

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
POLICY AND PROCEDURES MANUAL**

**CERTIFICATION OF
SAFETY
REPRESENTATIVES FOR
UNDERGROUND MINES
AND TUNNELS**

P&P C-44B

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AUTHORITY: The authority to require that any person who functions as a Safety Representative in an underground mine or tunnel pass an examination and be certified by the Division of Occupational Safety and Health is found in California Labor Code §§7962, 7998, and 7999, and in Title 8, California Code of Regulations, §§6967(a) and 8406(f).

POLICY: It is the policy of the Division of Occupational Safety and Health to examine and certify Safety Representatives by the Mining and Tunneling Unit to promote the safe operation of underground mines and tunnels and to ensure that Safety Representatives possess adequate knowledge and competence in underground work safety and health.

NOTE: See C-44C for procedures pertaining to the Certification of Gas Testers for Underground Mines and Tunnels.

PROCEDURE:

CONDITIONS FOR WHICH CERTIFICATION IS REQUIRED:

Certification is required for all underground mine and tunnel operations.

NOTE: Underground mine and tunnel operations classified as "gassy" or "extra hazardous," or operations having 5 or more employees underground at one time, require a full-time safety representative.

CERTIFICATION EXAMINATION ELIGIBILITY CRITERIA:

An applicant for the Safety Representative's examination must meet all of the following eligibility criteria:

1. Possess a minimum of two years of experience in underground mine or tunnel work related to the type of certification the applicant seeks;
2. Satisfy the eligibility criteria to obtain a valid California Gas Tester's Certificate (see C-44C);
3. Be able to issue understandable orders, and maintain required written records;
4. Possess adequate knowledge of explosives, basic formulas, methods, practices, equipment, instruments, personal protective equipment, engineering controls, management practices and procedures, and regulations to safely perform underground operations under conditions which may pose a threat to an employee's safety and health; and
5. Possess adequate knowledge of relevant statutory codes, standards and regulations pertaining to underground mines and/or tunnels related to the certification requested.

APPLICATION FOR SAFETY REPRESENTATIVE'S CERTIFICATION EXAMINATION:

1. Each applicant for the Safety Representative's Certification Examination shall complete and submit a Safety Representative Form prior to scheduling an examination (see attachment A). Examinations may be scheduled prior to submission of a completed application at the discretion of the Senior Safety Engineer Mining and Tunneling (SSEMT).
2. Each applicant's eligibility shall be verified by the SSEMT according to the criteria listed in the Certification Examination Eligibility Criteria.
3. When it is determined by the SSEMT that an applicant is not qualified to take the Safety Representative's Certification Examination because of an inability to meet one or more eligibility criteria, the SSEMT shall notify the applicant of this determination within 14 days of the decision and shall request that the applicant contact the SSEMT. A notation shall be made on the application of the SSEMT's decision and the date the letter was sent to the disqualified applicant.
4. When contacted by the disqualified applicant, the SSEMT shall discuss the failed eligibility criteria and suggest ways the applicant can meet the eligibility criteria. A note shall be made on the application of this discussion, and a copy of the letter sent to the disqualified applicant shall also be attached and forwarded to the Principal Safety Engineer Mining and Tunneling (Principal Engineer).

NOTE: Training in safety for underground mines and tunnels is available from the Mining and Tunneling Unit on an as-needed basis in accordance with Labor Code §6350 and §6352.

5. A determination shall be made of the applicant's qualifications for Safety Representative's Certification Examination in the following specialty areas:
 - a. Underground Mining and Tunneling;
 - b. Underground Mining;
 - c. Tunneling;
 - d. Pipejacking and Boring; and
 - e. Limited.
6. Applicants can be advised at the time they submit an application that, based on their training and/or experience, a determination may be made by the SSEMT that a "Limited Safety Representative Certification" shall be issued. Limited Certifications shall be noted on the application and the Certification. Limited Certifications include the following:
 - a. Excluding gassy/extra hazardous classified operations;
 - b. Excluding diesel operations;
 - c. Excluding blasting operations;
 - d. Limited to oxygen deficiency in mines;
 - e. Limited to nongassy/potentially gassy operations; and/or
 - f. Limited to tunnel maintenance operations.
7. Each applicant shall pay a \$15.00 examination fee in the form of a check or a money order made out to the State of California. Attach the examination fee to the application.
 - a. No fee shall be required for applicants applying for Safety

Representative's Certification Examination from the following exempt agencies:

1. Governmental entities, e.g., Federal, State, County, City or District.
2. Public utilities subject to the jurisdiction of the Public Utilities Commission (PUC).

CERTIFICATION EXAMINATION:

1. General
 - a. To obtain a Safety Representative's Certificate, the applicant shall pass a Certification Examination developed and administered by the Mining and Tunneling Unit and composed of two

components: written and oral. The examination shall include questions related to the type of underground mine and/or tunnel work for which a certificate is requested.

NOTE: More than one version of the written component of the Certification Examination shall be developed and rotated from examinee to examinee. All Mining and Tunneling Unit personnel are responsible for ensuring the physical security of copies of the Safety Representative's Certification Examination.

- b. The examination shall be administered by a SSEMT or by an Associate Safety Engineer in the Mining and Tunneling Unit who has been expressly designated by the Principal Engineer to administer the examination.

NOTE: No examiner shall administer the Certification Examination in a manner contrary to P&P A-3, pertaining to activities incompatible with State service.

- c. The examination shall only be given at a Mining and Tunneling Unit Office. In order to give the examination at another location, approval shall be obtained, through the Principal Engineer, from the Deputy Chief for Field Operations.
 - d. Each applicant's identity shall be determined by the examiner by means of a photograph I.D., such as a valid Driver's License, prior to beginning the examination.
2. Written Examination Component

When administering the written examination, the examiner shall:

- a. Ensure that the written examination component is administered in a quiet and secure area to ensure that the integrity of the examination process is not compromised.
- b. Assemble the appropriate sections of the written examination component and instruct the applicant to write his or her name on the first page of each examination section.
- c. Give appropriate instructions to the applicant for completing the examination and instruct the applicant that calculators, reference books, or other instructional aids are not allowed in the examination area.

- d. Allow the applicant enough time to complete the examination, but in no case, more than four hours.
- e. Correct the examination by use of the key developed for the administered examination.
- f. Indicate on the front page of the examination the percentage (from 0 to 100%) of the questions successfully answered by the applicant. An overall score of at least 70% is required to pass the written component of the examination. If a score of at least 70% is not achieved, the applicant has failed the examination. Applicants who fail the written component of the examination shall not be allowed to take the oral component of the Certification Examination.

NOTE: See CERTIFICATION ISSUANCE AND DOCUMENTATION for further guidance on applicants who fail to pass the written component.

3. Oral Examination Component

Applicants who achieve at least an overall score of 70% on the written examination are permitted to take the oral examination.

The examiner shall upon successful completion of the written examination:

- a. Discuss with applicant the questions which the applicant answered incorrectly. Listen carefully to the applicant's rationale for answering the question as the applicant did, and pursue other relative lines of questioning to determine the applicant's understanding of the equipment, techniques, purpose and procedures, and how their explanation relates to testing underground environments for hazardous and explosive gases.
- b. Discuss with the applicant the questions which the applicant answered correctly to determine the scope of the applicant's knowledge. Pursue and discuss other relative lines of questioning relative to each examination question.
- c. Continue the oral examination by the use of oral examination questions developed for this purpose (see SSEMT). Ask the applicant to respond to hypothetical situations or simulated instrument readings based on the subject areas appropriate for the industry and scope of the Safety Representative's Certificate being sought.

- d. Determine a "Pass" or "Fail" grade for the oral examination of the Certification Examination and thoroughly document the reasoning for the grade.

NOTE: See CERTIFICATION ISSUANCE AND DOCUMENTATION for further guidance on applicants who fail to pass the oral component.

CERTIFICATE ISSUANCE AND DOCUMENTATION:

1. For Applicants Who Pass the Certification Examination

The examiner shall:

- a. Complete the Safety Representative's Evaluation Form including the examiner's name and the date. (See Attachment B).
 - b. Indicate the "Type of Certificate" on the application based on the written and oral examination results.
 - c. Give the Applicant the original (white) receipt copy after the examination fee is received. Fill out the Applicant's name as it will appear on the certificate, determine the correct mailing address, and list the appropriate wording for the Safety Representative's Certificate. Indicate that the receipt shall act as their temporary certificate, and the permanent certificate should be received in approximately 30 days pending review of the examination results and approval by the Principal Engineer.
 - d. Where an employer or other person issues a check or money order to pay for the examination fee of more than one applicant, each applicant shall receive an individual receipt to act as a "Temporary Certificate."
 - e. Forward the following documents to the Principal Engineer, through the SSEMT:
 1. All parts of the examination including those portions failed.
 2. Fee paid and the yellow and blue copies of the receipt.
 3. Application, Evaluation Sheet, surrendered license, and any additional documentation or information.
 - f. Each Safety Representative's Certificate issued by the Division shall be valid for a period of five years. After five years, the Safety Representative Certificate Holder must reapply for a certificate and pass both the written and oral components of the Certification Examination.
- ##### 2. For Applicants Who Fail the Certification Examination

If an applicant fails the Certification Examination, indicate their name, address, and "Safety Representative's Examination -- Failed" on the receipt. Explain to the applicant that the applicant must wait a minimum of three months before he or she may retake the Certification Examination. If the applicant retakes the Certification Examination within six months from the date of the failed examination, the examination fee shall be waived.

3. Renewal and Upgrading Certification

Application and examination for a renewal or upgraded Certificate shall be administered in the same manner as the original Certificate.

OFFICE PROCEDURES:

Follow the office procedures in P&P C-44 under "Clerical Procedures for Issuance of Blaster's License."

Attachments:

A -- [Cal/OSHA 44B-1 - Safety Representative/Gas Tester Examination Form](#)

B -- [Cal/OSHA 44B-2 - Evaluation Form \(Safety Representative\)](#)