
VIRGINIA COAL MINE SAFETY BOARD

**Department of Mines, Minerals, and Energy
Monday – February 6, 2006 - 9:00 A.M.**



MINUTES

VIRGINIA COAL MINE SAFETY BOARD

MEMBERS PRESENT:

- William J. Kiser
- Ernest J. Benko
- Foster Tankersley
- David Berry
- Richard R. Waddell

MEMBERS ABSENT:

- Max Kennedy, Jr.
- Roy M. Jessee
- Danny R. Sparks
- Patti Page Church

OTHERS PRESENT:

- Frank A. Linkous, Chief, Division of Mines
- Benny R. Wampler, DMME Deputy Director
- Sharon Pigeon, Assistant Attorney General
- John Thomas, Division of Mines Inspector Supervisor
- Carroll Green, Division of Mines Inspector Supervisor
- Mike Willis, Division of Mines Mine Safety Engineer
- Patti Varner, Administrative Program Specialist

Meeting Called To Order

Chairman Foster Tankersley called the meeting to order. A roll call of members determined there was a quorum present. Five of the nine members were present. A quorum requires the Chairman and four members to be present.

Chairman Tankersley called for approval for the minutes from the previous meeting of May 19, 2005. Motion was made and seconded to approve the minutes, and the Board approved the minutes. Also, the agenda for the February 6, 2006, meeting was reviewed and approved.

Overview on 2005 Virginia Mines Safety Performance

Frank Linkous presented charts and data representing a five-year rolling average on Virginia mines safety performance for 2005. Information reviewed included reportable incidents, serious personal injuries, fatality frequency rate, inspection days, violations and closures by type for 2005 and historical, tonnage from 1990-2005, and production and office employees numbers. No fatalities occurred in Virginia in 2005 for the first time in Virginia's history. Downward trending is favorable over the five-year period. Downward trending is tracked in tonnage production and numbers of production and office employees. Virginia's coal industry is a small mine industry with 64% of mines with 15 or fewer employees, 90% with 50 or fewer; 11 mines employ between 50-100, and only five mines with 100 or more employees. Virginia versus the national trend in NFDL frequency rates has fallen to meet the national average in 2004 and less in 2005. Mr. Linkous attributes the trending to good

small mines producing efficiently and safely. However, all cannot rest on one year's performance; continuous vigilance in safety is required in mining. Inspection activities are focused not only on conditions, but also on behavioral based safety. The small mine industry is low capital, working with small coal reserve basis, and have three to five year mining plans. These facts are very relevant should proposed legislation be brought to fruition

Virginia has six mine rescue teams available. The Division of Mines (DM) met with the teams on February 3rd to look at ways of improving mine emergency response capabilities for efficiency and effectiveness. The Department of Mines, Minerals and Energy (DMME) has much confidence in these teams due to the fact that they are very experienced, admirable and effective performers, well trained and maintained.

Review of Sago No. 4 and Alma Mine Accidents

Carroll Green, Mine Inspector Supervisor, gave a review of the Sago No. 4 mine explosion in West Virginia, based on information received at a Mine Safety and Health Administration (MSHA) briefing and from mine rescue team members present at the events. It is probable that the point of origin of the methane explosion will be determined in the on-going investigation. Mr. Green also presented an overview of the Massey Alma mine fire in West Virginia. All of Virginia's six mine rescue teams responded to this event, with four Virginia teams working underground, fighting the fire and recovering the victims. The teams performed admirably.

Discussion of January 30 meeting with Governor Kaine and Southwest VA Delegation

The aftermath of these two mine disasters has brought about many well-intentioned efforts to abate and prevent re-occurrences. Benny Wampler led discussion on the January 30 meeting with Governor Kaine and Southwest Virginia delegation. DMME presented the following recommendations:

- DMME will work with MSHA to ensure that mine operators have access to the most up-to-date safety information. On February 6 before start of each shift's mining activity, mining hazards and vital safeguards will be reviewed with miners.
- Amend §§ 45.1-161.202 of the Virginia Coal Mine Safety Act to clarify the Chief Mine Inspector's authority in regard to mine operator's emergency response plan and other changes dealing with emergency response.
- DMME suggested scheduling a symposium on wireless communications technology on February 13th at the Southwest Virginia Higher Education Center in Abingdon, VA. The meeting would include representatives from the Virginia Center for Coal and Energy Research, the National Institute for Occupational Safety and Health, MSHA, mine operators, UMWA and equipment and system manufacturers to assess current capabilities of wireless technology and identify where gaps in the technology may exist. Six vendors will demonstrate the quality of their systems. Safety vigilance conducted at the "point of control", the working sections, will be addressed also.
- DMME will receive the recommendations from the Virginia Coal Mine Safety Board and take appropriate actions through promulgation of regulations or amended mine emergency response plans to improve emergency communication and sources of emergency oxygen in underground coal mines.

- DMME will conduct emergency preparedness audits of all Virginia underground coal mines during the next regular inspection of the mine and require updates to the mine emergency response plans as needed to be completed by September 2006.
- DMME will require enhanced training on proper donning of self-contained self-rescuers as part of new underground coal miner and annual retraining.
- DMME will provide status reports to the Governor, the Secretary of Commerce and Trade, and members of the Southwest Virginia legislative delegation following each of these actions.

DMME plans to meet with the new Assistant Secretary of Labor for MSHA once confirmed to address these issues. DMME plans to coordinate with industry and interested parties to maintain a proper course of action. More emphasis will be placed on training about the lessons learned from these accidents.

The Board reviewed proposed legislation: West Virginia Senate Bill No. 247 (By Senators Tomblin, Mr. President, and Sprouse, By Request of the Executive), U.S. Senate Bill 2231 (By Senators Byrd and Rockefeller), and U. S. Senate Bill to amend the Federal Mine Safety and Health Act of 1977. All are comprehensive, and all of the proposed changes and requirements would require rule making. To promulgate regulations of this magnitude is estimated to take from one to two years even though the legislation calls for regulations to be prescribed within 90 days.

Board Recommendations for DMME

DMME's focus is on responding through the emergency response plans. If legislation passes as discussed, then all plans will have to be resubmitted to address certain criteria. The Board was presented a list of recommendations on emergency response which was generated by Division of Mines field personnel. Chairman Tankersley called for a motion to review the list item by item and give recommendations. Motion was seconded.

From this review and discussion, the Coal Mine Safety Board recommended that DMME concentrate on the following provisions for incorporation into or improvements to existing requirements of each coal mine's emergency response plan:

1. Address in the plan the provision of additional SCSR's (Self Contained Breathing Apparatus) in storage caches at the working section and other areas within the mine.
2. Require a second telephone system for the mine with a substantially protected line maintained in the primary escapeway with the currently required lifeline to the surface.
3. Require that CO (carbon monoxide) detection capabilities be available on each working section.
4. Require that a substantial line to which miners can connect their belts be available at the section end of the lifeline in the primary escapeway, on the section man trips and on the tailgate of longwalls.
5. Require secondary illumination that will be visible in smoke and available to be worn by miners in escape mode.
6. Require that the training provisions of the emergency response plan be strengthened to require that all miners at least twice annually travel the entire primary escapeway, that training in the donning and use of SCSR's specifically focus on when and how to donn properly in smoke or other adverse conditions.

7. Require that existing lifelines in the primary escapeway be maintained to facilitate safe working or crawling conditions and be provided with an appropriate marking or indicator when aligned with a man door in the stopping line.
8. Require that a means for rapid deployment or construction of an effective barricade for miners be provided on each working section.
9. That DMME with input from the coal industry continue to review and evaluate the availability and efficacy of wireless communication and tracking systems for underground miners.

A motion was made and seconded that DMME will pursue the recommendations in amending the emergency response plans once legislation is enacted.

Open Agenda

Items discussed were: merits of training in creating skilled rescuers; updating listings of emergency response equipment of each coal operation; status of addressing substance abuse in mining. A member recommended that the Coal Mine Safety Board Chairman or his designee be invited to meetings on safety issues of the DMME, industry or legislators in order to provide support to DMME. The Board viewed a training DVD on substance abuse that has just been developed through a problem-solving group comprised of industry, MSHA, and Division of Mines personnel.

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

Adjournment

Upon a motion made and seconded, the meeting adjourned.

Respectfully submitted,

Patty Varner
Secretary