

13 NCAC 06 .0302 GENERAL INSPECTIONS

(a) **Advance Notice.** Advance notice will be given only when it is necessary to insure that appropriate mine personnel are present at the time of the inspection. In any case, advance notice shall not be given more than 15 days before the inspection.

(b) **Requests for Permission.** Inspectors may make tests to determine miner exposure to dust, gases, fumes, vapors and mists, as a routine part of their inspection without requesting permission to do so from the operator or his authorized agent. Inspectors may take photographs of violations of safety and health standards and of objects of general interest only after receiving written or verbal permission from the operator, the agent of the operator, or another person authorized to give such permission.

(c) **Closing Conference.** Upon completion of an inspection, the inspector shall, when possible, discuss his findings with the mine operator or the authorized agent of the operator. If he determines that the operations of the mine are not in compliance with the regulations of this Chapter, the inspector shall issue either an official notice or an official order to withdraw, and after conferring with the operator or the authorized agent of the operator, shall specify an abatement period for notices issued.

(d) **Forms Used.** The following forms shall be used:

- (1) **Notice of Violation Form.** The notice of violation form, completed, signed and dated by the inspector shall include the following information: the location of the mine, the name and address of the operator, the standard(s) violated, a description of the violation(s), and the abatement period(s).
- (2) **Order to Withdraw Form.** The order to withdraw form, completed, signed and dated by the inspector shall include the following information: the location of the mine, the name and address of the operator, the standard(s) violated, a description of the violation(s), the specific portion(s) of the mine closed (or specific machinery prohibited).

(e) **Notification of Interested Officials.** Copies of all notices and orders shall be mailed, as soon as practicable, to other interested mine officials, including the person in charge of safety and health.

(f) **Extension of Abatement Period.** An operator may request an extension of the abatement period for a violation of a safety and health standard from the inspector or from the director. The request may be in writing, by telephone or in person, and the operator shall fully describe the reason for the requested extension. If the inspector or the director decides to extend the abatement period, the decision shall be in writing and shall be given to the operator and other interested mine officials.

(g) **Follow-up Inspections.** After the inspection of a mine at which a violation of a safety and health standard is found and a notice is issued, a reinspection or follow-up inspection will be made upon expiration of the abatement period. Following the follow-up inspection, the inspector shall hold a closing conference with the operator or the authorized agent of the operator. In the event of non-abatement, the inspector will either:

- (1) extend the abatement period, or
- (2) issue an order to withdraw from the affected portion of the mine. In either event, the inspector shall give a written and signed copy of his decision to the operator and to other interested mine officials.

History Note: Authority G.S. 74-24.7; 74-24.8; 74-24.9; 95-4(2); Eff. February 1, 1976; Readopted Eff. September 30, 1977; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.