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**VIRGINIA COAL MINE SAFETY BOARD**

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**Department of Mines, Minerals, and Energy  
Thursday – April 29, 2010 - 9:30 A.M.**

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**MINUTES**

**VIRGINIA COAL MINE SAFETY BOARD**

**MEMBERS PRESENT:**

Frank Linkous  
Patti Church  
Richard Waddell  
Billy J. Powers  
Foster Tankersley  
Harless Mullins  
David Berry  
Ernest Benko

**MEMBERS ABSENT:**

Max Kennedy, Jr.

**OTHERS PRESENT:**

Sharon Pigeon, Senior Assistant Attorney General  
Mike Willis, Mine Safety Engineer  
Chris Whitt, Emergency Coordinator  
Becky Moore, DM Administrative Program Specialist  
Patty Varner, DM Administrative Program Specialist, Recorder  
John Bledsoe, Wise County Fire Station

**Meeting Called To Order**

Chairman Foster Tankersley called the meeting to order. A roll call of members determined that a quorum was present. Chairman Tankersley requested a moment of silence for the two miners missing in a Kentucky mine roof fall this day as well as the miners and their families of the recent West Virginia mining tragedy.

Chairman Tankersley called for a motion to dispense in reading of minutes from previous meeting on June 18, 2009; a motion was made, seconded with unanimous vote taken. Newly appointed member Harless Mullins was recognized and welcomed with introductions from the entire Board.

**New Business – Status of Virginia Mine Safety Performance**

Frank Linkous restated the purpose of the Coal Mine Safety Board –“To advise and make recommendation to the Chief on matters related to health and safety of persons working in Virginia coal industry and serve as regulatory work committee for DMME on coal mining related safety regulations”. Frank emphasized his welcome of and necessity for their advice.

Frank Linkous presented an overview and update of current status of the safety performance measures and outcomes 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 performance measures are tied to Department of Mines Minerals and Energy Operational Plan for key results. The performance outcomes are tracked as well.

The review of accidents included roof falls, ignitions, inundations, fires and serious personal injuries to which DM gives attention to investigation to the extent of fatality investigations. The annual frequency rate of all reportable Virginia coal mine injuries continues a downward trend yearly and is well below the national rate. Much work is required to achieve and sustain this level of positive numbers. The war with the injury rate is not won with law, but by winning the hearts of the miners, foremen and coal operators. DM will stay focused to help the industry achieve safety. Mr. Linkous pointed out that Virginia's most recent three fatals were of the roof/rib type compared to no roof fatals during the previous seven years — an amazing record on the part of our miners considering the present day mine roof conditions.

Charts illustrated field inspector activity including numbers of violations and closures issued, as well as violations per inspection hour both for current year and for historical periods. DMME's enforcement staff classify violations by unsafe practices and conditions in order to track frequency rates. Compliance cannot be based solely on conditions but on performance through training and accountability. DM's goal is to write *less and less* violations. Responses of external surveys taken quarterly indicating satisfaction with DM services were charted and illustrate a high percentage of customer satisfaction.

The Board reviewed a spreadsheet summarizing substance abuse cases managed by the Virginia Board of Coal Mining Examiners (BCME) for period September, 2007 through April, 2010, including 168 reports from Kentucky with corresponding Virginia certifications. Agreements entered into by the BCME and miners for substance abuse treatment through the treatment facility providers total 171 cases to date. Other statistics tracked are suspensions, reinstatements, revocations, failures to comply, probation and second violations. Mr. Linkous reported on several efforts in assisting the miners utilizing the grant funds received from the Oxycontin settlement. The most recent activity in public awareness is the production of three video clips produced by DMME's Public Relations Manager Mike Abbott through WCYB TV which are currently airing.

## **Review of Upper Big Branch Coal Mine Disaster**

Mike Willis, Mine Safety Engineer, presented a mine overview of the Upper Big Branch mine in West Virginia at which an explosion occurred on April 5th killing 29 coal miners. The investigation is on-going, and information flow is slow. DM promptly reviews and analyzes information dispersed from such investigations in order to be proactive in anticipation of potential mine disasters. Mr. Willis reviewed a mine map of the Upper Big Branch mine with emphasis on ventilation of the mine. MSHA will be able to identify the probable location of the ignition. The Board viewed a slideshow from the internet of the 29 miners. Mr. Linkous anticipates a major impact through new legislation to result from the mine disaster.

## **Discussion of Implementation of New Coal Mine Safety Laws**

Board reviewed Senate Bill 561 from the 2010 session of the General Assembly as related to coal mine safety. In order to establish a higher standard of emergency care for our surface miners, effective with the implementation of the law July 1, 2010, all new surface mine foreman will have to pass examination and hold an advanced first aid certification. Existing surface foreman must complete the training class and demonstration of practicals in order to receive the advanced first aid certification by deadline of December 31, 2011. The advanced first aid examination and certification fee are waived for existing surface foreman. DMME is working with the community colleges to enable foreman to achieve the training and subsequent certification.

The standards related to substance abuse are changed from an 11-panel to a 10-panel urine drug screen through the advice of the treatment providers. More specific drug panels can be

addressed through rulemaking by the Board of Coal Mining Examiners. Other clean-up for issues related to substance abuse are addressed in the new law. Mr. Linkous highly commended the members of the Board of Coal Mining Examiners for their passion to the mission of addressing substance abuse in mining and helping the affected miners.

### **Review of Virginia Firefighting Training Initiative**

Chris Whitt, DM Emergency Coordinator, reported on progress made since the Board's resolution and directive for study of the possibility of fire-fighting academy(s) in this geographical area for local miners. The Board viewed a power point presentation developed for training by the Department of Fire Programs personnel. A primary initiative is dealing properly and quickly in the first few minutes of discovery of fire. Techniques are discussed in classroom and then hands-on application is practiced in field. Several mine rescue teams have used the training facility and 100 miners trained to date. The MSHA Brentwood/Sago firefighting grant has enabled initiation of the training program; however, the grant does not allow for purchasing. John Bledsoe presented information on mine shaft simulators for fire fighting training. Costs for construction of such would be \$170,000. The Board gave comments on constructing such a facility, and all members were agreeable in pursuing work with our partners to proceed. Chairman Tankersley encouraged the Board members to make contacts to influence for monetary and other support.

### **Virginia Historic Fatalities Search**

Rebecca Moore of DM reported on research of information on historic coal mine fatalities in Virginia through the MSHA Beckley Academy for records from the Bureau of Mines. The hard copies will be scanned and placed on DMME's website under an application where queries can be run and matches for information made. Mr. Linkous stated that DM receives requests for historic mine fatality information continually and that this data is important to show historic trending. The Board concurred that the historic fatality data would prove to be beneficial and positive in the areas of trending, genealogy records and regional tourism.

### **Mine Safety Awards 2009**

Nominations for the Mine Safety Awards for 2009 were reviewed and approved by the Board. Individual nominations included six miners for 40 years of working with no lost time for injury, 22 with 30 years, 22 with 20 years, and 22 with 10 years. Company nominations included one large underground operation, three large surface operations, four small underground operations, and two small surface operations. MSHA's Denver database confirms the reportable injury rates. These awards will be presented in the presence of each winner's work group.

### **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