

## **Mine Safety and Health Administration (“MSHA”) Guidance on the COVID-19 Response**

To date, MSHA has not issued specific guidance for mine operators in responding to the COVID-19 pandemic. During the April 16, 2020 Quarterly Stakeholders call, MSHA stated that mine operators should follow both President Trump’s guidance for responding to the COVID-19 pandemic and Centers for Disease Control and Prevention guidelines.

MSHA advised mine operators to maintain social distancing of six feet, wear appropriate personal protective equipment (“PPE”), not crowd mine site transportation, and frequently clean and wipe down mine equipment. As of the date of the Quarterly Stakeholders call, MSHA reported that no miner has died from COVID-19 and no mine operator has reported that a mine employee has contracted COVID-19 while at work. Like the Occupational Safety and Health Administration (“OSHA”), MSHA is not requiring the reporting of COVID-19 cases, unless it can be demonstrably shown that it was contracted at the mine facility.

Furthermore, there are no specific guidelines issued by MSHA regarding N95 respirator use, other than that the respirator must be approved by the National Institute for Occupational Safety and Health. MSHA has not required the use of N95 respirators or other PPE specifically in response to the COVID-19 crisis. MSHA also has not specifically adopted the recently-created OSHA regulations regarding the fitting and reuse of respirators.

As stated on the MSHA website, MSHA will extend the time for annual certifications until at least as long as President Trump’s Emergency Order is in effect. This extension does not apply to new miner training. In addition, due to the current circumstances, MSHA will be flexible regarding on-line training.

Finally, MSHA itself will follow social distancing guidelines for its employees and investigators coming onto mine sites. MSHA will not hold large group safety meetings during the COVID-19 Emergency Order. MSHA will also assess state limitations on large group meetings if/when the federal Emergency Order is lifted to enable mine operators to abide by state orders.