

**[DENR ADMINISTRATIVE ORDER NO. 97-30,
September 11, 1997]**

SMALL-SCALE MINE SAFETY RULES AND REGULATIONS

Pursuant to the provisions of Sec. 7 (c) of Executive Order No. 192, Sec. 8 of Presidential Decree 1899, Sec. 24 (d) of Republic Act No. 7076, the following health, sanitation and safety rules and regulations are hereby promulgated for the guidance and compliance of all concerned.

CHAPTER I

Scope and Coverage

This Order shall govern all contractors, associations, processors, permittees, operators, workers, individuals and other entities engaged in any form of small-scale mining and commercial, foreshore, gratuitous and special sand and gravel extraction in the Philippines except small-scale coal mines to effect a safe and accident-free operation in small-scale mining areas.

Chapter II

Title and Definitions

TITLE: This Order shall be known and maybe cited as the "SMALL-SCALE MINE SAFETY RULES AND REGULATIONS."

DEFINITION OF TERMS: As used in, and for the purpose of this Order, the following terms, whether in singular or plural form, shall have the following meanings:

1. **"Accident"** — an undesired event in which the contact, the exposure or the movement of a person to objects, equipment, machineries, substances, conditions or other persons may or may not cause personal injury, damage to property and delay in the operation.

2. **"Accident Frequency Rate"** — the total fatal and non-fatal lost-time accidents per million manhours worked, and may be expressed in the following formula:

$$\text{Frequency Rate} = \frac{\text{No. of Lost-Time Accidents} \times 1,000,000}{\text{Manhours Worked}}$$

3. **"Accident Severity Rate"** — the days lost per million manhours worked and may be expressed in the following formula:

Severity = No. of Days Lost x 1,000.000
Rate

Manhours Worked

4. **"Adit"** — a main horizontal or near horizontal underground opening with single access to the surface.
5. **"Association"** — a group of people duly registered by the concerned Local Government Unit.
6. **"Board"** —the provincial/city mining regulatory board.
7. **"Bureau"** — the Mines and Geosciences Bureau.
8. **"Contract"** — co-production, joint venture or mineral production sharing agreement between the State and a small-scale mining contractor for the small-scale utilization of a plot of mineral land under Republic Act No. 7076.
9. **"Contractor"** — an individual or cooperative of small-scale miners, registered with the Securities and Exchange Commission or other appropriate government agency which has entered into an agreement with the State for the small-scale utilization of a plot of mineral land within a people's small-scale mining area under Republic Act No. 7076.
10. **"Cooperative"** — a group of people duly registered by the Cooperative Development Authority.
11. **"DENR"** — the Department of Environment and Natural Resources.
12. **"Development"** — systematic work of reaching a mineral deposit as precursor to actual mining through site clearing, stripping overburden, excavating opening, etc.
13. **"Director"** — the Director of Mines and Geosciences Bureau.
14. **"Electrical Installations"** — include but not limited to electrical supply equipment, electrical utilization equipment, electric generating plant, electric supply line and substation.
15. **"Electrical Supply Equipment"** — any equipment which produces, modifies, regulates, controls or safeguards the supply of electric energy.
16. **"Excavation" or "Mine Working"** — any or all parts of active or inactive mine, including; shafts, tunnels, drifts, crosscuts, raises and winzes.
17. **"Exploration"** — the examination and investigation of lands and offshore areas supposed to contain valuable minerals by drilling, trenching, shaft sinking, tunneling, test pitting and other means for the purpose of probing the presence of mineral deposits, its value and the extent thereof.
18. **"Heavy Equipment"** — off-the-road equipment such as but not limited to

bulldozers, hauling trucks and payloaders.

19. **"Hydraulicking"** — a method of surface mining using high pressure water to disintegrate placer deposits.

20. **"Local Government Unit"** — the concerned Barangay, Municipality, City or Province.

21. **"Lost-Time Accident, Non-Fatal"** — lost-time accident that will prevent the injured person from reporting to work on the working day following the day of injury, fails to continue his normal work due to complications and accidents resulting to permanent injuries or disabilities as listed in Appendix B. Counting of days lost shall start from the time the injured person fails to report for work.

22. **"Lost-Time Accident, Fatal"** — lost time accident that results in the death of the injured person.

23. **"Mechanical Equipment, Machinery or Processing Equipment"** — crushers, mills, mixers, pumps, compressors, cranes, hoists, line-shifting or other non-sophisticated equipment suitable to small-scale mining operation which shall not include motor vehicles, street cars, and similar machinery used as means of transportation.

24. **"Mine"** — includes all excavations or workings for the purpose of searching for or finding minerals as well as the workings of mineral deposits whether abandoned or actually being worked on the surface or underground together with all buildings, premises, installations, and appliances belonging or appertaining thereto.

25. **"Miner"** — any individual who is actively engaged in the development, extraction and/or utilization of minerals.

26. **"Non-Lost Time Accident"** — those that will not prevent the injured person from reporting to his designated work on the working day following the day of injury and thereafter.

27. **"Open Pit", "Open Cut", or "Surface Mines"** — include all excavations or workings for the purpose of searching for or finding and extracting mineral deposits whether abandoned or actually being worked on the surface.

28. **"Operator"** — any person or entity who has an agreement duly registered with the Board or its equivalent to undertake a special job related to small-scale mining and sand and gravel operations.

29. **"Order"** — the Small-Scale Mine Safety Rules and Regulations.

30. **"Permit"** — small-scale mining permit issued under Presidential Decree No. 1899, commercial, sand and gravel, foreshore, gratuitous and special permits.

31. **"Permittee"** — any person or entity to whom a permit is duly granted by the concerned LGU/DENR.

32. **"Pillars"** — the unmined portion of the mineral deposits or host rocks in

underground working areas left in place for support purposes.

33. **"Plant"** — includes mineral processing plant, beneficiating plant, power plant, motor pool, foundry shop, laboratory and the like.

34. **"Processor"** — a person and/or entity issued a license by the concerned LGU/DENR to engage in the treatment of minerals or ore bearing materials such as by gravity concentration, leaching beneficiation, cyanidation, cutting, sizing, polishing and other similar activities.

35. **"Producing Mine"** — any mine presently involved in the development and utilization of mineral deposit/s.

36. **"Prospecting"** — the search for mineral deposits through aerial photography, geophysics, borehole logging, etc.

37. **"Raise"** — vertical or near vertical opening driven upward from one level to another.

38. **"RED"** — Regional Executive Director.

39. **"Regional Director"** — Mines and Geosciences Bureau Regional Director.

40. **"Regional Office"** — Mines and Geosciences Bureau Regional Office.

41. **"Shaft"** — primary vertical or near vertical opening connecting the surface with underground workings for purposes of men, material, ore and mine waste passage and ventilation.

42. **"Small-Scale Mining"** — mining activities which rely heavily on manual labor using simple implements and methods and do not use explosives or heavy mining equipment.

43. **"Stope"** — large underground opening, usually inclined or vertical, but may also be horizontal.

44. **"Supervisor"** — any person to whom the contractor/permittee has delegated authority and responsibility for the direction and control of workmen.

45. **"Traffic Control"** — patrol vehicles, traffic lights, signs, barricades, detours, flagmen, or other techniques and devices used to regulate movement of vehicles according to prevailing circumstances.

46. **"Tunnel"** — main horizontal or near horizontal underground opening with access to the surface at both ends.

47. **"Underground Mines"** — include all workings for the purpose of searching for or finding minerals as well as the workings of mineral deposits in sub-surface area.

48. **"Underwater Mining Nearshore"** — all excavations or workings for the purpose of finding/exploiting of minerals under bodies of water such as seas, lakes,

rivers, etc.

49. **"Winze"** — vertical or near vertical underground opening driven downward from one level to another.

CHAPTER III

General Provisions

RULE 1 — A record shall be kept by the permittee/contractor/operator of all Non-Lost Time and Lost Time Accidents occurring at any mining property in a form prescribed by the Board or its equivalent (Appendix A).

RULE 2 — Whenever an accident occurs at a mine resulting in the death of, or in serious physical injury to one or more persons, the permittee/contractor/mining operator/association or his duly authorized representative shall immediately by the quickest possible means available, give notice thereto in writing, or by telegraph or telephone where practicable, to the Board or its equivalent association, copy furnished the Regional Office concerned within five (5) working days. Detailed report shall be submitted to the Board or its equivalent, copy furnished the Regional Office concerned, within twenty (20) days after notice of knowledge by the contractor/operator/permittee of the accident.

RULE 3 — For the purpose of any inquiry or inspection related to safety, health and sanitation, the Board or its equivalent shall:

- a. require the operator/contractor/permittee during reasonable business hours to produce any work, paper, report and document related to the accident.
- b. require the operator/contractor/permittee to present any of his workers/miners to be investigated or examined and be made to sign under oath a declaration from him during the examination.

RULE 4 — Monthly report of accident or sickness on Safety form prescribed in Appendix A shall be submitted to the Board or its equivalent, copy furnished the Regional Office concerned and the Department of Labor and Employment, within the first twenty (20) days of the subsequent month.

RULE 5 — Monthly statistical data on accident shall be accomplished and submitted to the Board or its equivalent copy furnished the Regional Office concerned and the Department of Labor and Employment, within the first twenty (20) days of the subsequent month in Safety Form (Appendix C).

SECTION 1. CLASSIFICATION OF MINES

RULE 6 — For the purpose of this Order, mines shall be classified as follows:

- a. Surface Mines.
- b. Underground Mines.
- c. Underwater Mining Nearshore.