
VIRGINIA COAL MINE SAFETY BOARD

**Department of Mines, Minerals, and Energy
Thursday – June 18, 2009 - 9:30 A.M.**

MINUTES

VIRGINIA COAL MINE SAFETY BOARD

MEMBERS PRESENT:

Frank Linkous
Richard Waddell
Billy Powers
Foster Tankersley
Max Kennedy, Jr.
David Berry
Ernest Benko

MEMBERS ABSENT:

Patti Church
Roy Jessee

OTHERS PRESENT:

Bradley Lambert, Department of Mines, Minerals & Energy (DMME) Deputy Director
Sharon Pigeon, Senior Assistant Attorney General
Mike Willis, DM Assistant Chief
Patty Varner, DM Administrative Program Specialist, Recorder

Meeting Called To Order

Chairman Foster Tankersley called the meeting to order. A roll call of members determined that there was a quorum present. Chairman Tankersley called for a motion to dispense in reading of minutes from previous meeting on October 27, 2008; a motion was made, seconded with unanimous vote taken to approve the minutes.

New Business – Status of Virginia Mine Safety Performance

Frank Linkous presented an overview and update of current status of the safety performance in Virginia using graphs that reflect numbers and data illustrating trends as well as current numbers from Virginia statistics and the federal Mine Safety and Health Administration's (MSHA) national data for a five-year rolling average. The review of accidents included roof falls, ignitions, inundations, fires and serious injuries to which DM gives intense attention and emphasis. The annual frequency rate of all reportable Virginia coal mine injuries of 2.33 is below the national rate of 2.72 – a good indicator that Virginia's coal mine operators and miners are supporting a process toward safety. DM focuses resources according to these trends, and currently emphasis is on surface operations since six of the seven fatalities nationally have been on surface operations.

A chart illustrating field inspector activity including numbers of violations and closures issued, as well as violations per inspection hour, shows a frequency increase in noncompliance issues. Expectations are for coal mining to become safer through increased compliance with laws and regulations, and other recognized standards of safe, productive performance in mining of coal. Agency resources are used to ensure that 100% of mandated inspections are attained.

Virginia Small Operators Mine Rescue (VSOMR)

Mike Willis, Assistant Chief, gave an update on complying with Section 4 of the MINER Act as related to promoting mine rescue requirements. He reported on activities of Virginia Small Operators Mine Rescue, Inc. (VSOMR). The initial contract was from July 1, 2008, through June 30, 2009, with new contract in place from July 1, 2009 through June 30, 2010. DMME provides the mine rescue coordinator who manages the rescue program. DMME provisions are charged to the VSOMR quarterly based on an annual assessment of projected costs. VSOMR supplies the station, all required equipment, replacement parts, and the team members. Currently, the VSOMR provides mine rescue coverage for seven mines. Major issues encountered have been turnover and challenges in meeting regulation requirements for contract/composite teams. The teams are well prepared, and these 16 members have had positive safety impacts at the covered mines and at their respective mines. The VSOMR has evaluated and revamped fire protection on conveyor belt standards and identified other safety needs in these mines. A total of eighteen mine rescue teams cover all Virginia mines. A challenge for mine rescue is leadership in developing capable, competent team leaders and members.

Chairman Tankersley voiced the need for establishing facilities and resources for fire protection training locally. Mr. Linkous responded that if the Board commits to supporting efforts to pursue this venture, DM will pursue an initiative on this issue, warning that accountability, responsibility and resources will be complex. Board suggested the Problem Solving Committee may address the issue of creating a fire training location(s) where fire brigade type training can be conducted, and results can be reported back at the next Coal Mine Safety Board meeting. A motion was made and seconded to draft a resolution for study of the possibility of fire-fighting academy(s) in this area for local miners. All members were in favor.

Current Substance Abuse Standards and Need for Amendments to CMSL

Mr. Linkous reviewed DMME procedures in addressing reported cases of substance abuse. The five-member Board of Coal Mining Examiners (BCME) meets every month to conduct hearings for miners by closed session for confidentiality to show cause not to revoke or enact agreements to address suspension or revocation of certifications. Statistics for the period of July, 2007 to June, 2009:

Total Cases (Suspended Miners) – 288

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| • Reinstated | 90 |
| • Revoked | 164 |
| • Suspension | 288 |
| • Board Agreements and Treatment Plans | 112 |

Over 80 complaints concerning substance abuse have been investigated, requiring 83 miners to be screened for drugs. Mr. Linkous reported success stories for miners who have entered into treatment plans due to the excellent work of the professional health providers in their efforts of individual and group counseling. The substance abuse control standard provides for identification of an individual with an addiction or abuse problem, confrontation and finally treatment and rehabilitation to return to work and their community. DMME will use \$150,000 in grant funds received through the Perdue Pharma oxycontin settlement for the treatment and rehabilitation of miners who have failed screenings for prescription drugs, or who voluntarily admit to a prescription drug problem, and enter into treatment or rehabilitation agreements with the Board of Coal Mining Examiner. \$100,000 will be used to directly help the miners, and \$50,000 is used for public education and training. Two seminars on addiction in the workplace were held in Big Stone Gap and Lebanon, billboards erected, and a two-day seminar is planned. Expansion of the substance abuse treatment and rehabilitation program for miners will be funded in the amount of \$285,000 through the DMHMRSAS.

Mr. Linkous requested consultation from the Board on submitting in July, needed amendments to the Coal Mine Safety Law to strengthen the substance abuse standards and other issues. On the advice of the

professional providers, the current 11-panel drug screen will be refined to appropriately screen for drugs of abuse for our coal mining region. The Board discussed other needed changes including requirements in random drug screening and for the provision of drug screen results to DM and the BCME. Hipaa laws governing privacy have a great impact on these provisions, and law must be crafted to abide by and protect these laws.

Other proposed changes to the Law are requirements for assuring that emergency standards are appropriate in the transportation of seriously injured persons in life and death situations. Also, a proposal to require all newly certified Surface Foreman to complete the advanced first aid certification will be considered. Existing Surface Foreman will submit to 24 hour instruction and successfully complete four hours of CPR in order to be certified in advanced first aid and would not be required to pass examination or pay fees.

Open Agenda

No items.

❖ **Next Meeting: To be announced at a later date.**

Adjournment

Upon a motion made and seconded, the meeting was adjourned.

Respectfully submitted,

Patty Varner
Patty Varner
Secretary