Training Records

How to Ensure Accurate Training Documentation

Your Responsibilities under the Federal Mine Safety and Health Act of 1977

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In the Mine Act of 1977, Congress declared: *The first priority of the mining industry is the health and safety of the miner.*
Sections of the Mine Act that Address Falsification

Public Law 95-164
Nov. 9, 1977

Federal Mine Safety and Health Act of 1977
Section 103

Gives MSHA Authority:

• Right of Entry

• Mandated Inspections

• Obtain, utilize, and disseminate info relating to health and safety conditions, causes of accidents and the causes of diseases

• Determine compliance with mandatory health and safety standards
Section 104

• (g)(1) - Untrained miner withdrawn from the mine

• (g)(2) - No discharge, discrimination or loss of pay if withdrawn under (g)(1)
Part 46/48 Training and Certifications

Strict Liability Standards

Ensure proper training is given

Special Investigations focus on falsification allegations

Can result in criminal penalties
Section 110

110(f) – Fine or imprisonment, or both, for anyone convicted of knowingly making false statements, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the Act.

$250K or not more than 5 years in prison or both
Section 115

- Requires Health and Safety Training Programs for Miners
- Requires Training be Certified
- False Certification Punishable under 110(a) and (f) of the Mine Act
What happens if there is an allegation of falsification?

Section 110
Special Investigation initiated
Fact-finding
Investigations conducted by MSHA Special Investigators

Specialized Training

Impartial/Unbiased

Excellent communicators
What if Investigation Reveals Falsification?

Case referred to Assistant United States Attorney (AUSA)

In the jurisdiction of violation occurrence (State)

AUSA reviews (may request further investigation)
Falsification in the Western District

- Felony Conviction- Idaho; Part 46 United States V. Jason R. Jones (S.D. Idaho)

- Short hours Annual Refresher
- Falsified certificates
- Forged miner’s signatures
- All to avoid a 104a citation for $112
Approved Instructor Status Revoked

And Criminal Penalties Were Recommended- Nevada

- MSHA Approved Instructor teaching outside their scope
- Falsified certificates when no training was provided
- Met a New Miner in local grocery store parking lot and provided Certificate of Training in exchange for cash $$
Falsification by Contractor

Recommended for criminal penalties-California

Cement plant shut-down, requiring 33 contractor employees

Job started one week early - unplanned

Contractor completed certificates without providing training

Mine operator’s safety personnel withdrew untrained miners who alerted MSHA
How to stay out of trouble

• Conduct all required hours of training; even if you complete your program early

• If you haven’t completed required training, be honest

• Do not falsify training records or *any* record required to be kept by the Mine Act

• Scrutinize training vendors

• Ask for help- Educational Field Services and Small Mines are there for you
Our Ultimate Measure of Success

Every Day - Every Shift!

Safety and Health are Values
Have questions or need help?

Please feel free to contact me…

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