

805 KAR 7:030. Annual retraining for underground and surface miners.

RELATES TO: KRS 351.106, 351.1291

STATUTORY AUTHORITY: KRS 351.106(1), (12), 351.1291(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.106(1) and 351.1291(2) require the Department for Natural Resources to establish an annual miner retraining program. KRS 351.106(12) authorizes the Secretary of the Energy and Environment Cabinet to promulgate administrative regulations necessary to implement KRS Chapter 351. This administrative regulation establishes the requirements and terms of the annual retraining program.

Section 1. Annual Retraining for Underground Miners. (1) A certified underground miner shall receive a minimum of sixteen (16) hours of annual retraining.

(2) At least eight (8) hours of the annual retraining shall:

- (a) Be administered in a classroom;
- (b) Be conducted by a Kentucky certified underground mining instructor;
- (c) Include alcohol and substance abuse education as required by KRS 351.106(1); and
- (d) Be documented on the Mine Safety and Health Administration Form 5000-23 and embossed with the instructor's seal.

(3) The balance of the annual retraining shall be administered in segments of not less than fifteen (15) minutes. Training administered in this manner shall be provided by, or under the direct supervision of, a Kentucky certified underground mining instructor or a Kentucky certified mine foreman. A person who receives annual retraining in this manner shall be notified that each segment is being administered in satisfaction of the annual retraining requirement, and a record of each segment, including dates, duration, subject and attendees, shall be maintained at the mine site until the training form, Mine Safety and Health Administration Form 5000-23 can be completed.

(4) Documentation of completed training pursuant to subsections (1) through (3) of this section shall be made on the Mine Safety and Health Administration Form 5000-23 and shall include the following information:

- (a) Full name of person trained;
- (b) Miner identification number;
- (c) Type of mining operation;
- (d) Type of training received;
- (e) Date training completed;
- (f) Subjects taught in that training;
- (g) Amount of training;
- (h) Signature of instructor;
- (i) Signature of miner; and
- (j) Date of signatures.

(5) After completion of his training, or upon the miner leaving employment with the licensee, the miner shall receive a copy of all of his training records.

(6) The annual retraining courses shall include the following subjects:

- (a) Transportation controls and communications systems;
- (b) Barricading;
- (c) Roof control and ventilation plans;
- (d) First aid;
- (e) Electrical hazards and moving equipment;
- (f) Accident prevention;
- (g) Self-rescue devices;

- (h) Explosives;
- (i) Health and safety standards; and
- (j) Statutory rights of miners and their representatives.

Section 2. Annual Retraining for Surface Miners. (1) A certified surface miner shall receive a minimum of eight (8) hours of annual retraining that shall be administered in a classroom by a Kentucky certified surface instructor.

(2) The training shall be recorded on the Mine Safety and Health Administration Form 5000-23, which shall be maintained on the mine premises.

(3) The retraining shall include the subjects required by KRS 351.1291(2).

Section 3. (1) A person employed as a miner shall complete annual retraining within twelve (12) months from the end of the month of his most recent completed annual retraining requirement.

(2) A certified miner who has had a break in employment as a miner shall be eligible to work if he has successfully completed the annual retraining requirements within the last twelve (12) months.

Section 4. The licensee shall maintain verification of all miner training and certification at the mine premises. (1) The documentation shall include:

- (a) The dates the annual training sessions were conducted;
- (b) The name of the miner; and
- (c) The miner identification number.

(2) Licensees shall maintain documentation of the miners who are no longer employed by the licensee on the mine premises until the requirements of KRS 351.106(10) are met.

Section 5. Incorporation by Reference. (1) The "Mine Safety and Health Administration Form 5000-23", revised October 1983, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Division of Mine Safety, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (3 Ky.R. 797; 4 Ky.R. 173; eff. 10-5-1977; 5 Ky.R. 347; 658; eff. 2-7-1979; 11 Ky.R. 1898; 12 Ky.R. 210; eff. 8-13-1985; 19 Ky.R. 1141; eff. 2-8-1993; 2740; eff. 8-25-1993; 26 Ky.R. 210; 753; eff. 10-13-1999; 1703; 2241; eff. 6-12-2000; TAm eff. 7-6-2016; 44 Ky.R. 686, 1523; eff. 2-2-2018; Crt eff. 6-27-2018.)