

Highlights of the Coal Mine Safety and Health Rules and Regulations

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Outline of Presentation

- Legal Basis
- Background of the Revision Process
- ILO C176
- Scope of Coverage
- Objectives
- 1978 CMSRR vs 2018 CMSHRR
- 2018 CMSHRR Harmonized with ILO C176



Legal Basis

1. **Republic Act (RA) No. 7638:**

"The Department of Energy (DOE) Act of 1992"

-An Act Creating the Department of Energy Rationalizing the Organization and Functions of Government Agencies Related To Energy and for Other Purposes

2. **Presidential Decree No. 972** *"The Coal Development Act of 1976 "*

-declared as a policy of the state to immediately accelerate the exploration, development, exploitation, production, and utilization of the country's coal resources

3. **BED Circular No. 1 series of 1978**

"Coal Mine Safety Rules and Regulations"

- governs the mandatory health and safety standards and safety of laborers and employees in coal mining operations in the Philippines

4. **Philippine's Ratification of ILO C176**

"Safety and Health in Mines Convention, 1995 (No. 176)"

- considers that the workers have a need for, and a right to, information, training and genuine consultation on and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry

5. **Bureau of Energy Circular No. 81-11-10**

"Guidelines for Coal Operations in the Philippines"

- sets the guidelines for applying for Coal Operating Contract including penalties for non-compliance of the requirements stated in the Circular

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Background of the Revision Process

- **2010 and 2014** – Initiatives to review 1978 BED CMSRR (comments and suggestions were gathered and evaluated)
- **26 July 2017, Manila** – Consultation Workshop on the Harmonization of 1978 BED CMSRR with International Labour Organization Convention on Safety and Health in Mines, 1995 (ILO C176). Resulted to the preparation of the initial draft of the 2018 CMSHRR. Took into account the inputs from this activity and the inputs from previous reviews.
- **Series of Consultative Process** – to provide a better understanding and appreciation of BED 1978 CMSRR in harmonization with ILO C176 directly to the representatives of employers and workers. Comments/inputs were also gathered and evaluated for their relevance to the revision process.

Background of the Revision Process

No.	Date	Venue
1	26 Jul 2017	DOE Audio Visual Room, DOE Taguig City
2	16 Oct 2017	Semirara Mining and Power Corp. minesite, Semirara Is., Caluya, Antique
3	24 Oct 2017	PNOC Base Camp, Malangas, Zamboanga, Sibugay
4	17 Nov 2017	Kamias Function Room, Casablanca Suite, Benny Imperial St., Legazpi City
5	23 Nov 2017	Summit C Function Room, Summit Galleria Hotel, Gen Maxilom St., Cebu City



Background of the Revision Process



Participants DOE Audio Visual Room, DOE,
Bonifacio Global City, Taguig
26 July 2017



SMPC, Semirara Is., Caluya, Antique
16 October 2017



Background of the Revision Process



Base Camp, PNOC-EC, Malangas,
Zamboanga, Sibugay Province
24 October 2017



Kamias Room, Casablanca Suites,
Benny Imperial St. (Alternate Road),
Legazpi City, Albay
17 November 2017



Background of the Revision Process



Participants

Consultation Workshop on the Harmonization of BED Circular No.1 with ILO C176
Summit Galleria Hotel, Gen. Maxilom Ave. Ext., B. Benedicto St., Cebu City, Cebu
23 November 2017

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- o International Labour Organization Convention on Safety and Health in Mines, 1995 (C176)
- o Adopted at the 82nd International Labour Conference of the ILO held in Geneva
- o Date of adoption – 22 Jun 1995
- o Date of enforcement – 05 Jun 1998
- o Classification – Industries and Occupation
- o Subject – Occupational Safety and Health

o Philippines Ratification

- o Senate Resolution No. 115 (*Resolution Concurring in the Ratification of the Safety and Health in Mines Convention, 1995*)
- o Resolution adopted on 08 Dec 1997
- o During the 3rd Regular Session of the 10th Congress
- o Ernesto M. Maceda (Senate President)
- o Ratified on 27 Feb 1998

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Scope of Coverage

This Circular shall apply to all
Operators and Workers
involved in coal mining
operations in the Philippines

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Objectives

1. The main purpose of the revision is to make the coal mine safety rules and regulations more applicable to the present local coal mining conditions and adopts the provisions of ILO C176
2. Takes into account the Energy Resiliency Plan of the Department

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2018 CMSHRR Harmonized with ILO C176

[07 2018 CMSHRR Harmonized with ILO C176.pdf](#)

1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
1.	NEW “Safety and Health Policy Statement” is indicated in page 2.	In compliance with ILO C176.
2. REVISED Rule 1 under Section 1 “Accidents” “The operator of a coal mine shall, using the fastest available means of communication, notify the Bureau of the occurrence of the following accidents:”	NOW Rule 1 under the same Section 1 “Accidents” “The Resident Manager of a coal mine shall notify the Bureau within twenty-four (24) hours using the fastest available means of communication the occurrence of the following accidents:”	Notification of occurrence of accident shall be within 24 hours. Failure to notify, fine of P20,000.00 (per Rule 922).



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
3. DELETED Rule 2 under Section 1 “Accidents” “When any personal injury results in the death of the person injured, the manager must give notice to the Bureau without delay.”	NOW Rule 2 under the same Section 1 “Accidents” “A formal report of the accident referred to in Rule 1 shall be forwarded to the Bureau within five (5) working days after the accident.”	Failure to report within 5 working days after the accident, fine of P20,000.00 (per Rule 922).
4. REVISED and MODIFIED Rule 8 Responsibilities of the Operator.	NOW Rule 8 includes responsibilities of the Employer or Operator as required by ILO C176.	In compliance with ILO C176.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
5. DELETED Rule 11 and Rule 12, Responsibilities of Shift Bosses and Capatazes, and Fireboss, respectively.	NOW Rule 11 Responsibilities of Shift Supervisor.	Responsibilities of the Shift Bosses and Capatazes, as well as Fireboss are assumed by the Shift Supervisor.
6. REVISED and MODIFIED Rule 13 Responsibilities of the Employee.	NOW Rule 12 includes responsibilities of the Worker as required by ILO C176.	In compliance with ILO C176.
7.	NEW Rule 13 lists the responsibilities of the Safety and Health Representative.	In compliance with ILO C176.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
8. DELETED entire Section 3 “Classification of Mines” <i>Mines were classified into “Class A” with 100 or more employees at any one time, and “Class B” with less than 100 employees at any one time</i>	NEW Section 3 “Organization of Safety Department” <i>No more classification of mines</i>	The revised CMSHRR requires all coal mines to have a safety Department regardless of the number of employees.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
9. REVISED Rule 18 “Qualification of a Safety Engineer (Appendix B)” under Section 4 “Qualification of a Safety Engineer and Safety Inspector”	NOW Rule 16 with the same heading and under the same Section 4 <ul style="list-style-type: none"> a. For permanent registration <ul style="list-style-type: none"> i. Must be duly registered and currently licensed mining engineer. ii. With at least two (2) years working experience in U/G mining operations for U/G coal mines or surface mining operations for surface coal mines. iii. Must have completed forty (40) hours of Basic Occupational Safety and Health Training inclusive of confined space training module. 	New requirements for registration of Permanent or Temporary Safety Engineer Permit.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
9. REVISED Rule 18 “Qualification of a Safety Engineer (Appendix B)” under Section 4 “Qualification of a Safety Engineer and Safety Inspector”	b. For temporary registration: i. Duly registered and currently licensed mining engineer but does not possess the requirements in Rule 16 (a) ii and iii. ii. Any other duly registered and currently licensed engineer, geologist, metallurgist, chemist, with at least one (1) year experience as safety inspector in U/G or surface coal mine.	New requirements for registration of Permanent or Temporary Safety Engineer Permit.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
10. REVISED Rule 19 “Who may be registered as Safety Inspector” under Section 4 “Qualification of a Safety Engineer and Safety Inspector”	NOW Rule 17 with the same heading and under the same Section e. Any high school undergraduate with at least ten (10) years experiences in safety work in mining operation	Added item e in the 2018 CMSHRR.
11.	NEW Section 5 “Application for Permanent or Temporary Safety Engineer’s / Safety Inspector Permit”	Payment of registration is now P550.00 (Based on DOE CY 2013 Schedule of Fees and Charges)



1978 CMSRR vs 2018 CSMHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter I “General Provisions”		
12.	New Rule 21 “The Operator shall establish an adequate training and retraining programs and comprehensible instructions for workers, at no cost to them, on safety and health matters as well as on the work assigned.”	Operator of coal mine needs to establish and implement a procedure on Training Program
Chapter II “Underground Mining Rules”		
13. REVISED Rule 24 under Section 1 “General” <i>Dimensions of exit to the surface were not specified</i>	NOW Rule 23 under Section 1 “General Provisions” <i>Vertical shaft dimension shall be at least 6 x 4 feet and for tunnel dimension shall be at least 5 x 7 feet</i>	Specific dimensions for vertical shaft and tunnel



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
14. REVISED Rule 32 under Section 1 “General” <i>Management option to allow employee to sleep underground</i>	NOW Rule 32 under the same Section 1 “General” “No worker shall be allowed to sleep underground.”	Sleeping underground is prohibited. No more exception.
15. REVISED Rule 39 under Section 2 “Escapeways” “Except in situations where the height of the coalbed is less than 150 centimeters, escapeways should be maintained at a height of at least 150 centimeters (excluding necessary roof support) and the travelway in such escapeway should be maintained at a width of at least 200 centimeters.”	NOW Rule 38 under the same Section 2 “Escapeways” “Regardless of the height of the coal bed, the escapeway shall be maintained at the height of at least 150 centimeters (excluding necessary roof support) and the travelway in such escapeway shall be maintained at the width of at least 200 centimeters.”	Exception is deleted



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
16. MODIFIED Rule 43 under Section 2 “Escapeways” “All escapeways shall be examined in their entirety at least once a month by a certified person.”	NOW Rule 42 under the same Section 2 “Escapeways” “All escapeways shall be examined in their entirety every fifteen (15) days by the safety engineer and a record of such inspection shall be maintained.”	Shorter interval for escapeways inspection
17. REVISED Rule 46 under Section 2 “Escapeways” <i>No specified schedule for practice escapeway drills</i>	NOW Rule 45 under the same Section 2 “Escapeways” <i>Practice escapeway drills shall be conducted at least twice a year.</i>	Drills need to be properly documented as evidence of compliance to Rule 45.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
18. REVISED Rule 49 (a) under Section 3 “Mine Maps” “Mine maps shall be revised and supplemented at intervals of not more than six (6) months.”	NOW Rule 48 under the same Section 3 “Mine Maps” “Mine maps shall be updated and supplemented quarterly.”	Intervals, now become every 3 months
19. REVISED Rule 50 Section 3 “Mine Maps” “The coal mine map and any revision and supplement thereof shall be available for inspection by the Bureau or its authorized representative. The Operator shall furnish the Bureau or its authorized representative upon request, one or more copies of such maps and any revision and supplement thereof.”	NOW Rule 49 under the same Section 3 “Mine Maps” “The mine maps including revision and supplement thereof shall be available for inspection by the Bureau or its authorized representative. The Operator shall submit to the Bureau a copy of the mine maps quarterly within fifteen (15) days after the end of each quarter. ”	Failure to submit quarterly a copy of the mine maps within fifteen (15) days following the end of each quarter, fine of (per Rule 922): 1 st offense – P20,000.00 2 nd offense – P50,000.00 3 rd offense – Cancellation of contract



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
<p>20. MODIFIED Rule 61 under “A. Main Fans” of Section 4 “Ventilation”</p> <p>DELETED “...The minimum quantity of air in any coal mine reaching each working face shall be 30 cubic meters a minute.”</p>	<p>NOW Rule 60 under the same “A. Main Fans” of Section 4 “Ventilation”</p> <p>REPLACED BY “... and the volume and velocity of the current of air shall be at least 1.0m/sec of air sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, dust, and smoke and explosive fumes.”</p>	
<p>21. MODIFIED Rule 69 under “C. Auxiliary Fan” of Section 4 “Ventilation”</p> <p>“In places where auxiliary fans are used, ... in a manner to prevent accumulation of methane.”</p>	<p>NOW Rule 68 under the same “C. Auxiliary Fan” of Section 4 “Ventilation”</p> <p>ADDED “In places where auxiliary fans are used, ... in a manner to prevent accumulation of methane. Prior to resumption of work in such places, auxiliary fans shall first be reactivated 15 to 20 minutes.”</p>	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
22. MODIFIED Rule 75 under “D. Bleeders, Doors, Overcasts and Undercasts” of Section 4 “Ventilation” “The methane content of the air current in the bleeder split at the point where such split enters any other air split should not exceed 2.0 volume per centum.”	NOW Rule 74 under the same “D. Bleeders, Doors, Overcasts and Undercasts” of Section 4 “Ventilation” “The methane content of the air current in the bleeder split at the point where such split enters any other air split shall not exceed 1.0 volume per centum. ”	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
23. MODIFIED Rule 76 under “D. Bleeders, Doors, Overcasts and Undercasts” of Section 4 “Ventilation” “... and the concentration of methane should not exceed 2.0 volume per centum ...”	NOW Rule 75 under the same “D. Bleeders, Doors, Overcasts and Undercasts” of Section 4 “...and the concentration of methane should not exceed 1.0 volume per centum... ”	
24. REWORDED Rule 81 under “E. Mine Gases” under Section 4 “Ventilation”	NOW Rule 80 under the same “E. Mine Gases” of Section 4	Re-arrange wording of Rule 81 of the previous CMSRR
25. REVISED Rules 82 – 431	NOW Rules 81 – 408	“Qualified person” in previous rules is replaced by “Safety Engineer.”



1978 CMSRR vs 2018 CSMHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter II “Underground Mining Rules”		
26. Section 15 “Mine Rescue Organization”	ADDED Rule 410 in the same Section 15 “Mine Rescue Organization” “Underground coal mines employing less than one hundred (100) workers underground at any one time shall cluster with other underground mines located within the same region and shall establish a common mine rescue team. A Memorandum of Agreement shall be established among the underground coal mines in order to operationalize the mine rescue team.”	New rule

1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter III “Rules on Surface Operations”		
27. DELETED entire Section 4 “Aerial Tramways”	NEW Section 4 “Truck Haulage” Rules 520 – 539	Inputs from TWG for surface operation
28.	NEW Section 5 “Operation of Bulldozers, Graders and Loaders” Rules 540 – 547	Inputs from TWG for surface operation
29. RENUMBERED Section 5 “Coal and Refuse Piles” Rules 530 – 544	NOW Section 6 “Coal and Refuse Piles” Rules 548 – 561	Retain same provisions (rules) except for the numbering
30.	NEW Section 7 “Bucket Wheel Excavator (BWE)” Rules 562 – 587	As a result of the mining experience of Semirara Coal Corp.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter V “Explosives”		
31.	NEW Rule 638 under Section 1 “General Provisions” “A quarterly Inventory of Explosive and Blasting Accessories Report shall be submitted to the Bureau within the first ten (10) days following the end of each quarter.”	Failure to submit quarterly within the first ten (10) days following the end of each quarter, fine of (per Rule 922): 1 st offense – P20,000.00 2 nd offense – P40,000.00 3 rd offense – P50,000.00 4 th offense – Cancellation of contract

1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter V “Explosives”		
32.	<p>NEW Rule 639 under Section 1 “General Provisions”</p> <p>“In case where a sub-contractor performs the handling, transport, storage and use of explosive, the Operator shall seek the approval of the Bureau of the sub-contract agreement in accordance with applicable Department circulars on sub-contracting.”</p>	Per BED Circular No. 82-09-09 issued on Sept 1982 and BED Circular No. 82-09-09A issued on Dec 1982
33.	<p>NEW Rule 640 under Section 1 “General Provisions”</p> <p>“The Operator shall be responsible and accountable for the safety and performance of the sub-contractor, as well as compliance to this Circular.”</p>	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter VI “Health and Sanitation”		
34.	<p>NEW Rule 761 under Section 1 “General Provisions”</p> <p>‘The coal Operator shall ensure the provision of regular health surveillance of workers exposed to occupational health hazards in the mining operation.’</p>	In compliance with ILO C176.



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter VII “Electricity”		
35.	“All electrical installations, constructions and equipment shall be in accordance with the provisions of the latest edition of the Philippine Electrical Engineering Code. Operations, maintenance and repair works of electrical equipment or machinery shall be done by qualified and duly authorized workers.”	Added provision
36. MODIFIED Rule 794 under Section 1 “General Provisions” “All power circuits and electric equipment shall be de-energized ... when necessary for trouble shooting or testing.”	NOW Rule 779 under same Section 1 “General Provisions” “All power circuits and electric equipment shall be de-energized ... when necessary for trouble shooting or testing. Appropriate lock-out and tag-out procedures shall be implemented. ”	



1978 CMSRR vs 2018 CSMHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter VII “Electricity”		
37. DELETED Section 4 “Trolley Wires and Trolley Feeder Wires”		Use of trolley and trolley feeder wires are not adoptable to Philippine underground coal mines, which are mostly gassy.
Chapter VIII “Mechanical Safety Rules”		
38.	"Mechanical work" means the construction, inspection, testing, calibrating, maintenance, or alteration of mechanical equipment in accordance with the latest edition of the Philippine Society of Mechanical Engineering Code.”	Added provision



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter IX “Exploration”		
39.	NEW Chapter X “Exploration” with 4 sections	The 2018 CMSHRR now includes safety practices in exploration activities Inputs from TWG for exploration
Chapter X “Miscellaneous Safety Rules”		
40. TRANSFERRED Section 3 “Diamond Drilling”	TRANSFERRED to Section 2 “Drilling” under Chapter III “Rules on Surface Operations”	
41.	NEW Section 4 “Storage and Use of Chemicals and Hazardous Materials”	Rules on safe handling of chemicals and hazardous substances



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XI "Powers and Duties"		
42.	NEW Rule 918 "The Director of the Energy Resource Development Bureau shall have the power and authority to suspend any particular activity or operation when such activity or operation causes or will cause imminent danger, or recommend the suspension of the Coal Operating Contract until necessary actions are taken."	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XII “Penal Provisions”		
43.	<p>NEW Rule 922</p> <p>“Pursuant to Chapter XI of this Circular, the Director shall impose administrative fines and penalties for the following violations:</p> <ul style="list-style-type: none">a. Failure to notify the Bureau within twenty-four (24) hours using the fastest available means of communication the occurrence of any accident set forth in Rule 1, Section 1, Chapter I of this Circular: Fine of P20,000.00b. Failure to submit to the Bureau the formal report of the accident set forth in Rule 1, Section 1, Chapter I of this Circular within five (5) working days after the accident: Fine of P20,000.00	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XII “Penal Provisions”		
43.	<p>c. Failure or late submission of monthly accident report and minutes of monthly safety meeting within the first ten (10) days of the succeeding month:</p> <p>1st offense – P20,000.00 2nd offense – P50,000.00 with warning of cancellation 3rd offense – Cancellation of contract</p> <p>d. Failure to register or renew permit for permanent or temporary safety engineer or safety inspector:</p> <p>i. Within one (1) month after signing of Coal Operating Contract: Fine of P20,000.00</p>	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XII “Penal Provisions”		
43.	<p>ii. Within one (1) month after expiration of previous permit: Fine of P20,000.00</p> <p>iii. After one (1) month after expiration of previous permit – Fine of P40,000.00 and additional fine of P20,000.00 per month on the succeeding months</p> <p>e. Failure to submit quarterly a copy of the mine maps within fifteen (15) days following the end of each quarter as set forth in Rule 49, Section 3, Chapter II of this Circular: 1st offense – P20,000.00 2nd offense – P50,000.00 with warning of cancellation 3rd offense – Cancellation of contract</p>	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XII “Penal Provisions”		
1.	<p>f. Failure to correct unsafe conditions or non-compliance with any of the provisions of this Circular noted during inspection of Bureau’s authorized representative without justifiable reasons during the next inspection:</p> <p>1st offense – P20,000.00 2nd offense – P50,000.00 with warning of cancellation 3rd offense – Cancellation of contract</p> <p>g. Failure to appear when summoned during official DOE investigation without justifiable reason, five (5) working days after notification: Fine of P20,000.00</p>	



1978 CMSRR vs 2018 CMSHRR

1978 CMSRR	2018 CMSRR	Remarks
Chapter XII "Penal Provisions"		
43.	<p>h. Failure to submit quarterly Inventory of Explosive and Blasting Accessories Report within the first ten (10) days following the end of each quarter:</p> <p>1st offense – P20,000.00 2nd offense – P50,000.00 with warning of cancellation 3rd offense – Cancellation of contract</p>	

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