

Mr. Ron Ginn
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Ron –

Thank you for inquiring of the Mine Safety and Health Administration (MSHA) regarding amateur rock collection on Federal land. Your question has been routed to my desk.

MSHA has jurisdiction for safety and health at active and temporarily idled mines and mineral milling facilities. MSHA does not have jurisdiction at abandoned mines, nor does the Agency have jurisdiction on all Federal lands. However, where new or active mines are located on Federal land, MSHA does have jurisdiction. Mine operators and their contractors are responsible for assuring that their employees and visitors, including mineral specimen collectors if invited onto mine property, adhere to safety and health laws, standards and regulations.

MSHA does not have jurisdiction over amateur rock / mineral collection or hobby mining if it occurs off mine property. Hobby mining is usually determined by the scope of work and equipment. If mineral specimens are mined for commercial purposes, if collection involves intense or protracted use of heavy machinery, or if activities include blasting, tunneling or more than casual excavation, MSHA may have jurisdiction. MSHA usually has jurisdiction if the extraction and milling of minerals and minerals results in products that enter commerce. MSHA has jurisdiction if fatalities or injuries result, or if certain types of non-injury accidents occur. MSHA has the right to investigate any reported or alleged fatality, injury or violation of standards or regulations on mine property.

Mineral specimen collectors are usually considered visitors on mine property (if they have permission to be on mine property), or trespassers (if they do not have permission.) Mines are responsible for visitors' safety and for visitors' adherence to standards and regulations while on their property. Mines are responsible for providing visitors with mandatory site specific hazard training, other training where applicable (such as for work or travel underground), and for reporting accidents on mine property, including accidents incurred by visitors or trespassers. Mines may have policies and requirements that go beyond MSHA's requirements. MSHA does not enforce trespassing laws or infractions.

MSHA does not enforce access or activities on the property of or inside abandoned mines, however, property owners, state agencies or Federal agencies other than MSHA may have their own regulations and enforce them. MSHA, through its "Stay Out – Stay Alive" program warns persons of all ages not to enter abandoned mines or mills. <http://www.msha.gov/SOSA/SOSAhome.asp>

Other Federal Agencies, such as the U.S. Forest Service, have concerns about public safety, especially around mines. A link to a story about abandoned mines in Montana follows. http://helenair.com/news/local/forest-service-struggles-with-vandalism-and-public-safety-at-historic/article_d4b02d04-9d70-5f99-bb86-8c99abe3f748.html.

Specifically regarding the State of Arizona, MSHA knows that the Arizona State Mine Inspector's Office (AZMI) has concerns for the safety of mineral specimen collectors and others using abandoned mine sites, both surface and underground, for recreational activities. Although there is occasional communication between AZMI and MSHA, the two agencies do not coordinate activities.

Regarding the possibilities of arrest, MSHA has no powers of arrest and does not refer persons for arrest. Any arrests on federal land would be for issues other than mineral specimen collection, unless someone were trespassing on posted federal land, such as military reservations. Any arrest of rock collectors trespassing on private land would be at the discretion on the land owner.

MSHA is not aware of statements allegedly made by its personnel that "rock collecting is over for everyone".

I trust this addresses your concerns. If you need further assistance, feel free to telephone or E-mail me using the contact information in my signature block.

Best regards,

Harvey

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"It remains for me to speak of the ailments and accidents of miners, and by the methods by which they can guard against these..." – Agricola, 1556