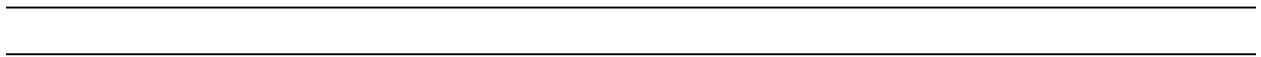

VIRGINIA COAL MINE SAFETY BOARD

**Department of Mines, Minerals, and Energy
Monday – October 27, 2008 - 9:30 A.M.**



MINUTES**VIRGINIA COAL MINE SAFETY BOARD****MEMBERS PRESENT:**

Frank Linkous
Richard Waddell
Billy Powers
Foster Tankersley
David Berry
Roy Jessee
Ernest Benko
William Kiser

MEMBERS ABSENT:

Patti Church
Max Kennedy, Jr.

OTHERS PRESENT:

Benny Wampler, Department of Mines, Minerals & Energy (DMME) Acting Director
Bradley Lambert, Department of Mines, Minerals & Energy (DMME) Deputy Director
Mary Gibson, Regulatory Boards Administrator
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. Mr. Tankersley observed that the last meeting of the Coal Mine Safety Board was not an official meeting due to the lack of a quorum of members being present.

Chairman Tankersley called for a motion to dispense in reading of minutes from previous meeting on June 5, 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 from Virginia statistics and the federal Mine Safety and Health Administration's (MSHA) national data illustrating a five-year rolling average. The frequency rate of reportable serious personal injuries shows an upward trend. The Division of Mines (DM) staff focus for addressing the upswing is toward personal contacts with miners, especially the new, inexperienced miners, at the mine sites, and addressing the impacts and challenges of this trend. Virginia's rate has improved especially in comparison to the national average. The graphs are a good indicator of safety, but not the only reference. Virginia's fatality frequency rate increased since April after being at the zero level for the last three years, with two fatalities, both roof falls, occurring this year. The national average shows an upswing; three fatalities in 12 days have occurred in October alone. Frank cautioned for consideration and care at all levels in imposing change due to the MINER Act and not deviating from basic issues of mine safety concerns.

A graph illustrated the concentration of fatalities and serious accidents over the past 10 years in the Tri-State Coal Mining Initiative area (Kentucky - 237, West Virginia - 226 and Virginia - 74). These elevated numbers are induced by the coal reserves being mined and their conditions and multi-seam activities.

A chart illustrating field inspector activity including numbers of violations and closures issued showed a frequency increase in noncompliance issues. Agency resources are used to ensure that 100% of mandated inspections are attained. This tracking is used as an index of the compliance issues. Compliance is stressed to the operators as being a part of everyday business to be addressed, and mining with compliance of the laws enacted by Congress to improve our processes to make safety work underground. Mr. Linkous reported that DM has good cooperation from both operators and miners in addressing violations. Board members encouraged the concept that miners choose the safest work practices. The challenge is having the time, resource and commitment to improve compliance.

Other graphs reviewed illustrated violations per inspection hours for surface and underground and the number of investigations by accident type. Frank credited DMME's mapping processes for the low incident rate of accidental cut throughs.

Status Report on Virginia Miner Substance Abuse

Mr. Linkous reviewed DMME procedures in addressing reported cases of substance abuse. The Board of Coal Mining Examiners meets every month to conduct hearings for miners by closed session to show cause not to revoke or enact agreements to address suspension or revocation of certifications. The Board has seen success in aiding afflicted miners and credits the support from the counseling and sampling providers and to the awareness of compliance of the law of people engaged in the issue. Mary Gibson presented these statistics for the period of July, 2007 to October 2008:

Total Cases (Suspended Miners) – 190

• Reinstated	67
• Revoked	101
• Suspension	19
• Board Agreements	63
• Treatment Plans	74

DM encourages operators during hiring of employees to research that prospective miners hold valid certifications either via the certification look-up on the DMME website or calling the DM office.

Substance abuse complaints received by DM for the period July 1, 2006 to June 30, 2007 constituted 14 of the total 31 complaints received; and 38 out of 72 complaints received for the period July 1, 2007, to present were substance abuse. Benny Wampler stated that society currently does not have a solution to tackle the substance abuse issue which is acute. Throwing money and turning a blind eye is not working as a solution.

Copies of the Federal Proposed rule – Part 66- Alcohol and Drug-free Mines: Policy, Prohibitions, Testing, Training and Assistance were distributed. Public hearings have been held and the extended comment period deadline is November 8, 2008. The Board is encouraged to give recommendations on how DM should proceed in complying with the Federal rule if passed. Some important key definitions of the rule are safety sensitive job duties, written policy patterned after DHR, training required, 10-panel drug screen and miner assistance following admission of use of prohibited substances.

Review of Consol Buchanan No. 1 Fatality

On July 25, 2008, the second fatality in three years occurred at Consolidation Coal Company's Buchanan No. 1 mine. The victim, a roof bolter operator, was fatally injured in a fall of roof material accident while installing permanent roof supports. He was positioned in the area of

the Automated Temporary Roof Support System (ATRS), near the left drill station canopy of the roof bolting machine, marking the placement of the next roof bolt to be installed when the accident occurred. DM, as well as the coal company, are reviewing best practices in contemplating the fatality.

Open Agenda

Mr. Linkous gave a summary of the number of general miner certifications issued and mine licenses issued for years 2005- 2008, which shows a significant increase in both for 2008 to date. Statistics on 2008 nationwide coal mine fatalities are 25 underground and 10 surface with 10 of the 25 working at independent contractors.

Mr. Linkous outlined the top ten coal mining safety challenges and concerns as he sees them as an agency. The Board discussion confirmed that a top priority is hiring and training the greatly increased number of inexperienced miners to meet today's coal market production demands. Board members believe that over time good training will supply a stronger work force and that involving the family of the miner will encourage the meeting of expectations of the job.

Board discussed the issue of meeting the demand for the number of skilled positions including foremen and electricians. DM has a proposal to consider as experience the classroom time required for preparation for the examinations. This proposal will be presented to the Board of Coal Mining Examiners.

Chairman Tankersley noted that Benny Wampler will be retiring December 31. The Board observed that Mr. Wampler is well respected and trusted and will be missed. The Board welcomed Bradley "Butch" Lambert who will succeed him in the position of DMME Deputy Director. Mr. Lambert looks forward to working with the Board on the new challenges the industry is facing.

❖ 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