



Taking the Fight to Coronavirus: What Mine Operators Need to Know about HazCom

Insights

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With fear of the COVID-19 coronavirus gripping the nation, many employers – including mine operators large and small – are trying to keep their workforce safe and their businesses running as smoothly as possible. But along with the steps you might take to ensure its business as usual, you might also need to implement a hazards communication protocol in order to stay on the right side of the law.

The U.S. Environmental Protection Agency (EPA) recently released a list of disinfectants that can be used by employers against the COVID-19 coronavirus to combat its spread. However, before adding a new disinfectant to your mine’s cleaning arsenal, operators should be aware of the requirements of the Hazard Communication standard (HazCom) at 30 C.F.R. Part 47. HazCom is intended to reduce injuries and illnesses related to chemicals on mine sites and applies to any operator producing or using a hazardous chemical to which a miner can be exposed under normal operating conditions or in a foreseeable emergency. HazCom requires each operator to identify the chemicals at the mine, determine which chemicals are hazardous, establish a written HazCom program, and train miners about chemical hazards and appropriate protective measures.

Essentially, HazCom requires information and training. For operations that do not already have a HazCom program, compliance is not difficult to achieve. Here are some basic steps to follow:

- Inventory the chemicals at your mine and determine which are hazardous;
- Keep a list of the hazardous chemicals;
- Establish a written HazCom program;
- Prepare a label and Safety Data Sheet (SDS);
- Make sure that containers of hazardous chemicals are labeled;
- Keep SDSs for the hazardous chemicals at your mine;
- Train your miners on your HazCom program and the hazardous chemicals to which they can be exposed; and
- Allow your miners to look at the HazCom information you have and give them a copy if they ask.

Once you have taken an inventory of the chemicals at the mine, you must determine which of them are hazardous. Some chemicals are physical hazards – they can cause injury and may be flammable, explosive, unstable, or react to contact with water. Other chemicals may be health hazards – they can cause illnesses with symptoms appearing immediately or after exposure over time.

However, there are two classes of exemptions to HazCom requirements: chemicals exempt from HazCom, and chemicals exempt from labeling. One of the most common exemptions from HazCom is the consumer product exemption. Basically, an ordinary consumer product is exempt from HazCom if it is used as the manufacturer intended, and it does not expose a miner for longer than an ordinary consumer.

For example, if a mine uses window cleaner to clean windshields, and an equipment operator uses the cleaner 2 or 3 times per shift, the cleaner could be exempt because it is used as an ordinary consumer would use it. However, if this same window cleaner were used to clean windows, mirrors, and other surfaces all day long by a cleaning crew, the cleaner could be considered a hazardous chemical because the cleaning crew would be exposed to the cleaner for a longer time than an ordinary consumer would be. This is an important point as some operators believe if they use an ordinary bottle of bleach, they would fall into the consumer product exemption; however, prolonged use of that ordinary bleach may trigger HazCom.

Other exemptions include manufactured goods such as plastic and metal objects, conveyor belting and tires, materials that do not release significant amounts of a hazardous chemical, and personal items like tobacco products, drugs, or cosmetics if they are packaged and labeled for retail and intended for a miner's personal consumption or use.

Any operator purchasing a cleaning product for use at the mine should check the product's label and SDS because they will state if the chemical poses a hazard. A label is an immediate warning about a chemical's most serious hazards. Make sure containers of hazardous chemicals are marked, tagged, or labeled with the name of the hazardous chemical and appropriate warnings. Mine operators must have an SDS for each hazardous chemical it uses. The SDS must be legible, accurate, and available in the work area where miners are exposed. Operators may also keep the SDS's in a central repository if they are available to miners in an emergency. Operators must keep a chemical's SDS for as long as the chemical is at the mine.

There are two major components to HazCom training: initial training under "new miner" and "newly employed experienced miner" training, and subsequent training (i.e., annual refresher) under Parts 46 or 48. However, you must also train under HazCom whenever a new chemical is introduced into a miner's work area. You should make sure you document any subsequent training like you normally would for any other training under Parts 46 or 48 and keep that documentation for two years.

Combating the spread of the coronavirus is something you will want to take seriously. However, before introducing a new cleaning agent, or using cases of bleach, take appropriate steps to comply

with HazCom. Of course, [your mine safety lawyers at Fisher Phillips](#) are available to answer any questions you may have.

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