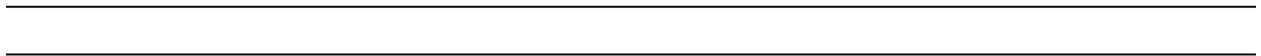


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**VIRGINIA COAL MINE SAFETY BOARD**

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**Department of Mines, Minerals, and Energy  
Thursday – June 5, 2008 - 9:30 A.M.**



**MINUTES**

**VIRGINIA COAL MINE SAFETY BOARD**

**MEMBERS PRESENT:**

Frank Linkous  
Richard Waddell  
Billy Powers  
Foster Tankersley  
David Berry

**MEMBERS ABSENT:**

Roy Jessee  
Max Kennedy, Jr.  
Patti Church  
William Kiser  
Ernest Benko

**OTHERS PRESENT:**

Mary Gibson, Regulatory Boards Administrator  
Carroll Green, Division of Mines (DM) Inspector Supervisor  
Patty Varner, DM Administrative Program Specialist

**Meeting Called To Order**

Chairman Foster Tankersley called the meeting to order. There was not a majority of the Board present, and therefore, no quorum. Mr. Tankersley offered a suggestion that for the next meeting in October that the members be polled early in October for an acceptable date of the month for the members.

Chairman Tankersley called for dispensing in reading of minutes from previous meeting on October 10, 2007. Frank Linkous proceeded with reporting on the established agenda items.

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

Frank Linkous gave an overview and update of Virginia's coal mine safety performance using graphs that reflect numbers and data from Virginia statistics and MSHA's national data. The frequency rate for all reportable Virginia injuries charted with the national average shows a significant improvement in Virginia's performance, a steady decline in injuries since year 2000, and rates below the national average each year since 2003. Virginia's man-hours on which these rates are based are predominantly underground which represent a higher risk of injury. This reflects admirably on Virginia's industry in working to improve safety.

Graphs for Accident Frequency rate (roof falls, ignitions, inundations, fires and highwall falls) reflect a slight trend upward in 2008 with increases in roof falls and fires due to more attention on reporting by industry under new standards. Another factor is coal market prices enabling development in areas of mining that would not have been mined before.

Fatality frequency rates graphs reflect no fatalities in years 2005-2007, with one fatality (roof fall) occurring in April, 2008, in Virginia. There have been 13 fatalities in the nation this year to date (10 machinery and power haulage; the others roof and electrocution). Utilization of new systems of roof support and effective emphasis on training show good results.

The Serious Personal Injury rate has trended downward since 2004. These injuries are investigated very thoroughly, and action plans address the information garnered and are distributed and shared.

Graphs reflected data of violations per inspection hour, violations by yearly quarters, violations by year and number of investigations by type (roof falls, highwall falls, accidents, ignitions, inundations, fires and accidental cut throughs). The increase in violations in the first quarter of 2008 reflect DM's proactive undertaking to answer and resolve issues encountered while heightening the operator's awareness and response capability. Virginia's success in mine safety is due to the level of trust with industry even though this has been shaken recently due to stringent enforcement of recent mandates.

### **New Business – Critical Issues**

Frank Linkous presented a list in priority order of critical issues of concern in Virginia coal mine safety which have increased alongside the nation's energy demands and due to compliance with the enhanced MINER Act:

- Interaction between coal mine and gas well activities.
- Mineable reserves/coal market upswing.
- Well-trained and experienced miners, operators, state/federal inspectors.
- Available and effective training services.
- Climate of mistrust.
- Substance abuse in mining.
- Transportation and treatment of seriously injured miners.
- Surface mining near communities/highways.
- Respirable dust exposure.
- Mine rescue teams/programs.
- Compliance profiles.
- Multiple seam mining activities/ effects.

### **New Business – Review of Substance Abuse Procedures**

Mary Gibson, Regulatory Boards Administrator, gave a review of the procedures used by the Board of Coal Mining Examiners in handling docketed substance abuse cases before the Board. A spreadsheet of cases brought before the Board for period September 2007 through June 2008 reflected:

- |                                     |     |  |
|-------------------------------------|-----|--|
| • Total Cases (Suspended Miners)    | 139 |  |
| • Reinstated                        | 38  |  |
| • Revoked                           | 63  | (includes those who failed to appear before the Board after two consecutive notifications) |
| • Suspension                        | 38  |  |
| • Board Agreements/ Treatment Plans | 44  |  |

The Board meets the first Tuesday of every month to review substance abuse cases.

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 31 out of 59 complaints received for the period July 1, 2007, to present were substance abuse.

## **New Business – Review of Fatality at Osaka Mining Corp. Mine No. 1**

Carroll Green, DM Inspector Supervisor, reviewed the events and circumstances of the fatality at Osaka Mining Corp. Mine No. 1 on April 22, 2008, Virginia's first mine fatality in three years. David Sizemore was fatally injured in the fall of roof/rib material accident while observing a remote control continuous miner operating. A fact sheet, time line of events, sketches and photos were presented.

## **Overview of Program Activities**

Mr. Linkous requested approval to proceed with the distribution of the annual coal mine safety awards. Those Board members present concurred. Award categories are: individual, large underground, small underground, large surface and small surface mines.

DM proposed a change in the eligibility criteria to increase the small surface to 50,000 employee hours for the calendar year. The number is currently 25,001. Those present thought this to be a fair change. Chairman Tankersley put the issue on the table until the upcoming October meeting for review and discussion by the Board.

## **Open Agenda**

Mr. Linkous petitioned for any particular issues to address for the next meeting and received this feedback:

1. Analysis of accidents in Virginia in relation to experience.
2. Needed changes in law.
3. Effective coordination with other agencies.
4. Age of those miners suspended for substance abuse.
5. Number of general miner certifications issued.

❖ **Next Meeting: Members to be polled for a date in October.**

## **Adjournment**

The meeting was adjourned at 1:00pm.

Respectfully submitted,

Patty Varner  
Patty Varner  
Secretary