

NOTES FROM MSHA WORKSHOP HELD MAY 24TH- These are notes indicating areas of discussion and are NOT intended to be a full or formal transcript. They are intended to be informational in nature and offer some guidance when considering these issues or MSHA standards and policies. They are NOT intended to prevent or suggest compliance strategies and the ability to prevent a citation from being issued.

- **Rules to Live By:** New MSHA Guidelines (EFS Brochure distributed) that focus on the most frequently and repeatedly cited standards. Consequently, these standards are getting a “special focus” to reduce or eliminate causes that result more frequent citations, injuries or incidents. *Key ways to be successful here: “Identify what the hazard is”, “Take the hazard away”, Use alternate tools or methods to eliminate the hazard.*
- **14205 Machinery, Equipment and Tools:** Need to prove manufacturer never intended the use in question or used in that manner. Tools and materials must be used within their design capacity. In some cases an engineering report may be necessary if a tool or materials are being used outside their original intended purpose. I.E.: tooth in a crusher- crusher and components has its own design standards, may need to have engineer to certify use of components or substitutions, designs usually have their own manufacturer procedures in place.
- MSHA discourages; make it up, ad hoc practices, improperly built attempts or modifications that are not designed accordingly. IE: Blocking and cribbing
- Identifying Hazards: Understand and know the plain language of the standards
- “Put 2 things between you and an accident: 1) Pretend it happened before 2) put notice or emphasis in areas where accidents have happened or can happen”
- **14207 Parking procedures for unattended equipment:** Every vehicle that has a parking brake **MUST** have it be set, even on level ground when the vehicle is parked.
- Not every motorized vehicle has a parking brake (Loader, blade excavator, ripper etc) so equipment must be positively parked IE: parked in swale, against a berm. Review manufacturer recommendations to properly park equipment as recommended. Use proper blocking devices when parking on a grade. Block at all times when on a grade.
- Neutral test: Operator should stop equipment, park, put in neutral, Release the brake and wait to determine equipment will not move. If it moves chock / block it
- Pt 46 site specific points: signage- (changes intimated here, that “existing signage will not fly”) Although the use of signs is acceptable to spell out your site specific hazard awareness information, a means to show a person has received training and understands the rules i.e. sign a form or roster is needed to prove the training has been provided.
- In reviewing citation consideration, agency does and suggests that operators should also become familiar with the **Intent AND History of the standard.** This is found in the notes and background description of the standard when adopted. The Federal register contains these notes per the standard and describes how and why they were discussed, developed and eventually adopted. Cain noted that Industry representatives participated in this process.
- **15005 Safety Belts and Lines-** Circumstances dependent

- **56.16009-Suspended loads and Deliveries:** instances, injuries and fatalities occurring due to delivery driver complacency Persons shall stay clear of suspended loads. At no time should anyone position themselves under/ next to suspended loads. Use Tag Lines!
- **High wall:** not a big problem in this District, most operators have gotten the message. Operator should identify the nature of the wall, equipment working in the area, bucket should never reach higher than it can scale, no falling objects, and keep equipment under control at all times. Prefer dislodging material from the top down..... not bottom up as that method creates a toe undermining of the slope, disturbance or slide potential.
- **Writing proper citation:**
 - Operator should be proactive on what they have done to offset the potential for a coalition, eliminate hazards, take credit for what you have done and provide examples to inspector. This history is considered in citation severity. *“Identify yourself as a good player, create a safety summary sheet of operator efforts”*.
 - DO take advantage of the close out conference at the end of an inspection, have the discussion with the Inspector. Citation changes from NON SS to SS- why? Dependent on high likelihood of occurrence, should discuss citation with inspector, provide full details so inspector has full details when discussing with supervisor.
 - Conferences: *“operator can “request” agency can “deny””*
- **Return Roller Guarding:** Local facility pictures reviewed. Guarding review is circumstantial. 5 fatalities in 10 years *Per 14107A: RR are considered “moving machine parts”*
- Are blade style guards adequate ? At this point in time, if installed properly, adjusted properly (gaps between belt and roller) and protect the RR, *“it will be acceptable”* Guard in its entirety (full length of the roller) is recommended. Ask if there is an *“entanglement hazard”* ? *“Homemade blade guard OK”*



- Guarding considerations within in the framework; may need a side guard or in a work or travel area of exposure. GAPS + hazard = potential Guard within 7ft area, is the norm BUT consider the reach of a worker that is 6ft 8 inches- adjust height accordingly.



- Hazards can be identified as accidental, inadvertent, or deliberate contact within moving part or pinch point. Can contact and injury occur? *“An inspection is only a glimpse in time”* Hazard within framework should have a side guard.
- If you are unsure if a citation exists can you ask an inspector IF? Per Joe Main- Asst. Secretary of Labor- *“Inspectors have NO authority to put you on notice during an inspection”*. (IE: can't provide hints, hey fix this for me etc)
- Trough roller = skirt guard



- Land conveyors- Identify work or travel areas. Guarded needed when: IE: electrical box on frame: identifies area as a work or accessed area, side guard should be installed to isolate area in which someone might work within IE: 8 ft on either side of box. *“Identify area of worker activity, identify a reasonable exposure area”*. Footprints alongside conveyor would indicate travel way
- **HORN: 56.14200: Warnings PRIOR to starting or moving equipment.**
- Prior to start / or moving equipment, self propelled, must give an audible warning above surrounding noise levels applies to operators in pit areas,
- You should have visitors and vendor's sign off they have been trained or advise of your site specific policy.
- Alternative other effective means to horn: walk around equipment prior to start up, check blind spots, >> otherwise sound horn and move.
- *Rule of thumb*: *“once as vehicle is in motion- stops longer than approx 30 seconds an audible warning should be made”*. Consider activity and the need to sound a warning. Standard and enforcement would be like: *needing a warning before a crusher starts up, clear an area away from the equipment*
- *“This is in addition to back up alarms”*. *Exception might be if the stopping or slowing of equipment is considered part of continuous travel, no horn or audible warning required*
- Site must control visitors. Consider providing a vendor or visitor card indicating they have been trained to this site requirement / company policy
- Approaching a scale or coming off scale- may be considered *“part of continuous motion”* BUT I would expect inspector challenges and gray areas to this.