

30 CFR § 45.4 - Independent contractor register.

(a) Each independent contractor shall provide the production-operator in writing the following information:

(1) The independent contractor's trade name, business address and business telephone number;

(2) 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;

(3) The independent contractor's MSHA identification number, if any; and

(4) The independent contractor's address of record for service of citations, or other documents involving the independent contractor.

(b) Each production-operator shall maintain in writing at the mine the information required by paragraph (a) of this section for each independent contractor at the mine. The production-operator shall make this information available to any authorized representative of the Secretary upon request.

Program Policy Manual

45.4 Independent Contractor Register

30 CFR 45.4(a) requires independent contractors to provide production-operators with minimal information necessary to the conduct of an MSHA inspection. 30 CFR 45.4(b) requires production-operators to maintain this information in written form at the mine, and to make the information available to an inspector upon request.

In order to accomplish this purpose, both the independent contractor and the production-operator have responsibilities under Section 45.4(a). In the event that an independent contractor refuses to provide the production-operator with the necessary information, the contractor is subject to citation for failure to comply with Section 45.4(a). In addition, if a production-operator refuses to make the necessary information available to the inspector, he or she is subject to citation for violation of Section 45.4(b).

However, there may be instances where the information required by Section 45.4 is not immediately available due to an inadvertent omission which is quickly corrected. For example, where contracts are kept at the mine's central or headquarters office, and a particular independent contractor has begun work on the mine property without the knowledge of the local mine, the inspector should consider all factors relevant to the particular case. If the necessary information can be secured in a reasonable time, no violation for failure to keep an accurate register should be found to exist.

In all cases, it should be kept in mind that Section 45.4 is intended to give the inspector sufficient information so that a fair and efficient inspection can be made. If that information promptly is made available to the inspector so that this goal can be accomplished, then there is no violation of Section 45.4.

PART 46 Training and Retraining of Miners Engaged in Shell Dredging or Employed at Sand, Gravel, Surface Stone, Surface Clay, Colloidal Phosphate, or Surface Limestone Mines

46.1 Scope

General Section 115 of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 46 require operators to have an approved training plan under which miners are provided training. Part 46 training plans are considered "approved" if they contain, at a minimum, the information listed in § 46.3(b). Plans that do not contain the minimum information listed in § 46.3(b) must be submitted to MSHA for approval.

Compliance Responsibility

Each mine operator is responsible for complying with all applicable provisions of Part 46. Therefore, operators are required to provide all required miner training.

Independent contractors working on mine property must comply with the requirements of Part 46 (see "§ 46.12 Responsibility for Independent Contractor Training"). This includes developing their own training plan that meets the minimum requirements of Part 46 and providing appropriate training.

30 CFR § 46.12

Responsibility for independent contractor training.

(a)(1) Each production-operator has primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training under § 46.11 of this part.

(2) Each production-operator must provide information to each independent contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with our regulations, including the requirements of this part.

(b)(1) Each independent contractor who employs a miner, as defined in § 46.2, at the mine has primary responsibility for complying with §§ 46.3 through 46.10 of this part, including providing new miner training, newly hired experienced miner training, new task training, and annual refresher training.

(2) The independent contractor must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine.