

# **BOARD OF COAL MINING EXAMINERS**

## **SUMMARY OF MEETING**

**OCTOBER 4, 2011**

**The following is a summary of the October 4, 2011 Meeting:**

- I. Meeting called to order at 9:08 AM by Randy Moore, Chairman. Members present were Randy Moore, Joseph Buchanan, Arvil McConnell and Ricky O'Quinn. Member Gerald Kendrick was absent. Also present was Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Sr. Assistant Attorney General. Deputy Director Butch Lambert was absent.**
- II. Opening statement delivered by Randy Moore, Chairman.**
- III. Motion made and seconded to accept October 4, 2011, meeting agenda and approve September 6, 2011, meeting summary. All members were in favor to approve.**
- IV. Review of Virginia Substance Abuse Cases (Closed Session)**

**Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.**

**V. Open Agenda**

**Chairman Randy Moore presented the background information on situations which the Division of Mines has encountered when surface mine sites are being prepared by clear cutters. Two issues have developed and were presented to the Board for recommendations: DM should require the Clear Cutters working on a licensed mine site to work under the supervision of a DM certified Surface Foreman or a new DM certification set up for this type work and hold a General Miner Surface certification and comply with all mining laws.**

**The Board Administrator, Mary Gibson, presented certification requirements information prepared by the DM Certification Update Committee including the coal mine and miner definition by the Coal Mine Safety Law.**

**Board agreed that the General Miner Surface certification should be required. The Board discussed an approach to satisfy the requirement of supervision of a DM certified Surface Foreman whereby the shift of authority from the Surface Foreman of the permit to the crew leader during clear cutting work may be accomplished via a form, signed by both parties and documenting the crew leader's abilities and responsibilities. This avenue will preclude the crew leader from the Surface Foreman certification requirement.**

**The other option is to adapt what is needed into a certification to be developed and applicable to law requirements.**

**Sr. Assistant Attorney General Sharon Pigeon recommended that any changes be made through statutory changes or regulatory enhancements, but not by Board edict. Ms. Pigeon advised to specify a tighter definition of areas used to prepare a site for surface coal extraction activities in order to ensure regulation in the proper delegation of authority. The Board agreed to address this issue first and continue to work on the resolution.**

**The Board reviewed Safety and Health Regulation 4 VAC 25-20-210.C. regarding the requirement for recertification in CPR which is included in the annual four hours continuing education training in advanced first aid certification. The American Red Cross now only requires CPR recertification every two years, and their fee has recently increased to \$29 with higher fees anticipated. The Board discussed taking out the requirement for CPR recertification, but retain the training requirement every year. The Board also recommended the stipulation that the CPR training be conducted by an American Heart Association certified person.**

## **VI. Next Meeting**

**Next meeting will be November 1, 2011.**

## **VII. Adjournment**

**Meeting adjourned at 12:50 PM.**