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## **WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY**

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**Board of Coal Mine Health and Safety**  
1615 Washington Street, E. Charleston WV  
6 August 2008 – 10:00am  
7 August 2008 – 10:00am

### **MINUTES**

#### Members Present:

Dave Ashby  
Chris Hamilton\*\*\*  
Charles Russell, III\*\*

Carl Egnor  
Teddy Hapney  
Gary Trout\*

Chairman Ron Wooten, presiding 1<sup>st</sup> Day

\* Mr. Trout was unavailable the first day

\*\* Mr. Russell was unavailable for the second, except for 2 votes

\*\*\*Mr. Hamilton attended by phone the 1<sup>st</sup> day

Administrator was present

Guests: Jama Jarrett, Commerce Department; Terry Farley, OMHST; Fred Tucker, TRC; Elaine Skoridge, OMHST; Jim Dean, Taskforce; Tim Hubar, AP

Due to the failure to establish a voting quorum, the Board held discussions on the first day.

Alan Lander presented the report by the OMHS&T on the fatal at Robinson Run 95# mine in which a motorman died in a haulage accident involving a 20ton locomotive.

The Board began a discussion the creation of state regulations in response to MSHA's 30 CFR 75 (22A-2-39, 60, 69).

The Board postponed discussion on 36-6 (Longwall Equipment – high voltage) until October

The Discussion on proposed changes to 36-27-14 (oil and gas) was postponed until the 2<sup>nd</sup> day when the Board's legal counsel would be present.

The Board directed the Administrator to obtain legislative drafts on 36-8 (whistle blower) and 36-32 (notice of hazardous chemicals and lead). Further, the Administrator was asked to obtain a copy of the lawsuit filed by the UMWA against MSHA concerning the rules on Mine Rescue.

2<sup>nd</sup> Day

The Board failed to establish a voting quorum, expect for two votes.

Mr. Ashby made a motion to go into executive session to meet with legal council. Mr. Trout seconded the motion

The Board resumed public session.

Mr. Trout made a motion to except the Findings of Fact and Conclusions of Law on Fatal 04-05. Mr. Ashby seconded; the motion then carried.

Mr. Trout made a motion to except the Findings of Fact and Conclusions of Law on Fatal 01-08. Mr. Egnor seconded; the motion then carried.

It was the pleasure of the Board, after discussion on questions yet unanswered, to re-examine the State's Report on Fatal 02-08. The Board asked for the inspectors to return at the September Board meeting.

The TRC was unable to present a report due to the lack of voting quorum.

The Administrator presented the report on the Diesel Equipment Commission, office expenditures, and Personnel Update. The Administrator recommended that the Board clerical employee be reduced to 24 hours per week, or 60%FTE, based on lack of work, and to continue the evaluation with time assessments. The Board concurred with the Administrator's recommendation.

The Board then recessed.