



New Mexico Tech

NEW MEXICO BUREAU OF MINE SAFETY

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September 2011 Newsletter

Guest Article

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(certified mine safety professional) is President of Leadership, Safety and Health for Bowen Industrial Contractors, Inc. He is a founding father of the International Society of Mine Safety Professionals (ISMSP) and has actively participated in mining and construction for 44 years. H. L. is known worldwide for the "safe production process" he developed. He routinely presents this process at mining safety and health conferences to encourage others to unite with him in his passion of ZERO incidents in industry. We are honored to have H.L. provide this month's guest column!



MINER'S RIGHTS AND RESPONSIBILITIES UNDER THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

A miner is anyone working in a mine including contractors. All miners regardless of position or title have equal rights. It is our responsibility to ensure these rights are respected and protected.

In the mining community, we teach miner's rights. However, I question how many of us have set down and read the booklet to gain a complete understanding of the content.

Miner's rights are designed for the overall protection of our employees. Any mining company has a right to conduct their business as they choose provided they are properly protecting their people according to the Act.

Let's review the list of miner's rights:

The right to have a representative of the miners accompany Federal inspectors during inspections at a mine.

A company that consistently follows the correct process and steadfastly protects their people to their full capability, never views an

MSHA inspection as anything more than another set of trained eyes ensuring the safety of their employees.

Involvement in inspections by employees is an invaluable investment in their company. This experience builds safety awareness and allows the employee an objective insight into the purpose of regulatory inspections. Often there is a misconception that inspections are negative and fault finding. The opportunity to participate should resolve such notion clarifying that inspections are about fact finding.

The right to obtain an inspection of the mine where there are reasonable grounds to believe that an imminent danger, or a violation of the Act or a safety or health standard exists.

This is essential to the success of any company. The voice of the working population must be heard to ensure effective communication. Management is duty-bound to encourage employees to report any act, circumstance, situation, etc. that they feel is unsafe. Follow up on that report/concern must be immediate. Without this action, the company places their people at risk. It is our responsibility to correct the behavior or defect and thank the person(s) who brought this matter forward.

Let's focus on the word believed. In any given situation, you must ask yourself why you would want anyone to perform any task that they *believed* was dangerous. Regardless of whether this is perceived as dangerous to one and not to another, it requires respect to accept the right to refuse the work. It is possible that a mere explanation may be all that is required. It may be a lack of knowledge on the part of the operator or in fact, a dangerous situation that was an oversight in an audit or inspection. There is no production worth the

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time it takes to evaluate a concern on the part of the miner. Always ask yourself if you would ask your own son or daughter to do the job if they believed it was dangerous.

The right to pay during certain periods of time when a mine or part of a mine has been closed because of a withdrawal order.

Orders are not caused by MSHA. Our job as miners is to follow the established safety processes and ensure our co-workers do likewise. If we fail to abide by the safety regulations and there is a cessation of work, we must look internally and not at MSHA. The right to compensation by the Act is admirable. However, with such violations of standards for a withdrawal order the focus must be on the lack of safe practices and the root cause of the order.

The right to be protected against discrimination based on the exercise of rights given by this Act.

We want every employee to be involved in the safety and health process. We also want every employee to speak up and speak out when there are safety concerns. This right was established by the Act to protect miners who refused to comply when their employers ordered them to violate a health or safety standard.

The right to receive health and safety training.

The company is responsible to provide the utmost training. A well trained employee is safe and productive. He/she also leads by example. This is the ultimate support any company can give their employee. Excellent training is the incentive that employees take with them throughout their career resulting in forward advancement, cost savings to the company, efficiency, productivity and safety.

This must be the goal of any company you consider working for....to protect the workforce from unsafe conditions that place the

workers at risk and erodes the credibility of the company and ultimately will be its demise due to lack of productivity.

The right to be informed of, and to participate in, enforcement and legal proceedings under the Act.

I doubt any miner takes pleasure in testifying as a witness in an investigation. What we must focus on here is that there isn't a need to testify when we consistently maintain our commitment do things right. When you are performing and following all of the regulations established by your company and MSHA it is highly unlikely there will be any litigation.

Miner's rights are a small sampling of what mining companies must provide their employees. We must **exceed** all of these rights and decrease workplace injuries, illnesses and deaths. It is critical we have open communication. It is my philosophy that all new employees should speak and meet with the highest official on the property during their orientation and be given the expectations from this management person. These expectations need to be carried through all lines of supervision and revisited at a minimum, annually. When was the last time your supervisor or manager reviewed their expectations of you?

Some significant expectations are:

- No job is worth being injured
- Report all unsafe conditions and behaviors
- If you are uncertain whether a job is safe; don't do it
- Speak up and speak out – you may save a life
- Never perform any job/task without being adequately trained
- Always use the "right" tool for the job
- Ask for help if you need it
- Always wear all required PPE
- Lead by example
- You are accountable and responsible for your actions
- We correct to protect



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- Work areas and equipment must be clean and free of defects
- Follow up on all concerns

This is the beginning of taking care of our miners. Management has an obligation to uphold these expectations just as the employee must comply with them. Together we take one more bold step to ZERO injuries, citations, production problems, and discipline concerns.

Yours in Safe Production,
H. L. Boling, CMSP

Flyrock

The picture on the left from the latest edition of Explosives Engineering magazine reminded me of an experience at the Edna Mine while I was Resident



Figure 6. Example of Major Damage to a Vehicle from Flyrock.

Engineer there. Our blasting foreman's pickup was down and he borrowed the Mine Manager's brand new PU to go out and set off a parting shot. The end result was much like this picture with a large piece of Flyrock coming through

the windshield and seat. The foreman was very fortunate and was not injured. He still felt fortunate but not as much so after the Mine Manager was done with him.

The following is taken from that fine article in Explosives Engineering Magazine (July/August), written by Harry Verakis:

Flyrock is the second leading cause of all blasting related injuries in surface coal, metal and non-metal mining operations. It is also a primary cause of property damage, monetary losses and near misses....Flyrock incidents continue to occur result-

ing in fatalities and near misses that could have caused fatalities.

Controlling flyrock during blasting operations is critical. So is shot clearing, perimeter control and making sure that the perimeter is large enough. Some good information on blasting safety including flyrock safety and control, can be found on the US-MRA web site:

<http://www.usmra.com/repository/category/Blasting/index.asp>



Environmental Hazards

The above picture was taken at a mine site in Nevada. In New Mexico, we still have quite a period of hot weather remaining this year. Lots of us will be seeking shade on those hot afternoons, including our reptile friends. Take a little time to check those shady areas before stepping or reaching. This is one more reason to do an equipment walk around!

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Training

The current Training Schedule through October can be found on our web site:

<http://www.bmi.state.nm.us/navTrng.htm>

Please take time to look it over. To schedule a class, please call Chris at (505) 553-1535. Remember that September training is offered at no charge.

New Mexico Mining Safety Board

The New Mexico Mining Safety Board met in Socorro on May 4th. The meeting initiated discussions on modifying regulations dealing with emergency notification requirements. These discussions will continue at the next meeting scheduled for 10 AM, September 15th in Albuquerque at the Workman's Comp Administration. The MSB would like to welcome its newest member Howard Bartoo. Howard is President of Bartoo Sand and Gravel out of TorC, NM. Howard will represent New Mexico aggregate producers.

2012 New Mexico Mine Health and Safety Conference

The 2011 NMMHSC was a great success. We had 170 attendees that attended our most exciting program yet for our 4th annual conference. Our ***Focus 24-7*** theme featured topics on health and off the job safety. We are busy planning for our 2012 conference to be held April 30, May 1 & 2, 2012. Our next planning meeting will be September 22nd in Socorro at the Bureau of Mine Safety. Our theme is ***"Your Path To Success"***. Please contribute your thoughts or efforts to the conference and consider joining the committee.

Mine Health and Safety is



In New Mexico!