

# BOARD OF COAL MINING EXAMINERS

## SUMMARY OF MEETING

March 3, 2020

**The following is a summary of the March Meeting:**

- I. The Meeting was called to order at 9:05 a.m. by Board Chairman, Randy Moore. Members polled indicating their presence were Bennie Johnson Jr., Douglas Deel, Phillip Hale and Larance Eugene Middleton. Also present were DMME Deputy Director, Bradley “Butch” Lambert; Regulatory Board Administrator, Mary Gibson; and DMME Hearings Coordinator, Darlene Gibson.
- II. Motion and seconded to accept the March 3, 2020 meeting agenda by Bennie Johnson, Jr. and Eugene Middleton, respectively. All members present were in favor to approve.
- III. Motion and seconded to approve the February 4, 2020 meeting summary by Bennie Johnson, Jr. and Phillip Hale, respectively. All members present were in favor to approve.
- IV. Review of the Virginia Substance Abuse Cases (Closed Session)  
Motion and seconded to approve to enter into Closed Session at 9:07 a.m. by Phillip Hale and Bennie Johnson, Jr. respectively. All members present were in favor to approve. Of the cases that resulted in hearings, evidence were 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/or took other disciplinary actions including revocation of all certifications held by miners.
- V. Open Session reconvened at 10:00 a.m. by the reading of the certification statement of compliance with the Virginia Freedom of Information Act by Douglas Deel. Randy Moore, Chairman confirmed the statement to be true. The following Board members were polled by Darlene Gibson certifying the statement to be true as follows: Bennie Johnson, Jr., Phillip Hale, Douglas Deel and Larance Eugene Middleton.

Summary of Closed Session Activity was read into record by Regulatory Board Administrator, Mary Gibson for the following docket items:

#11095-13 Reviewed and Revoke

#12093-09 Reviewed and Revoke

#19064-03 Attended

#19253-01 Attended

#20035-01 Revoke

#20035-02 Revoke

#20035-04 Revoke

Motion and seconded to approve by Bennie Johnson, Jr. and Eugene Middleton, respectively; with all members present in favor to approve for Regulatory Board Administrator, Mary Gibson to follow-through on the actions agreed upon during closed sessions.

VI. Open Agenda items were discussed as follows as presented by Regulatory Board Administrator, Mary Gibson and Board Chairman, Randy Moore:

a. Due to a new representative of the Attorney General is taking place, Randy Moore will follow up with the AG's office when the new representative gets settled to discuss the Board's position of the usage of CBD oil and find out their legal opinion.

b. A follow-up call was made by Randy Moore to Contura in regards to how they were addressing the usage of CBD oil. Currently Contura had already met internally and a new policy was being drafted in how they would be addressing the issue. Mr. Moore will again follow-up for the results of Contura's final policy.

Mr. Moore also provided he had been unable to reach Welmore but will reach out again to discuss where they stand on the issue.

c. No further information was available in regards to the proposed KY law however; Mary Gibson will follow-up to find out the progress.

d. Mary Gibson updated the board in regards to the MOU with Ohio. A meeting had occurred with the Ohio officials and a MOU draft had been sent. However; Ohio has not responded to date and she had been told the MOU was with their attorney. Randy Moore will follow-up to find out the status.

e. Randy Moore will obtain contact for Indiana and Alabama to discuss an MOU at the IMCC meeting in April, 2020.

f. Board member Phillip Hale had been approached by a mine supervisor if an email could be sent out with a list of individuals with revoked certification cards. Mr. Hale stated there was an ongoing concern of individuals presenting cards that unbeknownst to the mining operators that their cards had been revoked by

the board. Mary Gibson provided information for those concerned could review the DMME website and do a certification look-up to verify an individual's certification. She also stated that it was not possible to get all the individuals that had their card revoked to properly turn them in, thus the reason for the certification look-up on the website. Randy Moore also suggested they could contact their state inspector to verify as they keep an active list with them or call the DM office.

- g. Mary Gibson stated there is an issue with the manual tracking by mining companies of individuals with surface foreman cards and the requirement of maintaining their advanced first aid. If a surface foreman's advanced first aid card expires, then the foreman's certification becomes invalid. Currently there are not any kind of electronic notification or checks of expired advanced first aid cards which makes it difficult to manually track by the mining companies.

VII. Next Meeting  
April 7, 2020

VIII. Adjournment  
Motion and seconded to adjourn the meeting at 10:23 a.m. by Bennie Johnson, Jr. and Phillip Hale, respectively. All members present were in favor to approve.