



# MSHA To Propose Rule on Surface Mobile and Powered Haulage Equipment

Insights

9.09.21

After years of anticipation, federal mining officials are poised to publish a proposed rule on mobile and powered haulage equipment (excluding belt conveyors) at surface mines and surface areas of underground mines. The proposed rule from the Mine Safety and Health Administration (MSHA) is scheduled to be published in the Federal Register today and was made available for public viewing just yesterday. What do employers in this industry need to know about this long-awaited development?

## 2 Primary Requirements

The proposed rule would require two primary obligations for covered operations:

- (1) The development and implementation of a **written safety program** for surface mobile equipment; and
- (2) The **designation of a responsible person** to evaluate and update the written safety program.

### ***Written Safety Plan***

With respect to the written safety plan, the proposed rule requires that it include:

- Actions the mine operator will take to identify and analyze hazards and reduce resulting risks related to movement and operation of surface mobile equipment;
- Development of procedures and schedules for routine maintenance and non-routine repair of surface mobile equipment;
- Steps taken to identify emerging technologies related to surface mobile equipment and whether to adopt them; and
- Training of miners to identify, address and avoid hazards related to surface mobile equipment.

Unlike some other plans required by MSHA, the written plan under this proposed rule does not require formal agency approval. It must, however, be made available to authorized representatives of the Secretary, miners, and miners' representatives upon request.

## ***Designation of Responsible Person***

With respect to the designation of a responsible person, that individual is tasked with evaluating and updating the written safety plan annually, as mining conditions or practices change, as accidents or injuries occur, or as the equipment changes or modifications are made.

## **Additional Information About Proposed Rule**

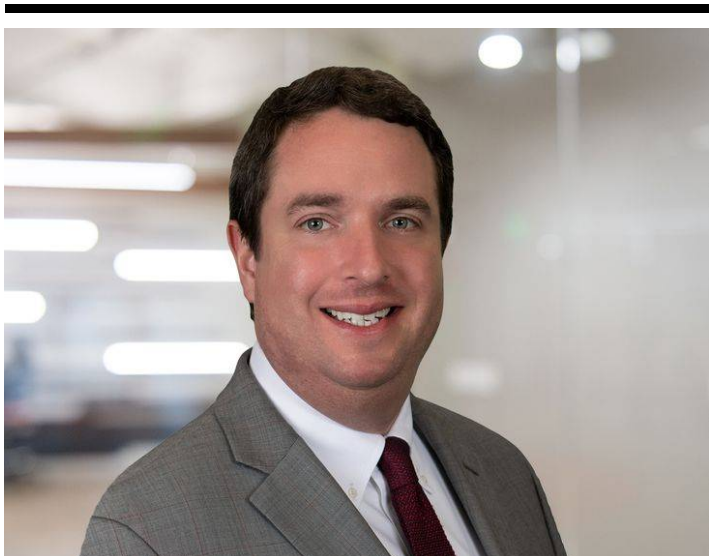
A few other items of note:

- The proposed rule would include nearly identical requirements in the standards for surface metal/non-metal mines (30 C.F.R. Part 56), surface areas of underground metal/non-metal mines (30 C.F.R. Part 57), and surface areas of underground coal mines (30 C.F.R. Part 77).
- It applies to “surface mobile equipment,” which is defined as “wheeled, skid-mounted, track mounted, or rail-mounted equipment capable of moving or being moved, and any powered equipment that transports people, equipment or materials, excluding belt conveyers.”
- It applies to mine operators with six or more miners.

## **What's Next?**

The requirements of the proposed rule would take effect six months after the effective date of the final rule. Members of the regulated community are invited to provide comments on the proposed rule to MSHA within 60 days after it is published in the Federal Register. We will monitor these developments and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Mine Safety & Health Group](#).

## ***Related People***



**Arthur M. Wolfson**  
Partner  
412.822.6625  
Email

## ***Service Focus***

Workplace Safety and Catastrophe Management

Mine Safety & Health