

## **MSO Advisory Committee Meeting #1 - Sacramento**

December 18, 2013

(The following is a review of the discussions transcribed from an audio recording which started at 9:30 am)

### **Meeting called to order at approximately 9:00 am:**

Division Opening Remarks (Steve Hart):

Purpose of meeting is to put MSO in good and clear English with Orders that make sense in light of present day operations.

We will try for approx. 75% agreement to reach consensus on any changes.

Standards Board will hold public hearings next year and participants can voice their concurrence or dissent at that time.

Marley Hart and Mike Manieri from the Standards Board were introduced and present during the proceedings.

Next MSO Advisory Committee meeting will be Jan 8, 2014 in Sacramento.

The final draft of the MSOs will be sent to all Advisory Committee members.

### **§6950 TITLE**

SH – Align MSO with new version of Labor Code (LC).

### **§6951 SUPERCEDED ORDERS**

Jerry Fulghum (JF) – MSOs date back to 1913.

### **§6952 PURPOSE**

SH - Unions have been invited to the Advisory Committee to represent all employees.

### **§6953 EXCERPTS FROM THE CA LABOR CODE**

Bill Martin (BM) – LC excerpts are valuable to new miners coming into the State as it makes it easier for these Employers to know what regulations apply. The example of the removal of the Explosive Orders from the MSO was given as possibly creating confusion in regards to all the regulations miners in CA are subject to. Mark Suden (MS) stated it was good to have references. SH – We will re-insert the LC references.

## **§6954 APPLICATION**

MSHA's and Cal/OSHA's dual jurisdiction was discussed and SH mentioned that Raymond Granite is not regulated by MSHA but it is by M&T and M&T doesn't regulate solution mining.

Mike Miller (MM) – Discussion of MSHA inspection of 7 portals at the Sixteen to One Gold Mine and how the inspectors had no underground experience.

Discussion of Cal/OSHA disengagement in 1988.

Discussion of “premises appurtenant to” with many comments from attendees. JF referred to the Definition of a Mine on Page 9, and MS asked about mine related mills and what was the intent of the inclusion of these items into the Order of these mills. Brad Johnson (BJ) suggested verbiage to clarify the Order.

SH – Table issue until next meeting and Division will re-propose new language.

**§6954(a) Note** SH - Delete part of last sentence – Consensus reached.

**§6954(b)** Discussion on this subsection – SH strike-out mine and mine related mills. Changes to clarify when Crane Orders apply. Mike Manieri (MM) stated (c) is unnecessary.

**§6954(c)** Discussion on when MSO apply and when other Orders apply. There was a Consensus on moving subsections (c) & (d) under (b). However, SH stated:

SH – JL and SH will discuss and may delete subsection (c)—will re-propose at next meeting.

## **Break**

## **§6955 SCOPE**

Discussion of prospecting & exploration. SH – staking claims is under MSO if an employee is exposed to a hazard.

SH – SH & JL will confer until next meeting – M&T doesn't want to lose jurisdiction. SH requested language from the group in regards to prospecting and exploration.

SH - Prospecting moved to next meeting.

Discussion on removing all Notes under this section which was agreed to by Consensus.

Division will re-propose language at next meeting.

## **Lunch**

### **§6958 DEFINITIONS**

**Angle of Repose** – much discussion on this definition SH – Division will re-propose at next meeting.

**Approved** – much discussion with BJ referencing 30CFR 7.10 (??) and certification of equivalency. SH was unable to contact MSHA regarding whether MSHA issues Certificates of Equivalency.

### **Auxiliary Ventilation**

Discussion on rigid vs. non-rigid (bagline) duct from MS and BM. “We have to have bagline with auxiliary ventilation.”

Pat Fagen (PF) – There is a conflict with MSHA who has approved bagline in mines.

SH - Table for now—Division will re-propose at next meeting.

### **Berm**

Discussion – Second sentence should be a regulation – Consensus was to remove second sentence.

Discussion - use MSHA’s definition of berm.

SH – Division will re-propose at next meeting.

### **Borrow Pit**

Discussion – add exceptions to **§6955** Scope under (a).

Consensus – Write new language—Division to clarify.

### **Combustibles**

Discussion – This is in the TSO as well and needs to be addressed.

Scott McAllister (SA) agreed to submit a new definition of Combustibles to John L. via E-Mail before next meeting

### **Barricade**

There was discussion on this word which is not in the MSO.

JL will research & make new proposal at next meeting.

### **Competent Person**

Discussion

SH – Division to make new proposal at next meeting.

### **Division**

Clarification discussion –SH - M&T is a Unit in a Division (DOSH) in a Department (DIR)

### **Escapeway**

Change “safety” to “safely”. Then concurrence was reached.

### **Extremely Flammable**

Scott will propose new language prior to next meeting.

### **Fire Resistant**

Discussion and JL to get a definition from Frank (?). SH- replace “gunite” with “shotcrete.” SH – will research regulations to see if fire resistant hydraulic fluid is required in the MSO as it is in the TSO.

Refer to NFPA.

Frank D’Orsi agreed to assist with a new proposal prior to next meeting.

### **Fire Proof**

Replace with “Noncombustible” (Consensus??).

### **Flammable**

Scott will submit new proposal to John L. prior to next meeting.

### **Haulage Vehicle**

Discussion

Use CSO definition and add LHD – Consensus

### **High Voltage**

Discussion: MSHA is at 650 volts & new proposal for MSOs is 600 volts. Old MSO are at 650 volts. Should we leave at 650 or move to the current California standard of 600 volts?

SH – Standards board strongly advises us to agree with existing Title 8 High Voltage Orders, which are at 600 volts. Division will re-propose 600 volts at next meeting.

### **Hoist**

SH - Removed First Class as it is old terminology that is no longer applicable.

SH – Division will propose new language at next meeting.

### **Incline**

Discussion on definition and when an incline is a shaft as a shaft pillar is required by MSO (MS).

SH – Division will make new proposal at next meeting.

### **Jumbo**

Discussion from BM on different types of jumbos.

SH- Division will propose language which will be acceptable.

### **Low Voltage**

SH – At first, we were going to remove this term, but after discussion with Standards Board, the Division will try to propose acceptable language at next meeting.

### **Main Ventilation System**

Discussion – BM says is too restrictive and implies piping is required.

SH—Division will propose new language at next meeting.

**Meeting Adjourned at 4:00 pm**