

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
July 7, 2016 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

Patrick McDonnell, Chairman, DEP Acting Secretary
John Gallick, PCA
Stan Popich, PCA
Charles Shaynak, PCA, Consol
Frank Reidelbach, UMWA
James Sabella, UMWA

OTHERS PRESENT

John Stefanko, DEP, Executive Deputy Secretary for Programs
R. Henry Moore, Jackson-Kelly
Ben Stock, Rosebud
Jake Wells, Rosebud Mining
Will Dando, PCA
Chris O'Neil, Consol
Laura Edinger, DEP, Policy Office
Joe Iole, DEP, Regulatory Counsel
Craig Carson, DEP, Director, Bureau of Mine Safety
Richard Wagner, DEP, Bureau of Mine Safety
Jeffrey Kerch, DEP, Bureau of Mine Safety
Arthur Brower, DEP, Bureau of Mine Safety
Jeffrey Pardus, DEP, Bureau of Mine Safety
Allison Gaida, DEP, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES:

Patrick McDonnell, DEP Acting Secretary and Chairman of the Board of Coal Mine Safety, introduced himself and then called the meeting to order at 10:07 a.m. Chairman McDonnell asked for introductions around the room. Board member Ron Bowersox was not in attendance due to a meeting at UMWA's International office.

Chairman McDonnell asked the Board to consider its first item of business, which was approval of the March 23, 2016, meeting minutes.

Frank Reidelbach moved to adopt the minutes to the Board. John Gallick seconded the motion, which was unanimously approved by the Board.

UPDATE ON STATUS OF PROPOSED RULEMAKING ON PROXIMITY DETECTION SYSTEMS:

Chairman McDonnell gave an update on the status of the proposed Proximity Detection Systems rulemaking. He noted that the rulemaking was published in the PA Bulletin on March 19, opening a 30-day public comment period. No comments were received from the public and DEP received a no comment letter from the Independent Regulatory Review Commission (IRRC) for this rule. He explained that receiving a no comment letter from IRRC means that as long as the regulatory language does not change from the proposed to the final rulemaking, and if the Board accepts the final rule; it will be deemed approved by IRRC. A final rulemaking package will be provided to the Board for consideration at a future meeting.

John Gallick provided an additional update to the Board regarding this rule. He explained that when the mining industry started wearing the respirable dust monitor after February 2, it became obvious that there was an interference problem between the proximity pad device and monitor, and proximity was not being detected. He further noted that this is a national issue and the solution for now may be to work around it by keeping the devices separate. MSHA recommends keeping them six inches apart. This issue may be resolved at a federal level.

EMT-INDUSTRIAL DISCUSSION:

Chairman McDonnell stated that, through several conversations and presentations, the Board learned that an EMT-Industrial certification could not be established through regulation. This can only be done through statutory amendment. A subcommittee was tasked with developing a letter to the legislature to request that the statute be amended to add language that would allow for the creation of this certification.

Chuck Shaynak let the Board know that three subcommittee meetings were held, one which included a presentation by a certified trainer giving an overview of the EMT and EMR certifications. Through this presentation, it was discovered that a few items were missing from the EMR training that would qualify for EMT mining needs. Items that would need to be added to the EMR training for a sufficiently trained person underground were developed, and a letter was informally shared with Board members. A letter is to be drafted for the next meeting to be reviewed and discussed by the Board.

SENSITIVE GROUND FAULT REGULATION DISCUSSION:

Chairman McDonnell shared with the Board that, in drafting and reviewing the proposed rulemaking package, DEP staff determined definitions needed to be added to the regulation for clarity and readability. The addition of the definitions is the only part of the draft regulation that was changed. Everything else that was previously agreed upon remained the same. Chairman McDonnell reviewed the definitions and gave the Board an opportunity to make any necessary amendments before moving the rulemaking package forward in the regulatory review process. The four definitions added were Crosscut, Inby, Working Face, and Working Section.

Stan Popich indicated that 'Working Section' is already listed in the definitions under Section 104, so this is a duplicate. "Working Section" should be defined as the others "The term as defined in

Section 104 of the act.” Laura Edinger explained that DEP believed having the definition written out in the regulation would provide clarity. After further discussion, the Board agreed to keep the definition as proposed.

John Gallick said that the word “material” should be replaced with the word “coal” in the “Working Face” definition. The Board agreed to this amendment.

Jim Sabella asked whether a pump operated in the area of the mine face would be required to have ground fault. After a brief discussion, it was stated that if the pump is machinery, then it would be required to have ground fault as it is at the area of the mine face.

The next step for this regulation is the preparation of a full rulemaking package by DEP staff for formal consideration by the Board at its next meeting.

**A motion was made by John Gallick to accept the four new definitions with the revision of “Working Face” to use the word “coal” instead of “material”.
Frank Reidelbach seconded the motion, which was unanimously approved by the Board.**

NEW REGULATIONS BOOK:

John Stefanko, DEP Executive Deputy Secretary for Programs, updated the Board on the Chapter 208 regulation booklet and supplemental book referencing the federal regulations. The documents are currently in the DEP Communications Office for review and booklets will be available at the next meeting.

OTHER BUSINESS:

Chairman McDonnell asked if there were any other topics the Board would like to consider. No additional items were brought forward for discussion.

PUBLIC COMMENTS:

Chairman McDonnell asked the members of the public in attendance for comments. Hearing none, the mine safety video was premiered.

MINE SAFETY VIDEO

Chairman McDonnell introduced the new safety awareness campaign video, “Safety First, No Shortcuts,” stating that the safety of our miners is a top priority and requires a team effort by government, industry and our mine workers. The video was produced in collaboration with the PCA and is part of a campaign to remind operators and employees to be safe, and to not take shortcuts so that the men and women working in the mining industry can go home to their families.

Chairman McDonnell expressed his thanks to CNX Coal Resources LP who allowed DEP to shoot this video in their Enlow Fork Mine in Claysville, Washington County. Chairman McDonnell also recognized DEP’s Commonwealth Media for their excellent work in putting the video together.

Chairman McDonnell noted that a press release will be going out today and the video will be shared with the mining industry. Bureau of Mine Safety Director Craig Carson will provide ‘Safety First, No Shortcuts’ stickers to his inspection staff to distribute at all mines. The “Safety First, No Shortcuts” video project will also be submitted at MSHA’s TRAM (Training Resources Applied to Mining) conference in October and will be shared with other state grant recipients.

Chairman McDonnell concluded by affirming his understanding that the work in mine safety has immediate and profound impact on people’s lives. He is keenly aware that it is of paramount importance to ensure that people safely come out of the mines and get to come home to their families.

ADJOURNMENT:

With no further business to discuss,

Frank Reidelbach made a motion to adjourn the meeting. Chuck Shaynak seconded this motion, which was unanimously approved by the Board.

The meeting adjourned at 10:46 a.m. The next Board meeting will be held on September 13, 2016, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.