHA data is estimated by the EIA to be approximately 8,500 hours annually.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe the methods used to minimize burden.

This information does not have a significant impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Mine operators and mining contractors submit Form 7000-1 to MSHA within 10 working days after an accident or occupational injury occurs or an occupational illness has been diagnosed. Less frequent data collection would seriously jeopardize the Agency's ability to effectively carry out its mandate under the Mine Act.

Mine operators submit Form 7000-2 to MSHA to report quarterly employment, hours worked, and coal production levels. This provides MSHA with timely information for making decisions on improving its safety and health programs, focusing its education and training efforts, and establishing priorities for technical assistance activities in health and safety. Maintaining a current database allows MSHA to effectively direct resources to improve safety and health in the mining industry. Maintaining a current database provides the means for directing increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;

- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This information collection of information complies with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day preclearance Federal Register notice on December 11, 2007 (Volume 72, Number 237, Pages 70348-70349), soliciting public comments regarding the extension of this information collection. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payment or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There are no records requiring confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

Estimated Hour Burden for the Collection of Data for MSHA Form 7000-1

Reports of injuries were submitted for Calendar Year 2006, by 3,314 mine operators and 648 independent contracting companies. These 3,962 respondents working on mine property filed 14,486 form 7000-1, and 5,226 follow-up filings to add the injured person's return to duty information. MSHA estimates the average time required to complete the initial Form 7000-1 to be 0.5 hours for either electronic or manual submissions. An additional 20 minutes (0.33 hour) is required to complete the Return-to-Duty portion of the form either electronically or manually. Mine operators and contractors submit a separate Form 7000-1 for each occurrence, and if more than one miner is affected, submit a separate form for each miner. If return to duty information on an injured employee is not available within the 10-day reporting period, an additional copy of the form is submitted when this information is known.

50.10 - Immediate Notification of MSHA:

73 fatal accidents x 0.5 hour	=	37 hours
2,052-other accidents x 0.5 hour	=	1,026 hours

50.11(b) - Investigation of Accidents and Occupational Injuries:

73 fatal accidents x 80 hours	=	5,840 hours
12,480 nonfatal accidents x 16 hours	=	199,680 hours
1,933 other occurrences x 1 hour	=	1,933 hours

50.11(b) - Separate Reports of Investigation (mines with 20 or more employees):

54 fatal accidents x 4 hours	=	216 hours
13,599 other occurrences x 1 hour	=	13,599 hours

50.20 - Mine Accident, Injury, and Illness Reports:

14,486 initial reports x 0.5 hour	=	7,243 hours
5,226 follow-up reports x 0.33 hour	=	1,725 hours

Total Estimated Hour Burden related to MSHA Form 7000-1

231,299

MSHA believes that the work associated with this information collection will be performed by mine supervisory personnel. In estimating the cost associated with the hour burden, MSHA used a 2006 hourly compensation rate (wages and benefits) of \$63 for mine supervisors.

50.10 - Immediate Notification of MSHA:

1,063 hours @ \$63 per hour = \$66,969

50.11(b) - Investigation of Accidents and Occupational Injuries:

207,453 hours @ \$63 per hour = \$13,069,539

50.11(b) - Separate Reports of Investigation (mines with 20 or more employees):

13,815 hours @ \$63 per hour = \$870,345

50.20 - Mine Accident, Injury, and Illness Reports:

8,968 hours @ \$63 per hour = \$564,984

Estimated Total Hour Burden for MSHA Form 7000-1

\$14,571,837

Summary Table for Collection of Data for MSHA Form 7000-1

Collection	Responses (Total reports/ accidents/ occurrences)	Burden Hours	Total Burden Hour Cost
50.10 Immediate Notification: Fatales Other Accidents	73 2,052	37 1,026	\$66,969
50.11(b) Inv. Of Accident & Occupational Injuries: Fatales Non Fatales Other Occurrences	73 12,480 1,933	5,840 199,680 1,933	\$13,069,539
50.11(b) Separate Repots of Investigation (mines w/20+ employes): Fatales Other Occurrences	54 13,599	216 13,599	\$870,345
50.20 Mine Accident/Injury/Illness Report: Initial (manual or e-responses) Follow-up (manual or e-responses)	14,486 5,226	7,243 1,725	\$564,984
TOTAL	49,976	231,299	\$14,571,837

Estimated Hour Burden for MSHA Form 7000-2

For calendar year 2006, mine operators reported mine production and employment information for 14,885 mines and independent contracting companies reported employment for 7,410 mines (22,295 Respondents). MSHA received 89,927 responses on MSHA Form 7000-2, in 2006 and estimates that the average time required to complete the form to be 0.25 electronically and 0.5 hours manually. All operators maintain the information required on Form 7000-2 as a fundamental business requirement. They routinely record the number of employees, the number of hours worked, and in the case of coal mines, the number of tons of coal mined.

Prepare and Submit MSHA Form 7000-2

$$\begin{array}{rcl} 67,540 \text{ responses} \times 0.5 \text{ hour} & = & 33,770 \text{ hours} \\ 22,387 \text{ e-responses} \times 0.25 \text{ hour} & = & 5,597 \text{ hours} \end{array}$$

$$\text{Estimated Total Hour Burden for MSHA Form 7000-2} = 39,367 \text{ hours}$$

Estimated Hour Burden Cost for MSHA Form 7000-2

MSHA believes that the work of preparing and submitting MSHA Form 7000-2 will be performed by clerical personnel. In estimating the cost associated with the hour burden, MSHA used a 2006 hourly compensation rate (wages and benefits) of \$25 for mining industry clerical personnel

Prepare and Submit MSHA Form 7000-2:

$$39,367 \text{ hours} @ \$25 \text{ per hour} = \$984,175$$

$$\text{Estimated Total Hour Burden Cost for MSHA Form 7000-2} = \$984,175$$

Summary Table for Form 7000-2

Collection	Total Annual Responses	Burden Hours	Burden Hour Cost
7000-2 mailed/ faxed	67,540	33,770	\$844,250
7000-2 Electronic submission	22,387	5,597	\$139,925
TOTALS	89,927	39,367	\$984,175

ESTIMATED TOTAL ANNUAL RESPONSES	139,903
ESTIMATED TOTAL HOUR BURDEN	270,666
ESTIMATED TOTAL HOUR BURDEN COST	\$15,556,012

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

Estimated Cost Burden for MSHA Form 7000-1

Postage for 7000-1 Forms (OIEI Copy):

8,643 (16,068 initial reports - 751 faxed reports - 6,674 e-responses) x \$0.41 = \$3,544

3,335 (5,782 follow-up reports - 103 faxed reports - 2,344 e-responses) x \$0.41 = \$1,367

Postage for 7000-1 Forms (District Copy):

8,643 (16,068 initial reports - 751 faxed reports - 6,674 e-responses) x \$0.41 = \$3,544

Estimated Total Cost Burden for MSHA Form 7000-1 = \$8,455

Estimated Cost Burden for MSHA Form 7000-2

Postage for submission of MSHA Form 7000-2 :

57,409 (89,927 responses - 10,131 faxed responses - 22,387 e-responses) x \$0.41 = \$23,538

Estimated Total Cost Burden for MSHA Form 7000-2: = \$23,538

TOTAL COST BURDEN FOR FORM 7000-1 AND 7000-2 \$31,993

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The Accident Data Interpretation Branch's (ADIB) function is to collect, correct, and process mine industry survey data/receive and process mine operator reporting forms (both 7000-2 & 7000-1). The Federal costs for the 7000-1 and the 7000-2 forms are shown as overall cost for both forms.

Costs associated with the operation of the Branch	= \$410,987
Costs associated with the use of the Sungard Computer system	= \$ 64,000
Total Cost to the Federal Government (7000-1 and 7000-2)	= \$474,987

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

There is a slight decrease in the number of respondents (from 26,250 to 22,295) due to fewer mines. However, the number of responses and hours has increased: responses have increased from 133,852 to 139,903 and hours have increased from 105,042 to 270,666. This increase is due to an error made in the last renewal process in calculating the figure for the Nonfatal Accident Investigation hours included in 50.11(b). The figure was lower than should have been provided. A careful re-interpretation of the meaning of 50.11(b) has been done during the processing of this request. In evaluating the meaning of the phrases "nonfatal accidents" and "other occurrences", it appears that the most accurate figures are calculated when "nonfatal accidents" are considered to be incidents in which an injury to an employee occurred but the incident did not cause a fatal injury. The "other occurrence" category would appear to be an incident which is reportable to MSHA due to a mine hazard without miner injury. The 7000-2 forms are being submitted in larger numbers via e-mail and it has been determined that these documents can be prepared in approximately half the time that it would take to make a manual submission. The hours involved in the investigation process for the 7000-1 form should decrease as should the total preparation time for the 7000-1 form as the numbers of forms submitted decreases. It is not anticipated that the preparation time will decrease for individual respondents as it not predicted that the time involved in an electronic submission will be significantly shorter than a manual submission.

There was a decrease of \$2,672 (actual) attributed to an increase in the number of electronic and faxed Form 7000-2. The decrease in postage costs could be a cost burden savings to respondents submitting forms via e-mail. The electronic submission of form 7000-1 has been possible only since October of 2003 so the numbers of respondents responding electronically will likely increase in the future.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA publishes its data tabulations and statistical analyses in quarterly news releases and other reports, in five Informational Reports, and in an Annual Report to Congress.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA publishes the expiration dates for OMB approval on all forms.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

1. Describe (including numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

This information collection does not employ statistical methods.

2. Describe the procedures for the collection of information including:

- . Statistical methodology for stratification and sample selection,
- . Estimation procedure,
- . Degree of accuracy needed for the purpose described in the justification,
- . Unusual problems requiring specialized sampling procedures, and
- . Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of tests may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

**Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164**

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 103.

(d) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported at a frequency determined by the Secretary, but at least annually.

(h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

(j) In the event of any accident occurring in any coal or other mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal or other mine, where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activities in such mine.

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 50--NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES--Table of Contents

Subpart B--Notification, Investigation, Preservation of Evidence

Sec. 50.10 Immediate notification.

If an accident occurs, an operator shall immediately contact the MSHA

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District or Subdistrict Office having jurisdiction over its mine. If an operator cannot contact the appropriate MSHA District or Subdistrict Office, it shall immediately contact the MSHA Headquarters Office in Arlington, Virginia by telephone, at (800) 746-1553.

[58 FR 63528, Dec. 2, 1993]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 50--NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES--Table of Contents

Subpart B--Notification, Investigation, Preservation of Evidence

Sec. 50.11 Investigation.

(a) After notification of an accident by an operator, the MSHA District or Subdistrict Manager will promptly decide whether to conduct an accident investigation and will promptly inform the operator of his decision. If MSHA decides to investigate an accident, it will initiate the investigation within 24 hours of notification.

(b) Each operator of a mine shall investigate each accident and each occupational injury at the mine. Each operator of a mine shall develop a report of each investigation. No operator may use Form 7000-1 as a report, except that an operator of a mine at which fewer than twenty miners are employed may, with respect to that mine, use Form 7000-1 as an investigation report respecting an occupational injury not related to an accident. No operator may use an investigation or an investigation report conducted or prepared by MSHA to comply with this paragraph. An operator shall submit a copy of any investigation report to MSHA at its request. Each report prepared by the operator shall include,

- (1) The date and hour of occurrence;
- (2) The date the investigation began;
- (3) The names of individuals participating in the investigation;
- (4) A description of the site;
- (5) An explanation of the accident or injury, including a description of any equipment involved and relevant events before and after the occurrence, and any explanation of the cause of any injury, the cause of any accident or cause of any other event which caused an injury;
- (6) The name, occupation, and experience of any miner involved;
- (7) A sketch, where pertinent, including dimensions depicting the occurrence;
- (8) A description of steps taken to prevent a similar occurrence in the future; and
- (9) Identification of any report submitted under Sec. 50.20 of this part.

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 50--NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES--Table of Contents

Subpart C--Reporting of Accidents, Injuries, and Illnesses

Sec. 50.20 Preparation and submission of MSHA Report Form 7000-1--Mine Accident, Injury, and Illness Report.

(a) Each operator shall maintain at the mine office a supply of MSHA Mine Accident, Injury, and Illness Report Form 7000-1. These may be obtained from MSHA Metal and Nonmetal Mine Safety and Health District Offices and from MSHA Coal Mine Safety and Health Subdistrict Offices. Each operator shall report each accident, occupational injury, or occupational illness at the mine. The principal officer in charge of health and safety at the mine or the supervisor of the mine area in which an accident or occupational injury occurs, or an occupational illness may have originated, shall complete or review the form in accordance with the instructions and criteria in Secs. 50.20-1 through 50.20-7. If an occupational illness is diagnosed as being one of those listed in Sec. 50.20-6(b)(7), the operator must report it under this part. The operator shall mail completed forms to MSHA within ten working days after an accident or occupational injury occurs or an occupational illness is diagnosed. When an accident specified in Sec. 50.10 occurs, which does not involve an occupational injury, sections A, B, and items 5 through 11 of section C of Form 7000-1 shall be completed and mailed to MSHA in accordance with the instructions in Sec. 50.20-1 and criteria contained in Secs. 50.20-4 through 50.20-6.

(b) Each operator shall report each occupational injury or occupational illness on one set of forms. If more than one miner is injured in the same accident or is affected simultaneously with the same occupational illness, an operator shall complete a separate set of forms for each miner affected. To the extent that the form is not self-explanatory, an operator shall complete the form in accordance with the instructions in Sec. 50.20-1 and criteria contained in Secs. 50.20-2 through 50.20-7.

(Secs. 103 (a) and (h), and 508, Pub. L. 91-173, as amended by Pub. L. 95-164, 91 Stat. 1297, 1299, 83 Stat. 803 (30 U.S.C. 801, 813, 957))

[42 FR 65535, Dec. 30, 1977, as amended at 44 FR 52828, Sept. 11, 1979; 60 FR 35695, July 11, 1995]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 50--NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES--Table of Contents

Subpart D--Quarterly Employment and Coal Production Report

Sec. 50.30 Preparation and submission of MSHA Form 7000-2--Quarterly Employment and Coal Production Report.

(a) Each operator of a mine in which an individual worked during any day of a calendar quarter shall complete a MSHA Form 7000-2 in accordance with the instructions and criteria in Sec. 50.30-1 and submit the original to the Denver Safety and Health Technology Center, P.O. Box 25367, Denver Federal Center, Denver, Colo. 80225, within 15 days after the end of each calendar quarter. These forms may be obtained from MSHA Metal and Nonmetal Mine Safety and Health District Offices and from MSHA Coal Mine Health and Safety Subdistrict Offices. Each operator shall retain an operator's copy at the mine office nearest the mine for 5 years after the submission date.

(b) Each operator of a coal mine in which an individual worked during any day of a calendar quarter shall report coal production on Form 7000-2.

[42 FR 65535, Dec. 30, 1977, as amended at 60 FR 35695, July 11, 1995]