

JULY 20, 2021 | MSHA LEADERSHIP, RULEMAKING & STANDARDS

MSHA Announces Powered Haulage “Stand Down for Safety Day” with Enforcement Initiative & Rulemaking Ongoing

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MSHA recently announced that today, Tuesday, July 20th, is national *Stand Down for Safety Day* focused on bringing greater recognition to the hazards associated with *Powered Haulage* on mine sites. As the impetus for the safety day, MSHA cites nine fatal injuries this year, which it has attributed to powered haulage, and references 185 miners who have sustained injuries to date due to powered haulage, according to MSHA injury recordkeeping. [See MSHA Press Release on Powered Haulage Safety.](#)

As part of the *Stand Down for Safety Day*, MSHA intends to send enforcement personnel out to mine sites with the specific purpose to “emphasize the need for adhering to best safety practices for powered haulage, vehicle rollovers, and miner training to reduce fatalities and injuries.” Mine operators should be prepared that MSHA will use this not only as an opportunity to educate the workforce, but also set the stage for its inspectors to closely examine operational compliance with MSHA’s powered haulage regulations for the purpose of issuing enforcement. The enforcement push may or may not happen when MSHA is on-site as part of the stand down, but this will be an area of increased enforcement by the agency. Industry stakeholders were told this much on MSHA’s most recent quarterly stakeholder call.

The *Stand Down for Safety Day* further aligns with a hazard and enforcement area that has been a focus of MSHA for the past few years, continuing from the Trump to Biden Administration. Under Asst. Secretary Zatezalo, MSHA announced annual powered haulage safety and enforcement initiatives dating back to 2018. Additionally, under the Trump Administration, MSHA initiated rulemaking efforts for a new powered regulation targeting surface mines and surface areas of underground mines.

The new rule, if finalized, would require mine operators to establish written safety programs specific to each mine location and outline programs for the safe operation of powered haulage equipment, but does **not** include belt conveyors. This rule, which is in the Proposed Rule Stage and was submitted to the Office of Management and Budget (“OMB”) for review April 29, 2021, is expected to specifically target the use of heavy mobile equipment, such as haul trucks and front-end loaders.

MSHA also developed a new [Powered Haulage Equipment Safety Guidance](#) document, which identified areas or

operation, equipment, and practices that will likely receive much greater scrutiny during MSHA inspection in coming month. The guidance not only identifies best practices, but also links MSHA training materials, related fatality reports, and specific standards which apply to each situation. In the best form of implementation, this is tool to help mine operators review their site for hazards associated with powered haulage, and improve site safety and training. In the worst form, MSHA can argue that this document puts operators on notice that greater care is required in these areas of operation, and such notice could be used to issue citations with greater negligence designations and penalties, and even as unwarrantable failures.

Mine operators should proactively review internal safety procedures regarding powered material haulage, by mobile equipment or conveyor, working to ensure existing safety practices are being followed by employees and adequately addressing potential hazards. If any training is done to reinforce the importance of safe operation with powered haulage, operators should be sure to document what was covered, by whom, and who attended to make sure credit is given for such ardent safety efforts. Additionally, operations should be sure they are promptly correcting any adverse conditions or unsafe behaviors by employees to maintain safety and compliance, as MSHA inspectors will be scrutinizing these areas of operation the next time on site.

If you have any questions about MSHA's powered haulage initiative, regulations or guidance, don't hesitate to contact one of [Conn Maciel Carey's MSHA attorneys](#).