

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Public Input in Development of Program Policy Letters; Withdrawal of Program Policy Letters**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is inaugurating a process to voluntarily solicit public comment on certain draft policy statements before the statements are final. MSHA also announces the withdrawal of the following Program Policy Letters (PPL): PPL No. P94-IV-2, First Aid Training For Selected Supervisors; PPL No. P94-IV-4, Ventilation Plan; and PPL No. P94-IV-5, Examination of Working Places.

**FOR FURTHER INFORMATION CONTACT:** Marvin Nichols, Administrator for Coal Mine Safety and Health, 703-235-9423, or Vernon Gomez, Administrator for Metal and Nonmetal Mine Safety and Health, 703-235-1565.

**SUPPLEMENTARY INFORMATION:****Public Input in Program Policy Letters**

MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters. These Program Policy Letters are not regulations and impose no new regulatory requirements. The Program Policy Letters are Agency interpretations of what existing MSHA regulations require and explain how regulations work or apply. Program Policy Letters are used by MSHA and the mining community, including mine operators, miners, and equipment manufacturers, as guidance in determining how best to comply with MSHA safety and health regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution both within the Agency and in the public.

The mining community has expressed concerns about MSHA's process for interpreting mandatory standards. MSHA believes that compliance may be improved if the interested public has the opportunity to provide input and so participate in the development of policy.

Accordingly, MSHA is announcing a new process to voluntarily solicit public comment on certain draft Program Policy Letters. MSHA will publish a Notice in the **Federal Register** explaining the need for the draft policy statement and requesting public

comment on the designated draft policy. The public will have a reasonable period of time to comment. This period of time will allow persons time to formulate comments without impeding timely issuance of the policy statement. MSHA also will make efforts to notify interested persons such as company safety directors and miners' representatives directly. This will further assure that those individuals have the opportunity to comment on issues of immediate concern to them and provide MSHA useful feedback from the mining community at large. MSHA will also experiment with other methods of encouraging input from affected miners and operators including public meetings in the mining communities and use of local media outlets. MSHA will consider the public comments before taking final action on the policy statement.

MSHA emphasizes that it is not legally required to submit its draft policy statements for public comment. The Agency has determined as a matter of discretion that public participation in the policy setting process may be beneficial as discussed above. The Agency will select the new or revised Program Policy Letters that it considers appropriate for public comment. Policies which respond to safety and health emergencies or pertain to routine, non-controversial matters will not be considered for public comment. This new process is subject to change by the Agency as experience and circumstances dictate. This policy making process is not rulemaking; therefore, Agency decisions made pursuant to this process are not subject to judicial review under section 101(d) of the Federal Mine Safety and Health Act of 1977. When enforcement actions are taken consistent with a Program Policy Letter they are subject to review by the independent Federal Mine Safety and Health Review Commission.

**Withdrawal of Program Policy Letters**

In initiating the new process for public input to Program Policy Letters, MSHA is withdrawing three recent Program Policy Letters. These Program Policy Letters are PPL No. P94-IV-2 (30 CFR 56/57.18010—First Aid Training For Selected Supervisors), PPL No. P94-IV-4 (30 CFR 57.8520—Ventilation Plan), and PPL No. P94-IV-5 (30 CFR 56/57.18002—Examination of Working Places).

Two of those Program Policy Letters (First Aid Training for Selected Supervisors and Examination of Working Places) are the subject of notices soliciting public comment

elsewhere in this edition of the **Federal Register**.

Dated: February 16, 1995.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 95-4340 Filed 2-16-95; 4:31 pm]

BILLING CODE 4510-43-M

**First Aid Training for Selected Supervisors**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is voluntarily requesting comments on a draft Program Policy Letter concerning first aid training for selected supervisors which is required by 30 CFR 56/57.18010.

**DATES:** Written comments must be submitted on or before April 10, 1995.

**ADDRESSES:** Send written comments to Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703-235-9173. Commenters are encouraged to send comments on a computer disk along with their original comments in hard copy.

**FOR FURTHER INFORMATION CONTACT:** Richard H. Judd, Mine Safety and Health Specialist, Metal and Nonmetal Mine Safety and Health, 703-235-8480.

**SUPPLEMENTARY INFORMATION:** MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPLs). These PPLs are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPLs do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPLs are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution.

To increase public participation on selected draft PPLs, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the PPLs. By this notice, MSHA is requesting comments on a draft PPL concerning first aid training for selected supervisors, as required by 30 CFR 56/57.18010. These standards were first promulgated as advisory standards in July 1969 and became

mandatory in August 1973. MSHA will consider all timely submitted comments before taking final action on the PPL.

### Draft Policy

#### Background

Standard 56/57.18010, First Aid Training, states, "Selected supervisors shall be trained in first aid. First aid training shall be made available to all interested employees."

The intent of the standard is to provide first aid capability at each mine so that timely and appropriate treatment may be given in the event a miner is injured. Questions raised by industry and labor indicate that compliance and enforcement guidance is needed to clarify the requirements of the regulation. In a recent five year period, more than 2,200 violations of the standard have been cited. Many of these citations were issued under circumstances where no one at the mine site had been given first aid training. Therefore, MSHA is considering issuing a PPL on this subject. It is MSHA's policy that a sufficient number of supervisors must be selected and trained to ensure that a responsible person is available to administer first aid at the mine site on all working shifts.

#### Selected Supervisors To Be Trained

Selected supervisors can include shift bosses, foremen, superintendents, or other designated individuals in a supervisory position. In order to provide first aid assistance to sick or injured employees, trained supervisors should be selected to provide coverage on each working shift.

#### Course Content

The word "trained" refers to a performance capability. A person trained in first aid must be able to provide the necessary level of treatment consistent with accepted first aid practices. The first aid course for supervisors, therefore, should include, at a minimum, the following fundamental topics which are consistent with those of nationally recognized courses: patient assessment, artificial ventilation, control of bleeding, control of shock, wounds and dressings, burns and scalds, musculoskeletal injuries, and handling and transportation.

#### Accepted Courses

Training courses which include the fundamentals identified above, and are sponsored or sanctioned by a recognized organization (American Red Cross, National Safety Council, etc.) meet the requirements of 30 CFR 56/57.18010. First aid training conducted by MSHA-

certified instructors also meets the requirements of the standard, provided that the topics, as detailed above, are included in the course. 30 CFR Part 48 training requirements address only a limited form of first aid training for all miners and, therefore, is unacceptable for compliance with 30 CFR 56/57.18010.

A certificate of course completion provided by the trainer or the recognized training organization, or a written statement by the mine operator certifying course completion, will serve as evidence to MSHA of current training.

#### Refresher Training

In order for first aid capability to remain effective, it is necessary for persons who have received the training to maintain an adequate competency level and, thus, remain "trained." Refresher training prevents the loss or diminution of competency over a period of time. When a recognized course is used to comply with the standard, retraining should be conducted within the recommended frequency and course content established by the providing organization.

#### Availability Of Training For Employees

Availability of training for interested employees may be announced by posting the course schedule on the mine bulletin board, or by notifying employees through other means. The course should be given at a location and time convenient to employees.

Dated: February 16, 1995.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

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### Examination of Working Places

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is voluntarily requesting comments on a draft Program Policy Letter concerning examination of working places which is required by 30 CFR 56/57.18002.

**DATES:** Written comments must be submitted on or before April 1, 1995.

**ADDRESSES:** Send written comments to Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703-235-9173. Commenters are encouraged to send comments on a computer disk along

with their original comments in hard copy.

**FOR FURTHER INFORMATION CONTACT:** Roderick Breland, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, 703-235-8480.

**SUPPLEMENTARY INFORMATION:** MSHA updates its policies for enforcement of safety and health regulations through Program Policy Letters (PPLs). These PPLs are Agency interpretations of what existing MSHA regulations require; they are not new regulations. Therefore, PPLs do not impose new requirements, but explain or clarify how regulations work or apply in a particular situation. These PPLs are used by MSHA inspectors, miners, mine operators, and mining equipment manufacturers as guidance in determining how best to comply with MSHA regulations. Once adopted, the policy statements are published in the MSHA program policy manual and given wide distribution.

To increase public participation on selected draft PPLs, MSHA is voluntarily requesting comments and suggestions from the public, especially from people who would be directly affected by the PPLs. By this notice, MSHA is requesting comments on a draft PPL concerning examination of working places, as required by 30 CFR 56/57.18002. These safety standards were first promulgated as advisory standards in July 1969 and became mandatory in August 1979. MSHA will consider all timely submitted comments before taking final action on the PPL.

### Draft Policy

#### Background

Standard 56/57.18002, Examination of Working Places, contains the following requirements:

(a) A competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. The operator shall promptly initiate appropriate action to correct such conditions.

(b) A record that such examinations were conducted shall be kept by the operator for a period of one year, and shall be made available for review by the Secretary or his authorized representative.

(c) In addition, conditions that may present an imminent danger which are noted by the person conducting the examination shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

The intent of the standard is to require regular close examination of the total mining environment to find and eliminate potential hazards caused by