



MSHA Issues Program Policy Letter on Refuge Chambers for Public Comment

Insights

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At the end of July, the Mine Safety and Health Administration (“MSHA”) announced the issuance of a Program Policy Letter (“PPL”) to provide mine operators guidance regarding the existing requirement to provide escape ways or refuges at underground metal and nonmetal mines when miners must shelter in place. The PPL is being issued for public comment prior to being final despite MSHA noting that the PPL is not to be considered rulemaking. However, MSHA believes the PPL is necessary to address significant safety issues regarding the placement of a refuge in a location that provides miners access if they cannot escape.

30 CFR § 57.11050 requires escape ways in underground metal and nonmetal mines to enable miners to escape in an emergency, and when they cannot escape, the standard requires refuges to enable miners to shelter safely in place until they can be rescued. MSHA has determined that this guidance is needed due to questions from mine operators regarding refuge chamber placement. Because the guidance is anticipated to raise novel legal or policy issues, MSHA is issuing the PPL for public comment. The PPL purports to clarify the placement of refuges required by the standard.

MSHA provides in the PPL that the standard recognizes two exceptions to the requirement that underground metal and nonmetal miners be provided at least two separate escape ways from their working places to the surface. First, miners must be provided a method of refuge while a second escape way is being developed. Second, during exploration or development of an ore body, the second escapeway is recommended but not required. MSHA interprets these two exceptions to *both* mean that if, in either of these situations, miners have only one escape way from their working place, miners must have access to a refuge. This refuge should be located near the miners, so they promptly and reliably can enter the refuge if they cannot escape. In determining an appropriate distance, MSHA considers mine-specific factors in each case. For example, it may not be practical for most working places near the portal (within 300 feet) in a horizontal configuration to have a refuge. However, MSHA believes that, in most cases, a refuge located, for example, 1500 feet from miners on a relatively level surface would be close enough to provide the protection the standard intends.

MSHA is currently accepting comments on this PPL until September 27, 2019.

Related People



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