

DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINERAL MINING

COMMUNICATION MEMORANDUM NO. 02-99

July 16, 1999

REFERENCE: Mineral Mine Safety Laws of Virginia 1998 Edition—Section 45.1-161.292:2. Definitions.

"Independent contractor" means any person that contracts to perform services or construction at a mine.

Mineral Mine Safety Laws of Virginia 1998 Edition—Section 45.1-161.292:32.A.3. Application for license.

No application for a mine license or a renewal shall be complete unless it contains information about each independent contractor working at the mine: (i) the independent contractor's trade name, business address and business telephone number; (ii) a description of the nature of the work to be performed by the independent contractor and where at the mine the work is to be performed; (iii) the independent contractor's MSHA identification number, if any; (iv) the independent contractor's address of record for service of citations and other documents; (v) the names and addresses of persons with overall responsibility for operating decisions; and (vi) the names and addresses of persons with overall responsibility for the health and safety of employees;

Mineral Mine Safety Laws of Virginia 1998 Edition—Section 45.1-161.292:32.C. Application for license.

Within thirty days after the occurrence of any change in the information required by subsection A, the licensed operator shall notify the Department, in writing, of such change.

INQUIRY: Mineral mine operators have asked questions regarding which contractors must be reported as part of the mine license application, what information must be reported, who must report contractor information and when the information must be reported.

REVIEW: The law requires that information on all independent contractors be reported.

An independent contractor is any person that contracts to perform services or construction at a mine.

A wide variety of vendors provide totally mine related services, while others provide general services not specific to mining.

The law is very specific with regard to the information that must be reported. Only the information specified in the law is requested by DMM.

A mine license application or renewal is incomplete and cannot be issued unless all contractor information is provided.

An application for a mine license shall be submitted by the person who will be the licensed operator of the mine. Contractor information is an integral part of the mine license application or license renewal application.

Changes in the license information, as specified in Section 45.1-161.292.32.A, must be reported to DMM in writing by the licensed operator within 30 days of the change. Contractor information is included in 45.161.292.32.A.

DIVISION

DIRECTIVE: All contractors that are involved in mining, processing, plant construction, equipment fabrication, equipment repair, grounds management, land clearing for mine related purposes, facilities repair or maintenance, explosives use and delivery, etc. must have contractor information reported to the Division of Mineral Mining. Examples of non-reportable contractors would be those associated with non-mine related activities such as mail or parcel carriers, drink or snack vendors, rental uniform services, persons performing cleaning or routine maintenance of the mine office, portable toilet services, fuel and lubricant delivery services **unless** they dispense directly into the equipment or into tanks that are exposed to mine hazards and grounds management workers **unless** they are working in areas that are exposed to mine hazards.

The law at Section 45.1-161.292.A.3 clearly specifies the information that must be reported for each contractor.

The licensed mineral mine operator must provide the information to DMM. It is not the contractor's responsibility to provide the information to DMM. The contractor information is part of the license application and renewal requirements and must be submitted by the "person who will be the licensed operator of the mine". DMM has developed a form to assist operators in providing contractor information. A copy of the optional Contractor Identification Form is attached for your use. You may copy the form as needed.

Some contractors enter and work on the mine on an ongoing routine or intermittent schedule throughout the year. Those contractors must be reported in the license application or license renewal. If they are reported with the license application or renewal, you will not need to notify DMM each time they come to work on the mine site or leave the mine site. If the licensed operator terminates his relationship with a service contractor that has been reported to DMM, he must notify DMM within 30 days.

When renewing the mine license, the licensed operator must provide a list of contractors and all of the specified contractor information as part of the renewal application. Contractors that were associated with a mine in the previous year but are not listed on the license renewal will be removed by DMM from active association with the mine. In this manner, DMM will be able to maintain a current list of contractors associated with a specific mine. These active contractors will, from time to time, receive mailings and safety information from DMM.

Contractors that are not pre-scheduled, not normally expected to work on the mine site during the year and are not reported on the mine license or license renewal application must be reported to DMM within 30 days after they begin work on the mine site. If the contractor completes his work on the mine in less than 30 days, both the starting and ending date can be shown on the "Date contractor began work on the mine" line of the Contractor Identification Form.

If the contractor works on the mine for more than 30 days, the contractor information must be provided within 30 days after they begin work at the mine. When the contractor completes his work at the mine and is no longer associated with the mine, the licensed operator must notify DMM, within 30 days, that the contractor is no longer associated with the mine.

ATTACH-
MENT:

DMM-166, Contractor Identification Form

CONTRACTOR IDENTIFICATION FORM

Section 45.1-161.292.32 of the Mineral Mine Safety Laws of Virginia requires that the applicant for a mine license include information about contractors working at the mine and keep the information current by reporting any change within 30 days. This sheet may be attached to the License Renewal Application in response to Question 4.

Licensed Operator Information

COMPANY _____ **PERMIT #** _____

Location at mine where work is to be done _____

Date contractor began work on the mine _____

Date contractor information was provided to the Division of Mineral Mining in writing _____

Person who provided the information _____

SIGNATURE OF LICENSED MINE OPERATOR

DATE

Contractor Information

Contractor's Trade Name _____

Business Address _____

Business Telephone Number _____

DMM Contractor # _____ Contractor's MSHA Identification # _____

(Note: Not all contractors are required to have a DMM Contractor ID or MSHA ID number. This information should be provided if applicable.)

Address of Record for Service of Citations and Other Documents _____

List services to be provided to the mining company:

Contractor person with responsibility for operating decisions:

Name

Address

Contractor person responsible for health and safety of employees:

Name

Address

