

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

## SUPPORTING STATEMENT

**Information Collection Title:** Training Plans, New Miner Training, Newly-hired Experienced Miner Training

**OMB**

**30 CFR**

**Control**

**Citations**

1219-0131

46.3(a), (c), (d),  
(e), (g), (h), & (i)

Training Plans

46.9 Records of Training under 46.5, 46.6,  
46.7, and 46.8, 46.11

**Collection Instrument(s):**

Electronic Training Plan Advisor

### General Instructions

**A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the *Federal Register*, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses or employ statistical methods" is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.**

### Specific Instructions

#### A. Justification

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

The Mine Act, as amended, 30 U.S.C. 801 et seq., recognizes that education and training is an important element of federal efforts to make the nation's mines safe. These standards are intended to ensure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal of reducing the occurrence of injury and illness in the nation's mines. Title 30 CFR 46.3 requires written training plans for training and retraining miners engaged in shell dredging or employed at sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mines.

Section 46.3 requires written training plans contain effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training. A training plan is considered approved if it contains, at a minimum, the following information:

- (1) The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s);
- (2) The name and position of the designated person who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor;
- (3) A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area;
- (4) A list of the persons and/or organizations who will provide the training and the subject areas in which each person and/or organization is competent to instruct; and
- (5) The evaluation procedures used to determine the effectiveness of training.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The records allow operators to show that miners received the required training. MSHA inspectors use the records to determine that training required by the regulations has been provided.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

**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.**

Training plans required by section 46.3 may include narratives, descriptions, lists and tables. The plans can be submitted via email or facsimile. MSHA has developed and implemented an electronic on-line system (MSHA Electronic Training Plan Advisor) for operators to prepare and submit training plans through the internet. This system has been available for Part 46 mining operations since September 2000. This is an optional method for the mining industry to prepare and file required training plans. The design of this system increases the likelihood that the plan will be complete, along with the potential to decrease the paperwork burden. MSHA estimates the percentage of respondents reporting electronically to be 50 percent. This system is maintained on Department of Labor servers, and is accessed through MSHA's website at <http://www.msha.gov>, "Support and Resources", then "Forms and Online Filing" then selecting "Electronic Training Plan Advisor" or <https://www.msha.gov/support-resources/forms-online-filing/2017/01/23/electronic-training-plan-advisor>.

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

No similar or duplicate information exists.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information does not have a significant impact on small businesses or other small entities. MSHA developed part 46 in partnership with industry for this specific industry segment because it is comprised primarily of small mines.

**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.**

MSHA believes that these information collection requirements are the minimum necessary to ensure that miners receive the required training. Reduction in these

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

requirements may result in miners being unaware of unsafe and unhealthful conditions in the mine and failing to take appropriate measures, thus, jeopardizing their lives.

**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.**

Although there is no explicit requirement that a mine operator retain records for more than 3 years, the operator must maintain a current, approved training plan during the entire time the mine is in operation. This collection of information is consistent with the guidelines in 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the data 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 these 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.**

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

**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.**

In accordance with 5 CFR 1320.8(d), MSHA will publish the proposed information collection requirements in the *Federal Register*, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

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

MSHA does not provide payments 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.**

Operators are given no assurances of confidentiality; however, the records of an individual's training are covered by the Privacy Act Systems of Records Notice published in the *Federal Register* (67 FR 16913, April 8, 2002). These training plans are part of MSHA's Management Information System Labor/MSHA-3, Metal and Nonmetal Mine Safety and Health Management Information System. Computerized and manual records are indexed by mine identification number. Computer safeguards are as described in the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974."

**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. The statement should:**

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under Item 13.**

The following calculations show the annual burden hours and related costs borne by affected M/NM surface mines and “miners or other persons working at shell dredging, sand, gravel, surface stone, surface clay, colloidal phosphate, and surface limestone mines” (30 CFR 46.1). MSHA used data from the May 2017 Occupational Employment Statistics (OES) published by the Bureau of Labor Statistics (BLS) for hourly wage rates<sup>1</sup> and adjusted the rates for benefits<sup>2</sup> and wage inflation<sup>3</sup>.

The estimated total is 11,437 mines covered by this rule is: 6,250 mines employing 1-5 miners per mine, 3,672 mines employing 6-19 miners per mine, and 1,157 mines employing 20 or more miners per mine.

In the following calculations, the numbers are based on estimates from MSHA technical personnel who manage the Agency’s training program requirements.

1 Options for obtaining OES data are available at item “E3. How to get OES data. What are the different ways to obtain OES estimates from this website?” at [https://www.bls.gov/oes/oes\\_ques.htm](https://www.bls.gov/oes/oes_ques.htm).

2 The benefit-scaler comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2017Qtr3-2018Qtr2 to determine that 32.9 percent of total loaded wages are benefits. MSHA computes the scaling factor with a number of detailed calculations but it may be approximated with the formula and values  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (.329/(1-.329)) = 1.49$ .

3 Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate>; Qtr 2 2018/Qtr 2 2017=1.027).

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Section 46.3(a) – develop training plans

Section 46.3(a) requires mine operators to develop and implement a written training plan that contains effective training programs. MSHA estimates that, of the 11,437 affected mines covered by this information collection package, 30 percent (or 3,431 mines) will develop or revise training plans annually. Of these 3,431 mines, there are 3,119 plans for mines employing 1 to 19 miners and 312 plans for mines employing 20 or more miners. Of the number of training plans in each mine size category that will be developed or revised, we estimate that 50 percent will be done electronically (on-line e-plans).

MSHA estimates that a supervisor, earning \$52.35 per hour<sup>4</sup>, takes 2 hours to develop or revise a paper training plan for mines employing fewer than 20 persons, and 4 hours for mines employing 20 or more persons. MSHA further estimates that the time to develop or revise a plan will be reduced by 50 percent if done electronically.

Annual Burden Hours (Record Keeping Hours)

Mines (1-19) (1,559 plans x 2 hours) + (1,560 e-plans x 1 hour) =	4,678 hours
Mines (20+)	(156 plans x 4 hours) + 156 e-plans x 2 hours) =
	<u>936 hours</u>
	5,614 hours

Annual burden costs

5,614 hours x \$ 52.35 = \$293,893

Section 46.3(c) – send plans to MSHA and notify miners or miners' representative

Paragraph (c) requires a plan that does not include the minimum information specified in paragraph (b) to be submitted to MSHA for approval. MSHA estimates that, of the 11,437 affected mines covered by this information collection package, 3 percent (or 343 mines) submitted plans to MSHA annually under section 46.3(c). Approximately half (171) of these mines submitted plans by mail, while the remaining half submitted plans electronically, which does not incur additional burden hours or costs. MSHA estimates

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<sup>4</sup> Supervisor Wage is the employment weighted average for 4 Standard Occupational Classification Codes (SOC) for 4 separate occupational groups from the BLS May 2017 OES data for NAICS 212200 - Metal Ore Mining and NAICS 212300 - Nonmetallic Mineral Mining and Quarrying. Weighted average rate \$52.35=\$34.21 x 1.49 benefit adjustment x 1.027 inflation adjustment.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

that a clerical worker, earning \$28.72 per hour<sup>5</sup>, takes about 12 minutes to copy and mail a training plan to MSHA and to notify miners or a miners' representative.

Annual Burden Hours (Reporting Hours)

171 plans x 12 minutes = 34 hours

Annual burden hour costs

34 hours x \$ 28.72 = \$976

Section 46.3(d) - provide training plan to miners' representative or post plan

Paragraph (d) requires operators to provide miners' representatives with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. MSHA estimates for all 3,431 mines that develop or revise training plans annually that a clerical worker, earning \$28.72 per hour, takes 6 minutes to photocopy the plan and either deliver or post the plan.

Annual Burden Hours (Third Party Disclosure Hours)

3,431 plans x 6 minutes = 343 hours

Annual burden hour costs

343 hours x \$ 28.72 = \$9,851

Section 46.3(e) – miners' or their representatives' submission of written comments on training plan

This burden is not borne by the mine operator, but by miners or miners' representatives. Section 46.3(e) provides that within 2 weeks following receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to mine operators, or to the Regional Manager, as appropriate.

Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that it could receive one written comment per year. MSHA estimates that a miner or miners' representatives,

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<sup>5</sup> Clerical wage rate age is the employment weighted average for 5 Standard Occupational Classification Codes (SOC) for 4 separate occupational groups from the BLS May 2017 OES data for NAICS 212200 - Metal Ore Mining and NAICS 212300 - Nonmetallic Mineral Mining and Quarrying. Weighted average rate \$28.72=\$18.77 x 1.49 x 1.027.



1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

earning \$35.06 per hour<sup>6</sup>, would take 2 hours per affected mine to prepare written comments.

Annual Burden Hours (Reporting Hours)

1 mine x 2 hours = 2 hours

Annual burden hour costs

2 hours x \$35.06 = \$70

Section 46.3(g) - provide miners or representative with copy of approved training plan or post plan

This provision requires the mine operator to provide the miners' representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners' representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner.

The mines affected by this provision are those that submit plans to MSHA for approval under section 46.3(c). MSHA estimates that operators submit 343 training plans to MSHA for approval under section 46.3(c) and that these plans are approved. On average, a clerical worker, earning \$28.72 per hour, is estimated to take 6 minutes to photocopy and either post the approved training plan or deliver a copy to the miners' representative.

Annual Burden Hours (Third Party Disclosure Hours)

343 plans x 6 minutes = 34 hours

Annual burden hour costs

35 hours x \$ 28.72= \$976

Section 46.3(h) – write an appeal

Section 46.3(h) allows mine operators, contractors, miners, and miners' representatives to appeal a decision of the Regional Manager in writing to MSHA's Director for Educational Policy and Development. The Director would issue a decision on the appeal within 30 days after receipt of the appeal.

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<sup>6</sup> Miner wage rate age is the employment weighted average for 14 Standard Occupational Classification Codes (SOC) for 4 separate occupational groups from the BLS May 2017 OES data for NAICS 212200 - Metal Ore Mining and NAICS 212300 - Nonmetallic Mineral Mining and Quarrying . Weighted average rate \$35.06=\$22.91 x 1.49 benefit adjustment x 1.027 inflation adjustment.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that it could receive one appeal per year. MSHA estimates that a mine supervisor, earning \$52.35 per hour, would take 4 hours to write the appeal.

Annual Burden Hours (Reporting Hours)

1 appeal x 4 hours = 4 hours

Annual burden hour costs

4 hours x \$ 52.35 = \$209

Section 46.3(i) – make plans available for inspection

Section 46.3(i) requires mine operators and contractors to make available at the mine site a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. If the training plan is not maintained at the mine site, operators must have the capability to provide the plan within one business day upon request to MSHA, miners, or their representatives.

MSHA estimates that all 11,437 mines covered by part 46 would need to make plans available for inspection or examination, on average, once annually. MSHA estimates that a clerical worker, earning \$28.72 per hour, would take 6 minutes to retrieve, photocopy, and re-file the training plan.

Annual Burden Hours (Record Keeping Hours)

11,437 mines x 6 minutes = 1,144 hours

Annual burden hour costs

1,144 hours x \$ 28.72 = \$32,856

Section 46.5(a) New miner training – number of training sessions

Paragraph (a) of section 46.5 requires mine operators to provide each new miner with no less than 24 hours of training. Miners who have not received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is working in a safe and healthful manner. This training may be provided either onsite or offsite.

New miner training - onsite training

MSHA estimates that of the 11,437 affected mines covered by this information collection package, 2,059 mines provided onsite training under this provision: 1,872 mines that employ 1 to 19 miners and 187 mines that employ 20 or more miners.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 19 miners and 3 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-19) 1,872 mines x 1 session =	1,872 sessions
Mines (20+) 187 mines x 3 sessions =	<u>561 sessions</u>
	2,433 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

New miner training - offsite training

Additionally, the Agency estimates that part of new miner training would be provided offsite by a third party. Operators would pay the third party for providing this part of the new miner training.

MSHA estimates that 37 percent (4,232) of mines provide offsite training.

Number of Training Sessions

Mines (1-19) 3,847 mines x 1 session =	3,847 sessions
Mines (20+) 385 mines x 3 sessions =	<u>1,155 sessions</u>
	5,002sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.6(a) Newly hired experienced miner training - number of training sessions

Section 46.6(a) requires operators to provide each newly hired experienced miner with certain specified training before the miner begins work. MSHA estimates that, of the 11,437 affected mines covered by this information collection package 6,406 mines will provide training under this provision. The mines affected annually by this provision in each size category are: 3,751 mines that employ 1 to 5 miners; 2,072 mines that employ 6 to 19 miners; and 583 mines that employ 20 or more miners.

For each size category, MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 5 miners; 2 sessions for mines that employ 6 to 19 miners; and 4 sessions for mines that employ 20 or more miners.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Number of Training Sessions

Mines (1-5)	3,751 mines x 1 session =	3,751 sessions
Mines (6-19)	2,072 mines x 2 sessions =	4,144 sessions
Mines (20+)	583 mines x 4 sessions =	<u>2,332 sessions</u>
		10,227 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.7(a) New task training - number of training sessions

Section 46.7(a) requires that before a miner performs a new task for which the miner has no experience, the operator must train the miner in the safety and health aspects and safe work procedures specific to that task. MSHA estimates that, of the 11,437 affected mines covered by this information collection package, 95 percent (or 10,865 mines) will provide training under this provision. The mines affected by this provision in each size category are: 6,363 mines that employ 1 to 5 miners; 3,514 mines that employ 6 to 19 miners; and 988 mines that employ 20 or more miners.

For each size category, the average number of training sessions that the mine supervisor will give annually per mine is: 5 sessions for mines that employ 1 to 5 miners; 10 sessions for mines that employ 6 to 19 miners; and 20 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	6,363 mines x 5 sessions =	31,815 sessions
Mines (6-19)	3,514 mines x 10 sessions =	35,140 sessions
Mines (20+)	988 mines x 20 sessions =	<u>19,760 sessions</u>
		86,715 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.7(b) Regularly-assigned task training - number of training sessions

Section 46.7(b) requires that if changes have occurred in a miner's regularly assigned task that affects the health and safety risks encountered by the miner, the operator must provide the miner with training that addresses the changes. MSHA estimates that, of the 11,437 affected mines covered by this information collection package, 95 percent (or 10,865 mines) will provide training under this provision. The mines affected by this provision in each size category are: 6,363 mines that employ 1 to 5 miners; 3,514 mines that employ 6 to 19 miners; and 988 mines that employ 20 or more miners.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

For each size category, the average number of training sessions that the mine supervisor will give annually per mine are: 5 sessions for mines that employ 1 to 5 miners; 10 sessions for mines that employ 6 to 19 miners; and 20 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	6,363 mines x 5 sessions =	31,815 sessions
Mines (6-19)	3,514 mines x 10 sessions =	35,140 sessions
Mines (20+)	988 mines x 20 sessions =	<u>19,760 sessions</u>
		86,715 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.8(a) Annual refresher training - number of training sessions

Section 46.8(a) requires that the operator provide each miner with no less than 8 hours of refresher training, at least every 12 months. The mines affected by this provision in each size category are: 9,922 mines that employ 1 to 19 miners and 1,157 mines that employ 20 or more miners.

For each size category, MSHA estimates that the average number of training sessions the mine supervisor would provide annually is: 1 session for mines that employ 1 to 19 miners and 2 sessions for mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-19)	9,922 mines x 1 session =	9,922 sessions
Mines (20+)	1,157 mines x 2 sessions =	<u>2,314 sessions</u>
		12,236 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified below in section 46.9 of question 12.

Section 46.9 Records of training

Section 46.9 requires operators, upon completion of each training program, to record and certify that the miner has completed the training on MSHA Form 5000-23, (Form 5000-23, which is the mandatory approved form under OMB 1219-0009, Certificate of Training (30 CFR 48.9 and 48.29)), or on a form that contains the required information. For all records required to be kept for training under sections 46.5, 46.6, 46.7, 46.8, and 46.11, MSHA estimates that, for each mine, a mine supervisor, earning \$ 52.35 per hour, takes 5 minutes to record and certify training records for each session. In addition,

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

MSHA estimates that it takes a clerical worker, earning \$ 28.72 per hour, 3 minutes to copy and distribute the certificates for each training session.

The numbers in the calculations below come from the number of sessions in each of the sections for training (sections 46.5, 46.6, 46.7, 46.8, and 46.11) specified above and below in question 12.

Number of 30 CFR Part 46 Training Sessions

Training for 46.5 (on-site)	2,433 sessions
Training for 46.5 (off-site)	5,002 sessions
Training for 46.6	10,227 sessions
Training for 46.7(a)	86,715 sessions
Training for 46.7(b)	86,715 sessions
Training for 46.8	12,236 sessions
Training for 46.11	<u>911,100 sessions</u>
	1,114,428 sessions

Annual Burden Hours (Record Keeping Hours)

1,114,428 sessions x 5 minutes of supervisor time =	92,869 hours
1,114,428 sessions x 3 minutes hour of clerical time =	<u>55,721 hours</u>
Total 46.9 Burden Hours	148,590 hours

Annual Burden Hour Costs

92,869 hours x \$52.35 (supervisor) =	\$4,861,692
55,721 hours x \$28.72 (clerical) =	\$1,600,307
Total 46.9 Burden Hour Costs	\$6,461,999

Section 46.11 Site-specific hazard awareness training – number of training sessions

Section 46.11(a) requires operators to provide site-specific hazard training to specific persons before they are exposed to mine hazards. Persons who are required to have training include: scientific workers; delivery workers and customers; occasional, short-term maintenance or service workers who do not work at the mine site on a continuing basis, or construction workers or employees of independent contractors who are not miners under section 46.2; and outside vendors, visitors, office or staff personnel. This training is also required for miners, such as drillers or blasters, who move from one mine to another mine while remaining employed by the same production-operator or independent contractor. There is little or no preparation for this type of training because the miner giving the training is only explaining or showing potential mine hazards to the person(s) being trained.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

For each mine-size category, MSHA estimates that the average number of training sessions the miner would provide annually per mine are: 50 sessions for mines that employ 1 to 5 miners; 100 sessions for mines that employ 6 to 19 miners; and 200 sessions for mines that employ 20 or more miners. The number of mines affected by this provision in each mine-size category is: 6,250 mines that employ 1 to 5 miners; 3,672 mines that employ 6 to 19 miners; and 1,157 mines that employ 20 or more miners.

Number of Training Sessions

Mines (1-5)	6,250 mines x 50 sessions = sessions	312,500
Mines (6-19)	3,672 mines x 100 sessions = sessions	367,200
Mines (20+)	1,157 mines x 200 sessions =	<u>231,400</u>
		911,100 sessions

Burden hours and burden costs associated with record keeping for these training sessions are specified above in section 46.9 of question 12.

Summary of Burden Hours and Burden Hour Costs from Question 12

Section	Annual Respondents	Annual Responses	Annual Burden Hours	Annual Burden Hour Costs
46.3(a)	3,431	3,431	5,614	293,893
46.3(c)	343	343	34	\$976
46.3(d)	3,431	3,431	343	\$9,851
46.3(e)	1	1	2	\$70
46.3(g)	343	343	34	\$976
46.3(h)	1	1	4	\$209
46.3(i)	11,437	11,437	1,144	\$32,856
46.9	11,437	1,114,428	148,590	\$6,461,999
<b>Total</b>	<b>11,438</b>	<b>1,133,415</b>	<b>155,765</b>	<b>\$6,800,830</b>

**13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information.**

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

**Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

**Capital and Start-up Costs:** There are no capital and start-up costs.

**Operating and Maintenance Costs:**

Section 46.3(c) – provide training plan to MSHA

Submission of plans for approval is voluntary. Approximately, 50 percent of the 343 plans are submitted by mail, email, or facsimile. MSHA estimates that 171 (343 total minus 172 e-plans) mines are affected annually. MSHA estimates that a plan is 6 pages, copy costs are \$0.15 per page, and postage, if applicable, is \$2.00.

Annual Costs

171 training plans x ((6 pages x \$0.15) + \$2.00) = \$496

Section 46.3(d) – provide training plans to miners' representative or post plan

The operator must provide the miners' representative with a copy of the training plan. At mines where no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy must be provided to each miner. MSHA estimates that 3,431 mines are affected by this provision annually. A plan is estimated to have 6 pages and copy costs are \$0.15 per page.



1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Annual Costs

3,431 training plans x (6 pages x \$0.15) = \$3,088

Section 46.3(e) – miners’ or their representatives’ submission of written comments on plans

Within 2 weeks following the receipt or posting of the training plan, miners or their representatives may submit written comments on the plan to the operator, or to MSHA. Over the last 3 years, MSHA has not received any written comments. In order to recognize that this may occur in the future, MSHA estimates that it could receive one written comment per year. Postage costs to deliver written comments are estimated at \$2.00.

Annual Costs

1 mine x \$2.00 = \$2

As with calculating burden hours, all costs are assumed to be borne by organizations representing miners for data entry purposes.

Section 46.3(g) – provide miners or representative with copy of approved training plan or post plan

This provision requires the operator to provide the miners’ representative, if any, with a copy of the approved training plan within 1 week of approval. At mines where no miners’ representative has been designated, the operator must post a copy of the plan at the mine site or provide a copy to each miner within 1 week of approval.

The mines affected by this provision are those that submit plans to MSHA for approval under section 46.3(c). MSHA estimates that operators submit 343 training plans to MSHA for approval under section 46.3(c). On average, a plan is estimated to be 6 pages, copying costs are \$0.15 per page, and postage is \$2.00.

Annual Costs

343 mines x ((6 pages x \$0.15) + \$2.00) = \$995

Section 46.3(h) – write an appeal

An operator may appeal an MSHA decision concerning an approved training plan. Over the last 3 years, MSHA has not received any appeals. In order to recognize that this may occur in the future, MSHA estimates that it could receive one appeal per year. The costs for postage to mail the written appeal are estimated to be \$2.00.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Annual Costs

1 mine x \$2.00 = \$2

Section 46.3(i) – make available training plan for inspection

The operator must make available a copy of the current training plan for inspection by MSHA and for examination by miners and their representatives. MSHA estimates that all 11,437 mines covered by part 46 would need to make plans available for inspection or examination, on average, once annually. The copying costs are \$0.15 per page and 6 pages are copied.

Annual Costs

11,437 mines x (6 pages x \$0.15) = \$10,293

-  
Section 46.9 Records of Training

Under each training provision (30 CFR 46.5, 46.6, 46.7, 46.8, and 46.11), a clerical person makes 2 copies for each training record. Copies are \$0.15 per page and the record is one page.

Annual Costs 1,114,428 sessions x \$0.15 x 1 page x 2 copies = \$334,328

**Summary of Burden Costs from Question 13**

Section	Annual Burden Costs
46.3(c)	\$496
46.3(d)	\$3,088
46.3(e)	\$2
46.3(g)	\$995
46.3(h)	\$2
46.3(i)	\$10,293
46.9	\$334,328
<b>Total Cost</b>	<b>\$349,204</b>

**14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

MSHA's Educational Field and Small Mine Services reviews and may approve any training plans submitted under the part 46 rule. On average, 343 plans were submitted annually. Of these, 312 plans were submitted from operations employing 1 to 19 miners and 31 from operations employing 20 or more miners. Also, MSHA estimates that a training specialist spends an average of 2 hours to review plans submitted by operations employing 1 to 19 miners and 4 hours for operations employing 20 or more miners. For 2018, the average grade and salary costs of a training specialist is GS 13 at \$69.31 per hour including benefits.<sup>7</sup>

Mines (1-19):	312 plans x 2 hours x \$69.31 =	\$43,249
Mines (20+):	31 plans x 4 hours x \$69.31 =	\$ 8,594
		<hr/>
		\$51,843

Affected mines: 6,250 operations employ 1 to 5 miners; 3,672 operations employ 6 to 19 miners; and 1,157 operations employ 20 or more miners. On average, MSHA estimates that the time an inspector spends annually to review part 46 training records and plans per mine visit is 15 minutes at operations employing 1 to 5 miners, 30 minutes at operations employing 6 to 19 miners, and 1 hour at operations employing 20 or more miners. For 2018, the average grade and salary costs of an inspector is GS 12 at \$56.34 per hour including benefits<sup>8</sup>.

Mines (1-5):	6,250 mines x 15 minutes x \$56.34 =	\$ 88,031
Mines (6-19):	3,672 mines x 30 minutes x \$56.34 =	\$103,440
Mines (20+):	1,157 mines x 1 hour x \$56.34 =	\$ 65,185
	<b>Total</b>	<hr/>
		<b>\$256,656</b>

**Total Cost to the Federal Government** **\$308,499**

**15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

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<sup>7</sup> The wage rates shown here come from the Office of Personnel Management (OPM) March 2018 FedScope data cube, <http://www.fedscope.opm.gov/>. Average salary was obtained for the appropriate grade and occupation for DOL-MSHA employees. In order to include the cost of benefits, this annual average salary was multiplied by a benefits scaler of 1.392 computed from MSHA's 2019 budget submission. The final hourly wage rate was derived by dividing the adjusted annual average salary by 2,087 hours (hourly rate = FedScope Salary x 1.392 ÷ 2,087); \$103.913 x 1.392 ÷ 2,087 = \$69.31.

<sup>8</sup> The wage rates shown here come from the Office of Personnel Management (OPM) March 2018 FedScope data cube, <http://www.fedscope.opm.gov/>. Average salary was obtained for the appropriate grade and occupation for DOL-MSHA employees. In order to include the cost of benefits, this annual average salary was multiplied by a benefits scaler of 1.392 computed from MSHA's 2019 budget submission. The final hourly wage rate was derived by dividing the adjusted annual average salary by 2,087 hours (hourly rate = FedScope Salary x 1.392 ÷ 2,087); \$84,469 x 1.392 ÷ 2,087 = \$56.34.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

There are no program changes. Responses and costs decreased due to a decrease in respondents/number of mines, improved conversion from minutes to hours, and updated unit costs. There was a slight increase in hours due to rounding.

Respondents:	Decrease of 219 (from 11,657 to 11,438)
Responses:	Decrease of 22,826 (from 1,157,241 to 1,133,415)
Hours:	Increase of 525 (from 155,240 to 155,765)
Costs:	Decrease of \$6,800 (from \$356,004 to \$349,204)

**16. For collections of information whose results will 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 does not intend to publish the results of this information collection.

**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 has no forms on which to display an expiration date associated with this collection of information

**18. Explain each exception to the topics of the certification statement identified in, "Certification for Paperwork Reduction Act Submission."**

There are no certification exceptions identified with this information collection.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This information collection does not employ statistical methods.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

## ATTACHMENTS

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 813, authorizes MSHA to collect information necessary to carryout its duty in protecting the safety and health of miners as follows:

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.

Section 115 of the Mine Act, 30 U.S.C. § 813, authorizes MSHA to collect information necessary to carryout its duty with respect in protecting the safety and health of miners through requirements for training as follows:

(a) Each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary. The Secretary shall promulgate regulations with respect to such health and safety training programs not more than 180 days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977. Each training program approved by the Secretary shall provide as a minimum that--

(1) new miners having no underground mining experience shall receive no less than 40 hours of training if they are to work underground. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescue device and use of respiratory devices, hazard recognition, escapeways, walk around training, emergency procedures, basic ventilation, basic roof control, electrical hazards, first aid, and the health and safety aspects of the task to which he will be assigned;

(2) new miners having no surface mining experience shall receive no less than 24 hours of training if they are to work on the surface. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescue device where appropriate and use of respiratory devices where appropriate, hazard recognition, emergency procedures, electrical hazards, first aid, walk around training and the health and safety aspects of the task to which he will be assigned;

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

(3) all miners shall receive no less than eight hours of refresher training no less frequently than once each 12 months, except that miners already employed on the effective date of the Federal Mine Safety and Health Amendments Act of 1977 shall receive this refresher training no more than 90 days after the date of approval of the training plan required by this section;

(4) any miner who is reassigned to a new task in which he has had no previous work experience shall receive training in accordance with a training plan approved by the Secretary under this subsection in the safety and health aspects specific to that task prior to performing that task;

(5) any training required by paragraphs (1), (2) or (4) shall include a period of training as closely related as is practicable to the work in which the miner is to be engaged.

(b) Any health and safety training provided under subsection (a) shall be provided during normal working hours. Miners shall be paid at their normal rate of compensation while they take such training, and new miners shall be paid at their starting wage rate when they take the new miner training. If such training shall be given at a location other than the normal place of work, miners shall also be compensated for the additional costs they may incur in attending such training sessions.

(c) Upon completion of each training program, each operator shall certify, on a form approved by the Secretary, that the miner has received the specified training in each subject area of the approved health and safety training plan. A certificate for each miner shall be maintained by the operator, and shall be available for inspection at the mine site, and a copy thereof shall be given to each miner at the completion of such training. When a miner leaves the operator's employ, he shall be entitled to a copy of his health and safety training certificates. False certification by an operator that training was given shall be punishable under section 110(a) and (f); and each health and safety training certificate shall indicate on its face, in bold letters, printed in a conspicuous manner the fact that such false certification is so punishable.

(d) The Secretary shall promulgate appropriate standards for safety and health training for coal or other mine construction workers.

(e) Within 180 days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the Secretary shall publish proposed regulations which shall provide that mine rescue teams shall be available for rescue and recovery work to each underground coal or other mine in the event of an emergency. The costs of making advance arrangements for such teams shall be borne by the operator of each such mine.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Title 30 Code of Federal Regulations, Part 46

Section 46.3 Training plans.

(a) You must develop and implement a written plan, approved by us under either paragraph (b) or (c) of this section, that contains effective programs for training new miners and newly hired experienced miners, training miners for new tasks, annual refresher training, and site-specific hazard awareness training.

\* \* \*

(c) A plan that does not include the minimum information specified in paragraphs (b)(1) through (b)(5) of this section must be submitted to and approved by the Regional Manager, Educational Field Services Division, or designee, for the region in which the mine is located. You also may voluntarily submit a plan for Regional Manager approval. You must notify miners or their representatives when you submit a plan for Regional Manager approval. Within two weeks of receipt or posting of the plan, miners and their representatives may also request review and approval of the plan by the Regional Manager and must notify the production-operator or independent contractor of such request.

(d) You must provide the miners' representative, if any, with a copy of the plan at least 2 weeks before the plan is implemented or, if you request MSHA approval of your plan, at least two weeks before you submit the plan to the Regional Manager for approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner at least 2 weeks before you implement the plan or submit it to the Regional Manager for approval.

(e) Within 2 weeks following the receipt or posting of the training plan under paragraph (d) of this section, miners or their representatives may submit written comments on the plan to you, or to the Regional Manager, as appropriate.

\* \* \* \* \*

(g) You must provide the miners' representative, if any, with a copy of the approved plan within one week after approval. At mines where no miners' representative has been designated, you must post a copy of the plan at the mine or provide a copy to each miner within one week after approval.

(h) If you, miners, or miners' representatives wish to appeal a decision of the Regional Manager, you must send the appeal, in writing, to the Director for Educational Policy and Development, MSHA, 1100 Wilson Boulevard, Room 2100, Arlington, Virginia 22209-3939, within 30 calendar days after notification of the Regional Manager's

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

decision. The Director will issue a final decision of the Agency within 30 calendar days after receipt of the appeal.

(i) You must make available at the mine a copy of the current training plan for inspection by us and for examination by miners and their representatives. If the training plan is not maintained at the mine, you must have the capability to provide the plan within one business day upon request by us, miners, or their representatives.

\* \* \* \* \*

Section 46.5 New miner training.

(a) Except as provided in paragraphs (f) and (g) of this section, you must provide each new miner with no less than 24 hours of training as prescribed by paragraphs (b), (c), and (d). Miners who have not yet received the full 24 hours of new miner training must work where an experienced miner can observe that the new miner is performing his or her work in a safe and healthful manner.

\* \* \* \* \*

Section 46.6 Newly hired experienced miner training.

(a) Except as provided in paragraph (f) of this section, you must provide each newly hired experienced miner with training as prescribed by paragraphs (b) and (c).

\* \* \* \* \*

Section 46.7 New task training.

(a) You must provide any miner who is reassigned to a new task in which he or she has no previous work experience with training in the health and safety aspects of the task to be assigned, including the safe work procedures of such task, 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. This training must be provided before the miner performs the new task.

(b) If a change occurs in a miner's assigned task that affects the health and safety risks encountered by the miner, you must provide the miner with training under paragraph (a) of this section that addresses the change.

\* \* \* \* \*



1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

Section 46.8 Annual refresher training.

(a) You must provide each miner with no less than 8 hours of annual refresher training

(1) No later than 12 months after the miner begins work at the mine, or no later than March 30, 2001, whichever is later; and

(2) Thereafter, no later than 12 months after the previous annual refresher training was completed.

\* \* \* \* \*

Section 46.9 Records of training.

(a) You must record and certify on MSHA [Form 5000-23](#), or on a form that contains the information listed in paragraph (b) of this section, that each miner has received training required under this part.

(b) The form must include:

(1) The printed full name of the person trained;

(2) The type of training, the duration of the training, the date the training was received, the name of the competent person who provided the training;

(3) The name of the mine or independent contractor, MSHA mine identification number or independent contractor identification number, and location of training (if an institution, the name and address of the institution).

(4) The statement, "False certification is punishable under § 110(a) and (f) of the Federal Mine Safety and Health Act," printed in bold letters and in a conspicuous manner; and

(5) A statement signed by the person designated in the MSHA-approved training plan for the mine as responsible for health and safety training, that states "I certify that the above training has been completed."

(c) You must make a record of training under paragraphs (b)(1) through (b)(4) of this section.

(1) For new miner training under § [46.5](#), no later than

(i) when the miner begins work at the mine as required under § 46.5(b);

(ii) 60 calendar days after the miner begins work at the mine as required under § 46.5(c); and

(iii) 90 calendar days after the miner begins work at the mine as required under § 46.5(d), if applicable.

(2) For newly hired experienced miner training under § [46.6](#), no later than

(i) when the miner begins work at the mine; and

(ii) 60 calendar days after the miner begins work at the mine.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

- (3) Upon completion of new task training under § [46.7](#);
- (4) After each session of annual refresher training under § [46.8](#); and
- (5) Upon completion by miners of site-specific hazard awareness training under § [46.11](#).

(d) You must ensure that all records of training under paragraphs (c)(1) through (c)(5) of this section are certified under paragraph (b)(5) of this section and a copy provided to the miner

- (1) Upon completion of the 24 hours of new miner training;
- (2) Upon completion of newly hired experienced miner training;
- (3) At least once every 12 months for new task training, or upon request by the miner, if applicable;
- (4) Upon completion of the 8 hours of annual refresher training; and
- (5) Upon completion by miners of site-specific hazard awareness training.

\* \* \*

(f) When a miner leaves your employ, you must provide each miner with a copy of his or her training records and certificates upon request.

(g) You must make available at the mine a copy of each miner's training records and certificates for inspection by us and for examination by miners and their representatives. If training certificates are not maintained at the mine, you must be able to provide the certificates upon request by us, miners, or their representatives.

(h) You must maintain copies of training certificates and training records for each currently employed miner during his or her employment, except records and certificates of annual refresher training under § [46.8](#), which you must maintain for only two years. You must maintain copies of training certificates and training records for at least 60 calendar days after a miner terminates employment.

(i) You are not required to make records under this section of site-specific hazard awareness training you provide under § [46.11](#) of this part to persons who are not miners under § [46.2](#). However, you must be able to provide evidence to us, upon request, that the training was provided, such as the training materials that are used; copies of written information distributed to persons upon their arrival at the mine; or visitor log books that indicate that training has been provided.

\* \* \* \* \*

Section 46.11 Site-specific hazard awareness training.

(a) You must provide site-specific hazard awareness training before any person specified under this section is exposed to mine hazards.

1219-0131

2018

Training Plans, New Miner Training, Newly-hired Experienced Miner Training, New Task, Annual Refresher Training, Site Specific Hazard Training

\* \* \* \* \*