

Comments of the United Mine Workers of America
On the Proposed Information Collection; Representative of Miners, Notification of Legal
Identity, and Notification of Commencement of Operations and Closing of Mines
July 30, 2026
[OMB Control Number 1219-0042]

MSHA indicates that this proposal is part of the Department of Labor's continuing effort to reduce paperwork and respondent burden in accordance with the requirements of the Paperwork Reduction Act of 1995. This proposal provides the general public and Federal Agencies with an opportunity to comment on proposed and/or continuing collections of information to ensure that requested data can be provided in the desired format, reporting burden is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection titled "Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines."

Representative of Miners Designation Forms, MSHA Form 2000-238 (30 CFR 40.2 Through 40.5)

Section 103(f) and (g) of the Mine Act, 30 U.S.C. 813(f) and (g), establishes miners' rights that may be exercised through a representative. 30 CFR 40 defines what is meant by "representative of miners", a term that is not defined in the Mine Act, and describes the filing procedures to identify a person or organization as a representative of miners by the Secretary.

Under 30 CFR 40.2, a representative of miners shall file with the MSHA District Manager for the district in which the mine is located the information required by 30 CFR 40.3. (MSHA collects the information using MSHA Form 2000-238, Representative of Miners Designation Form). Concurrently, a copy of this information shall be provided to the operator of the mine by the representative of miners. Miners or their representative organization may appoint or designate different persons to represent them under various sections of the [Mine] act relating to representatives of miners. All information filed pursuant to this part shall be maintained by the appropriate MSHA District Office and shall be made available for public inspection.

Under 30 CFR 40.3(a), the information must be filed by the representative of miners with the appropriate MSHA District Manager, with copies to the operators of the affected mines. This information shall be filed and kept current in accordance with 30 CFR 40.3(a)(1) through 40.3(a)(7).

Under 30 CFR 40.3(b), The representative of miners shall be responsible for ensuring that the appropriate District Manager and operator have received all of the information required by this part and informing such District Manager and operator of any subsequent changes in the information.

Under 30 CFR 40.4, a copy of the information provided to the operator pursuant to 30 CFR 40.3 shall be posted upon receipt by the operator on the mine bulletin board and maintained in a current status.

Under 30 CFR 40.5(a), a representative of miners who becomes unable to comply with the requirements of part 40 shall file a statement with the appropriate MSHA District Manager terminating his or her designation.

Under 30 CFR 40.5(b), MSHA shall terminate and remove from its files all designations of representatives of miners which have been terminated pursuant to 30 CFR 40.5(a) or which are not in compliance with the requirements of this part. MSHA shall notify the mine operator of such termination.

UMWA COMMENT:

These provisions establish the filing and recordkeeping requirements applicable to miners' representatives. This information is essential to the proper performance of the Agency's functions and serves a clear practical utility. These requirements are central to ensuring that miners are effectively represented and that individuals who designate a miners' representative remain anonymous and protected from retaliation.

Miners' representatives participate in and assist MSHA inspectors during mine inspections and accident investigations. Their firsthand knowledge of the mines in which they work is a valuable resource during these inspections and investigations. Because miners' representatives are present at the mine on a day-to-day basis, they provide a direct benefit to MSHA and support the Agency's mission of ensuring compliance with the law, including during periods when no MSHA inspector is on site. Miners' representatives possess unique knowledge of mine layout, ventilation systems, roof control systems, electrical systems, transportation systems, and mining machinery, which has proven valuable in the review and evaluation of plans and petitions for modification.

For these reasons, the UMWA respectfully requests that the Agency maintain its current practices of record retention and information collection pertaining to miners' representatives.