ENROLLED HOUSE
BILL NO. 1873

By: Brannon of the House

and

Corn of the Senate

An Act relating to mines and mining; amending 45 O.S. 2001, Sections 723, 910 and 917, which relate to definitions and mining rules; defining term; modifying requirements for testing certain fire extinguishers; modifying requirements for wearing hard hats in certain areas; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 45 O.S. 2001, Section 723, is amended to read as follows:

Section 723. Whenever used or referred to in Sections 722 through 738 of this title, unless a different meaning clearly appears from the context:

1. "Overburden" means all of the earth and other materials which lie above natural deposits of minerals, and also means such earth and other materials disturbed from their natural state in the process of surface mining;

2. "Mine" means an underground or surface excavation and development with or without shafts, slopes, drifts or tunnels for the extraction of minerals, with hoisting or haulage equipment and appliances for the extraction thereof, and shall embrace any and all of the land or property of the plant, and the surface and underground, that contribute directly or indirectly to the mining properties, concentration or handling of minerals;

3. "Mining" means the extraction of minerals from natural deposits by any method or process;

4. "Minerals" means asphalt, clay, copper, granite, gravel, gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic ash and zinc, or any other substance commonly recognized as a mineral, and includes ores or rock containing any such substances, but excludes oil, gas and any other mineral found naturally in a liquid or gaseous state;

5. "Underground mining" means those mining operations carried out beneath the surface by means of shafts, slopes, tunnels or other openings leading to the mineral being mined and the extraction of the mineral through such shafts, slopes, tunnels or their openings;

6. "Surface mining" means those mining operations carried out on the surface, including strip mining, auger mining, quarrying, dredging, pumping, or the use of hydraulic methods.

Surface mining shall not include excavation or removal of shale, sand, gravel, clay, rock or other materials in remote areas by an owner or holder of a possessory interest in land for the primary purpose of construction or maintenance of access roads to or on such landowner's property. Surface mining shall not include excavations or grading conducted for forming, on-site road construction or other on-site construction, or the extraction of minerals other than anthracite and bituminous coal by a landowner for his own noncommercial use from land owned or leased by him; nor the extraction of such noncoal minerals for commercial purposes in an amount less than five hundred (500) tons per acre of aggregate or mass of mineral matter in any permit year; nor the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as such work is performed under a bond, contract and specifications which substantially provide for and require reclamation of the area affected; nor to the handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process. Surface mining shall not include the surface mining of coal or the surface effects of underground coal mining;

7. "Strip mining" means those mining operations carried out by removing the overburden lying above natural deposits of minerals, and mining directly from such natural deposits thereby exposed, but excludes auger mining, quarrying, dredging, pumping or the use of hydraulic methods;

8. "Reclamation" means conditioning affected land to make it suitable for any uses or purposes consistent with those enumerated in Section 722 of this title, and to avoid, minimize or correct adverse environmental effects of mining operations;

9. "Box cut" means the first open cut in strip mining which results in the placing of overburden on unmined land adjacent to the initial pit and outside the area to be mined;

10. "Consolidated material" means material of sufficient hardness or ability to resist weathering and to inhibit erosion or sloughing;

11. "Operator" means any person, partnership, firm or corporation engaged in and controlling a mining operation;

12. "Pit" means a tract of land from which overburden or minerals have been or are being removed in the process of surface mining;

13. "Affected land" means the area of land from which overburden shall have been removed, or upon which overburden or refuse has been deposited, or both;

14. "Refuse" means all waste material directly connected with the production, cleaning or preparation of minerals which have been mined by either underground or surface mining method;

15. "Ridge" means a lengthened elevation of overburden created in the surface mining process;

16. "Peak" means a projecting point of overburden created in the surface mining process;

17. "Department" means the office of the Chief Mine Inspector, herein called the Department of Mines and Mining, or such department, bureau or commission as may lawfully succeed to the powers and duties of such department;

18. "Director" means the Chief Mine Inspector of the State of Oklahoma or such officer, bureau or commission as may lawfully succeed to the powers and duties of such Chief Mine Inspector; ~~and~~

19. "Borrow pit" means the one-time or intermittent extraction of sand, gravel, rock, stone, earth or fill in its natural state, not being mechanically altered to affect its size for government-financed construction purposes. Such work shall be performed under a bond, contract and specifications which substantially provide for and require reclamation of the affected area; and

20. "Dimension stone quarry" means a site where natural stone used as building material is excavated and the stones are selected, trimmed, or cut to specified shapes or sizes.

SECTION 2. AMENDATORY 45 O.S. 2001, Section 910, is amended to read as follows:

Section 910. A. The following rules and procedures shall be complied with for proper ground control:

1. Practices and standards acceptable to the Chief Mine Inspector for the safe control of surface mine walls including the overall slope of the mine wall shall be established and followed by the operator. Such standards shall be consistent with sound engineering, the nature of the ground and the seam mined, and the insuring of safe working conditions according to the degree of slope. Mining methods shall be selected which will provide wall stability; including benching if necessary, to obtain a safe overall slope;

2. All loose and hazardous material shall be stripped for a safe distance from the edge of the highwall;

3. The width and height of benches shall be governed by the type of equipment to be used and the operation to be performed;

4. Safe means of scaling walls shall be provided. Loose material or trees on exposed wall areas shall be removed before any other work is performed in the exposed wall area;

5. Men shall not work under dangerous walls. Hazardous overhanging walls shall be taken down immediately and other unsafe ground conditions shall be corrected promptly or the areas shall be barricaded or posted;

6. When removing rock by hand, men shall approach loose rock from above and shall scale from a safe location those areas on walls which must be scaled;

7. The supervisor or a certified person designated by him shall examine working areas and faces of walls for unsafe conditions at least at the beginning of each shift, during the shift while men are working, and after blasting. Any unsafe condition found shall be corrected before any further work is performed at the immediate area or face at which the unsafe condition exists;

8. Men shall examine their working places before starting work and frequently thereafter and any unsafe condition shall be reported immediately to the supervisor before any other work is performed;

9. Large boulders requiring secondary blasting shall be in a safe location before they are drilled or broken; and

10. Men shall not be permitted to work between equipment and the mine wall where the equipment may hinder escape from falls or slides of the wall, unless special safety precautions are taken in advance.

B. The following rules and procedures shall be complied with for proper fire prevention and control:

1. No person shall smoke or use an open flame where flammable or combustible liquids or greases are stored or in areas or places where fire or explosion hazards exist;

2. Signs warning against smoking and open flames shall be posted so they can readily be seen in areas or places where fire or explosion hazards exist;

3. Areas surrounding flammable-liquid storage tanks and electric substations and transformers shall be kept free from dry grass, weeds, underbrush and other combustible materials for at least twenty-five (25) feet in all directions;

4. Fires used for warming purposes shall be enclosed to prevent persons from coming in contact with flame or coals which would ignite clothing. Oily or easily ignited clothing shall not be worn where ignition hazards are present;

5. Buildings or rooms in which oil, grease, flammable liquids or similar flammable materials are stored shall be of fire-resistant construction and well ventilated. Provisions shall be made to control spilled flammable liquids;

6. Abandoned electrical circuits shall be de-energized and isolated so that they cannot become energized inadvertently. If no further use is intended they shall be removed;

7. Combustible materials, grease, lubricants or flammable liquids shall not be allowed to accumulate where they can create a fire hazard;

8. Materials, such as oily waste and rags, which are subject to spontaneous combustion shall be placed in tightly covered metal containers until disposed of properly;

9. When flammable solvents are used for cleaning, such solvents shall be transported in safety cans of not over five-gallon

capacity. When used to clean parts, the containers used shall have tight-fitting covers. No cleaning may be done with flammable solvents near a possible source of ignition;

10. Oxygen cylinders shall not be stored near oil or grease;

11. Gauges and regulators used with oxygen or acetylene cylinders shall be kept clean and free of oil and grease;

12. Valves on oxygen and acetylene tanks shall be kept closed when they are not in use;

13. Battery charging stations shall be located in well-ventilated areas and in the clear of other equipment;

14. Internal combustion engines shall be shut off and stopped before being fueled;

15. Each mine shall have available, or be provided with, appropriate types of fire-fighting equipment adequate for the size of the mine;

16. Fire-fighting equipment shall be strategically located, readily accessible, plainly marked, properly maintained and inspected periodically with records kept of such inspections;

17. Fire extinguishers shall be:

a. adequate in number and size and of the appropriate type for each particular fire hazard involved,

b. replaced immediately with full charged extinguishers of the same capability after any discharge is made from the extinguishers,

c. ~~inspected at least every three (3) months,~~ tested at least once every ~~six (6)~~ twelve (12) months and maintained according to the manufacturer's recommendation. Each extinguisher shall bear a tag showing the date of ~~inspection, the date of~~ testing and the name of the person making the examination for ~~inspection or~~ testing, and

d. approved by Underwriter's Laboratories, Inc. or Factory Mutual Research Corporation;

18. Appropriate fire extinguishers shall be provided on self-propelled mobile equipment;

19. Fire extinguishers of the appropriate type and size shall be an integral part of portable cutting and welding equipment;

20. When welding or cutting near combustible materials, precautions shall be taken to insure that smoldering metal or sparks do not result in fire; and

21. Belt conveyors in locations where fire would create a hazard to personnel shall be provided with safety switches to stop the drive pulley automatically in the event the belt stalls or there is excessive slippage.

SECTION 3. AMENDATORY 45 O.S. 2001, Section 917, is amended to read as follows:

Section 917. The following rules and procedures shall be complied with in dealing with personal protection:

1. Adequate first-aid materials, including stretchers and blankets, shall be provided at places convenient to all working areas. Water or neutralizing agents shall be available where corrosive chemicals or other harmful substances are stored, handled or used;

2. All persons shall wear suitable hard hats when in or around mine plants or active workings of the mine <u>where falling objects may create a hazard</u>;

3. All persons shall wear suitable protective footwear when in or around mine plants or active workings of the mine;

4. All persons shall wear safety glasses, goggles or face shields when doing work hazardous to the eyes;

5. Safety belts and lines shall be worn when men work where there is danger of falling, and a second person shall tend the lifeline when bins, tanks or other dangerous areas are entered;

6. Life jackets or belts shall be worn where there is danger of falling into deep water;

7. Protective clothing, rubber gloves, goggles or face shields shall be worn by persons handling substances that are corrosive, toxic or injurious to the skin;

8. Protective clothing or equipment and face shields or goggles shall be worn when welding, cutting or working with molten metal;

9. Snug-fitting clothing shall be worn by persons working around moving equipment and machinery;

10. Protective gloves shall be worn by employees handling materials which may cause injury;

11. Gloves shall not be worn where they could create a hazard by becoming entwined or caught in moving parts of machinery; and

12. Effective hearing protection shall be worn where noise levels may cause permanent ear damage or hearing loss unless the wearing of the protective devices would create a greater danger to the employee. In such case the noise shall be reduced to safe levels.

SECTION 4. This act shall become effective November 1, 2004.

Passed the House of Representatives the 27th day of April, 2004.

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Presiding Officer of the House
of Representatives

Passed the Senate the 6th day of April, 2004.

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Presiding Officer of the Senate