



# What Mine Operators Can Expect after the Pandemic: MSHA Will Soon Push Its Regulatory Agenda

Insights

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As the country begins to reopen, many mine operators are contemplating next steps for their own operations. One certainty is that the Mine Safety and Health Administration (MSHA) will continue to enforce the provisions of the Mine Act and relevant regulatory requirements. On its most recent stakeholder call, MSHA very briefly mentioned the COVID-19 pandemic, acknowledged there is no MSHA specific guidance forthcoming from the agency, and moved right into a discussion of the next target for rulemaking: [Safety Improvement Technologies for Mobile Equipment at Surface Mines, and for Belt Conveyors at Surface and Underground Mines.](#)

MSHA published a Request for Information (RFI) on June 26, 2018, seeking information on technological improvements for powered haulage equipment. The agency justified the potential for a rule by citing an increase in fatalities from accidents involving equipment at surface mines, and belt conveyors at surface and underground mines since 2007. The comment period for the RFI closed December 24, 2018. Now, we wait for MSHA to issue a proposed rule regarding a potential safety program for mobile equipment at surface mines and surface areas of underground mines.

We have heard reports that the current administration has told administrative agencies to pursue their current regulatory agenda before the November election. For this reason, MSHA is pushing rulemaking and may soon publish a Proposed Rule on powered haulage – including surface mobile equipment.

Here is what you can expect to see. The proposed rule will focus on three areas: mobile equipment at surface mines and surface areas of underground mines; seat belts; and conveyor belt safety. The proposed rule will require operators to incorporate current technologies used in other industries into their operations.

## Mobile Equipment

Surface mining vehicles can be several stories tall and can destroy smaller vehicles that cannot be seen by the operator. Traffic controls, training, and avoiding distractions are key to enhancing safety. Collision warning and avoidance systems can also help. The proposed rule would attempt to eliminate or reduce equipment collisions with other equipment and equipment collisions with pedestrians by requiring the development and implementation of collision warning systems (CWS) and collision avoidance systems (CAS).

According to MSHA, collision warning systems provide equipment operators with an awareness of the location of nearby personnel, light vehicles, stationary structures, and other pieces of equipment. This can be accomplished through display screens in the operator's compartment and through audible and visible alarms. Collision avoidance systems operate the same as a CWS, but the CAS can take control of the mobile equipment to slow down or stop it before an accident can occur.

These types of systems can use GPS to track equipment in relation to one another can be used to set virtual boundaries that only certain equipment can operate within. Radar and ultrasound systems can be used to allow mobile equipment to detect other equipment and pedestrian traffic in the work area. And cameras could be employed to display video feed from blind spots around the equipment.

### **Seat Belts**

MSHA engineers estimate that three to four miners' lives could be saved each year if adequate seat belts were provided and worn. Warning systems such as chimes can remind drivers to buckle up, while interlock systems can prevent the vehicle from moving if the belt is unbuckled. The proposed rule will most likely require the use of engineering and administrative controls to engage the workforce and increase the use of seatbelts.

Engineering controls include the use of an active control device – disabling equipment until the operator attaches the seatbelt. Administrative controls include miner training, warning lights and audible devices reminding operators to buckle up, external alerts showing the operator has buckled up, and supervisory oversight to ensure workforce is wearing seatbelts.

### **Conveyor Safety**

MSHA also states that belt conveyors and their components pose serious risks to miners working on or around them. The proposed rule will most likely require additional guarding installed on a conveyor system and procedures outlined in a safety program emphasizing locking out a belt prior to performing maintenance on it.

### **Conclusion**

With so much of our focus currently on pushing through the COVID-19 response, it can be hard to think beyond the immediate challenges of protecting your miners and working safely. Additional regulation seems like the last thing our industry needs right now. However, the pandemic will end, and mine operations will be getting to business. The time to prepare for that day is now.

Operators should take stock of your current operations and forecast how much a potential rulemaking would impact you. For example, what resources do you have in place for adding proximity detection to current fleets? Do your seatbelts already have warning devices or systems that prevent movement of the equipment if they are not used? We will probably be seeing new requirements along these lines, and the more you can prepare for those changes now, the easier time you will have transitioning to any new rule MSHA promulgates.

Your mine safety and health team at Fisher Phillips will keep you updated on any developments with the proposed rule as they arise.

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