



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

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BCMHS:

1615 Washington Street, E. Charleston, WV

1st Day 18 March 2008 10am – Noon

2nd Day 19 March 2008 10am – Noon

MINUTES

Members present:

Dave Ashby
Chris Hamilton
Charles Russell, III

Carl Egnor
Teddy Hapney
Gary Trout

Chairman Ron Wooten, presiding

Administrator was present

Guests:

Tim Huber – AP, Steve Cox, Gerald Pauley, Clarence Dishmon (state inspectors), Fred Tucker – TRC,

1st Day:

Review of Fatal 8-2007 by the Office of Miners' Health, Safety and Training – The victim was fatally injured when he was crushed by a large section of rock. The rock was positioned alongside the belt when a roof jack suddenly toppled, pinning Mr. Keeney against the frame of the belt. Mr. Keeney and two other employees had been cleaning the walkway along the belt when the accident occurred. The Review was given by Steve Cox, assistant Inspector-at-large.

Mr. Trout moved for the Administrator to prepare the findings of fact and conclusions of law, Mr. Egnor seconded it. Motion carried.

Review of Fatal 9-2007 by the Office of Miners' Health, Safety, and Training – The victim and another worker were performing maintenance work at the Remington Preparation Plant on November 4, 2007. The victim fell from the plant's third floor to the first floor. The victim died from his injuries on January 2, 2008. The Review was given by Gerald Pauley, inspector.

Mr. Egnor moved for the Administrator to prepare the findings of fact and conclusions of law, Mr. Russell seconded it. Motion carried.

Review of Fatal 10-2007 of Office of Miners' Health, Safety, and Training – The victim was changing bottom rollers on an overland belt on the surface, when the belt unexpectedly started. The victim was apparently positioned on the bottom belt and fell approximately 39 feet after traveling approximately 40 feet on the belt. The victim died from his injuries December 15, 2007. The Review was given by Clarence Dishmon, inspector.

Mr. Trout motioned for the Administrator to prepare the findings of fact and conclusions of law. Mr. Russell seconded it. Motion carried.

Findings of Fact and Conclusions of Law, Fatal 7-2007 – Victim was caught between the mobile bridge conveyor dolly and the LoLo belt. He was in the process of retrieving his electrical tester to trouble-shoot the continuous miner.

Mr. Ashby made a motion to accept the Findings of Fact and Conclusions of Law, Fatal 7-2007. Mr. Trout seconded. The motion carried.

Mr. Hamilton made a motion to accept the February minutes. Mr. Hapney seconded. Motion carried.

The Administrator gave the Diesel Equipment Commission report. Mr. Trout motioned for the report to be accepted. Mr. Egnor seconded. The motion carried.

Mr. Hamilton directed the Administrator to monitor the Belt Air issue.

Mr. Hamilton made a motion to accept the Financial Report. Mr. Trout seconded. The motion carried.

Fred Tucker presented the report of the Technical Review Committee
Marfolk Coal – Petition No. 41-07, track clearance. Mr. Ashby motioned that to approve this petition. Mr. Hamilton seconded. Motion carried.

McElroy Mine – Petition No. 04-08, 24" belt clearance. Mr. Hamilton made a motion to approve the petition. Mr. Ashby seconded. Motion carried.

McElroy Mine – Petition No. 05-08, supply track within 500 feet of face. Mr. Hamilton made the motion to approve the petition. Mr. Ashby seconded. Motion carried.

Loveridge Mine – Petition No. 12-08, supply track 500' to nearest face. Mr. Trout made a motion to approve the petition. Mr. Ashby seconded. Motion carried.

The Metatarsal Boot Waiver Request, petition no. 15M-07 was reviewed by the Board. Mr. Russell made the motion to approve the request. Mr. Ashby seconded. The motion carried.

The Board decided to move the proposed TRC 5-day waiver requests (5 total) to the next day.

The Series 27 subcommittee reported that they had a brief discussion concerning the proposed regulation.

Meeting was adjourned.

2ND Day

TRC – 5 day waiver requests

Mr. Ashby made a motion to waive the 5-day rule. Mr. Trout seconded. The motion carried.

Pocahontas Coal – Petition No. 48-07 for belt clearance. Mr. Hapney made a motion for approval. Mr. Ashby seconded. The motion carried.

Newtown Energy – Petition No. 90-07 for track clearance. Mr. Ashby made a motion to approve. Mr. Russell seconded. The motion carried.

Pocahontas Coal – Petition No. 06-08 for belt clearance. Mr. Ashby made a motion to approve. Mr. Russell seconded. The motion carried.

Pine Ridge Coal – Petition No. 11-08 for travel passageways. Mr. Trout made a motion to approve. Mr. Hamilton seconded. The motion carried.

Federal No 2 – Petition No. 14-08 for track to 500' of face. Mr. Trout made the motion to approve. Mr. Ashby seconded. The motion carried.

Discussion on proposed rules: Mr. Trout made a motion to carry them over to the next meeting. Mr. Hapney seconded. The motion carried.

The Board instructed the Administrator to bring in a presenter concerning Title 36 Series 31 - Prevention of Injuries Due to handling materials (wire ropes, cables and chains). The Board also directed the Administrator to bring in a presenter from the Commonwealth of Kentucky who administers the coal mine drug program. The Administrator was also directed by the Board to research an employee assistance program that was established by the Board in the mid-1980's.

Discussion for new regulations resulting from the Carter Roag mine was deferred to a subcommittee.

The next meeting date was established for April 15 and 16th. On 15 April, the meeting will start at 10:30 am and return at 10:00am for 16 April.

The Board took a 5-minute break to allow the Task Force to set up.

Jim Dean, chair of the Task Force, presented the proposed changes to Title 36 Series 44 and Title 48 Series 4.

The Board directed the Administrator to research the ability of the Board to give Good Samaritan protection to non-state mine rescue teams by administrative rule.

The Board directed the Administrator to place the proposed rules, as presented by the Task Force, on the next agenda.

The motion to adjourn was made by Mr. Trout. Mr. Egnor seconded. The motion carried and the Board was adjourned.