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Ohio Administrative Code

Rule 1501:14-2-04 Requirements governing the reporting and investigation of accidents for surface mining operations that are inspected by MSHA.

Effective: February 1, 2024

This rule applies to surface mining operations that are inspected by MSHA.

(A) Accidents requiring reporting.

(1) An accident that is required to be reported to MSHA pursuant to 30 C.F.R. 50.10 shall be reported to the division of mineral resources management, within one hour, once the operator knows or should know that the accident has occurred, by contacting the emergency operations center of the Ohio department of natural resources by telephone at (614) 799-9538.

(2) If the operator thinks that the accident reported under paragraph (A)(1) of this rule did not occur as a result of an unsafe condition or a practice at the operation, then the operator may, within twenty-four hours after the accident is reported, provide the chief with a written explanation of the reason(s) upon which the operator bases such opinion. The operator may provide this explanation by U.S. mail, facsimile, or electronic mail to the attention of: manager, mine safety program, Columbus office, division of mineral resources management.

(B) Injuries and illnesses not requiring reporting. An occupational injury or occupational illness that is required to be reported to MSHA pursuant to 30 C.F.R. part 50, subpart C or D, is not required to be reported to the division of mineral resources management.

(C) Investigation of fatalities and life-threatening injuries.

(1) Upon receipt of notice that a fatality or a life-threatening injury has occurred at an operation, the chief shall conduct an investigation to determine the events surrounding and causes of the fatality or life-threatening injury. To the extent practical, the chief will coordinate the investigation with MSHA.

(2) If the chief conducts an investigation pursuant to this rule, the operator shall, during the

investigation, provide the chief, in writing, the name of the organization identified as the authorized representative of the miners for the operation, if applicable.

(3) The chief shall prepare a report of the investigation, including a determination of whether such fatality or injury occurred as a result of an unsafe condition or a practice at the operation. Within seven days of the completion of the fatality or life-threatening injury investigation report, the chief will provide the operator and, if applicable, the authorized representative of the miners at the operation, with a copy of the investigation report.

(D) Notification of determination to conduct inspections.

(1) If the chief determines that a fatality or a life-threatening injury of a miner has occurred at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief will immediately provide the operator with written notice that the operation will be inspected once every three months for a period of two years for a fatality in accordance with division (C) of section 1514.41 of the Revised Code or that the operation will be inspected once every three months for a period of one year for a life-threatening injury in accordance with division (D) of section 1514.41 of the Revised Code. The notice shall contain:

(a) A citation of the relevant provision(s) of the Revised Code and the Administrative Code that require the inspections;

(b) A statement that the one-year or two-year time frame for the inspections, as applicable, will begin immediately;

(c) The number of inspections the surface mining operation will receive; and

(d) The procedure, pursuant to paragraph (E) of this rule, whereby the operator may request that the chief reconsider the decision that a fatality of a miner or a life-threatening injury of a miner occurred at a surface mining operation as a result of an unsafe condition or a practice at the operation.

(2) If a fatality or a life-threatening injury of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief will, as soon as practicable, conduct a

mine safety inspection of the operation in accordance with sections 1514.41 and 1514.43 of the Revised Code and these rules. A request for reconsideration pursuant to paragraph (E) of this rule will not cause a delay in the conduct of this mine safety inspection.

(E) Reconsideration by the chief.

(1) Within thirty days of receipt of the notification required by paragraph (D) of this rule, a surface mining operator may submit a written request to the chief asking him or her to reconsider the decision that a fatality of a miner or a life-threatening injury of a miner occurred at a surface mining operation as a result of an unsafe condition or a practice at the operation.

(2) Within fourteen days of receipt of an operator's request for reconsideration under paragraph (E)(1) of this rule, the chief will provide the operator and, if applicable, the authorized representative of the miners at the surface mining operation, with written notice of his or her decision.

(3) Within thirty days after receipt of the chief's decision under paragraph (E)(2) of this rule, the operator may appeal the chief's decision to the reclamation commission in accordance with section 1514.09 of the Revised Code. An operator shall not file an appeal with the reclamation commission of the chief's decision that a fatality of a miner or a life-threatening injury of a miner occurred at a surface mining operation as a result of an unsafe condition or a practice at the operation without first requesting reconsideration as provided by paragraph (E)(1) of this rule. The filing of a notice of appeal to the reclamation commission does not operate as a stay of any order, determination, or decision of the chief.