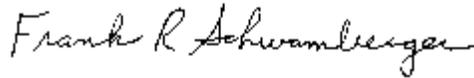


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PROGRAM POLICY LETTER NO. P04-III-1



FROM: *for* JEFFREY A. DUNCAN
Director for Educational
Policy and Development

SUBJECT: Training Requirements for Independent Contractors who Perform Work at Both
Part 46 and Part 48 Mining Operations

Scope

This program policy letter applies to mine operators, independent contractors, state grantees, and Mine Safety and Health Administration (MSHA) personnel.

Purpose

This policy provides guidance for the mining industry and, in particular, independent contractors who work at both Part 46 and Part 48 surface mining operations. Independent contractors can reduce or eliminate some administrative requirements by following this policy.

Policy

MSHA will allow independent contractors who work at both Part 46 and Part 48 surface mining operations to comply with the training requirements of Part 48, instead of complying with both training rules. This will eliminate the need for developing two training plans and complying with two record-keeping requirements. These contractors may choose to comply with the New Miner, Experienced Miner, Task, and Annual Refresher Training programs of Part 48 to satisfy the training requirements for both regulations. Independent contractors who choose to follow this policy must have their own approved Part 48 training plan.

Part 46 defines construction workers who are exposed to hazards of mining operations . Independent contractors that perform construction work on Part 46 properties may train under an approved Part 48 training plan to satisfy the Part 46 requirement.

Operators remain responsible for ensuring that the appropriate hazard training (§ 48.31) at Part 48 operations, or site-specific hazard awareness training (§ 46.11) at Part 46 operations is provided to these contractors.

Background

Section 115 of the Federal Mine Safety and Health Act of 1977 and Title 30, Code of Federal Regulations (30 CFR), Part 46 and Part 48 require mine operators, including independent contractors, to develop and implement required training for miners. Independent contractors

who work at both Part 46 and Part 48 mining operations are subject to both Part 46 and Part 48 surface regulations. This has resulted in some unnecessary paperwork for those contractors. Part 46.4(c) allows crediting for training required by federal or state agencies that is relevant to Part 46, and Part 46.5(g) allows training received under Parts 48.5 and 48.25 to satisfy the training requirements of Part 46.5.

Authority

Federal Mine Safety and Health Act of 1977, Section 115, and 30 CFR Part 46 and Part 48.

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Filing Instructions

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