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

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Board of Coal Mine Health and Safety  
21 September – 10:00am  
22 September – 10:00am

### **Minutes**

#### **Members Present:**

Chris Hamilton	Gary Trout*
Charles Russell*	Ted Hapney
Dave Ashby*	Carl Egnor

\*Absent Second Day

Chairman Ron Wooten, presiding 1<sup>st</sup> Day; C.A. Philips, presiding 2<sup>nd</sup> Day  
Administrator was present

#### **Guests:**

C.A. Philips	Tom Smith
Fred Tucker	Jim Petry
Jama Jarret	Scott Johnson
Todd Moore	

The Board Received Kendall Smith's letter on proposed regulations on high voltage Longwall and Continuous Miner Equipment.

The Board heard from Scott Johnson and Tom Smith on 56.13.1.

The Board discussed resubmitting the Mine Rescue Rules to Jim Dean and the Task Force, asking them to reexamine the rules in light of recent litigation and changes made to the Federal Rule by MSHA as a result of the litigation.

The Administrator presented a list of previously discussed proposed rules and regulations

The Administrator gave a brief update on the Diesel Commission

The Director announced that the Agency was looking at new rules and regulations regarding contractors and truck drivers.

The Board asked the Administrator to add direct connect if communication with the Board members is required

Mr. Hamilton made a motion to accept the Administrator's Report and the Findings of Fact and Conclusions of Law on Fatal 09-08 regarding the fatal accident at the Ireland River loadout; Mr. Trout seconded. The motion then carried.

The Board reexamined the proposed Barge Rules.

After much discussion, The Board voted to adopt 56.13.1 with the effective date of 1 October. Mr. Hamilton made a motion to accept the rule, under 22A-6-5(b) and direct the Administrator to promulgate it; Mr. Trout seconded the motion. The motion then carried.

Mr. Hamilton made a motion to accept the minutes of June, July and August; Mr. Hapney seconded. The motion then carried.

The next meeting date was set for 20 and 21 October in Charleston, WV.

Mr. Hamilton made a motion to adjourn; Mr. Trout seconded. The motion then carried.