

<u>DIVISION OF MINES GUIDELINES FOR APPLICATION OF REGULATORY STANDARDS MANUAL</u>	
<b>COAL MINE SAFETY ACT</b>	<b>CHAPTER 14.2</b>
<b>ARTICLE 1</b>	<b>GENERAL PROVISIONS</b>
<b>Issue Date: 4/10/00 Revised Date: 9/30/02</b>	<b>Page 1 of 1</b>

**Section 45.1-161.8, 45.1-161.28 through 161.30**      **Operator/Independent Contractor  
(Examinations and Record  
Keeping)**

Determining responsibility for mine examinations and record keeping within the working relationship of mine operators and independent contractors.

The MSA defines an independent contractor as an operator. It also sets out the responsibilities of the operator. Thus, each independent contractor must meet all operator requirements specified within the MSA governing the performance of required examinations and the maintaining of all required records as they relate to work at the mine site.

- Any examination or inspection required by the MSA of equipment, areas or facilities performed at a licensed mine site by an independent contractor, that requires a record and is directly related to the health and safety of any person(s) working at that mine site, must be recorded **by the person conducting the examination or inspection** and maintained at that site by the operator.
- If an independent contractor is responsible for specific tasks or duties, then it is the responsibility of the independent contractor to maintain the appropriate records and to have them available for inspection. If the licensed operator is the responsible party, then it is the responsibility of the licensed operator to maintain the appropriate records.
- Any examination or inspection required by the MSA and performed by an independent contractor at or away from the mine site involving equipment used at the mine site by the independent contractor that is separate and independent from equipment examined and inspected by the operator or his agent, must be recorded. The records must be maintained with the person and/or equipment where used, or otherwise maintained at the mine site. Examples include daily off-site pre-operational checks of trucks used at mine sites; examination and inspection of battery powered 3-wheelers used by survey crews; other equipment brought on the licensed mine site for the purpose of performing work.

- Any independent contractor employed by a mine operator must use employees who meet all certification standards required by the MSA for any task, examination or inspection required to be performed by certified persons.