

**MINUTES  
BOARD OF COAL MINE SAFETY  
DEP Cambria Office  
September 1, 2020 – 10 a.m. – Ebensburg, PA**

**VOTING BOARD MEMBERS PRESENT**

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mining Operations  
Bobby Bodenschatz, PCA  
Ron Bowersox, UMWA  
Todd Moore, PCA  
Frank Reidelbach, UMWA  
James Sabella, UMWA  
Joseph Zelanko, PCA

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT**

Tammy Cree, DEP, Bureau of Mining Programs  
Peggy Scheloske, DEP, Bureau of Mine Safety

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT VIA TELEPHONE**

Richard Wagner, DEP, Director, Bureau of Mine Safety  
Jim Schuessler, DEP, Bureau of Mine Safety  
Bo Reiley, DEP, Bureau of Regulatory Counsel  
Laura Griffin, DEP, Policy Office  
Kate Cole, DEP, Policy Office

**OTHERS PRESENT VIA TELEPHONE**

Dan Curry, Cumberland  
Will Dando, PCA  
Patrick Dennison, Fisher Phillips  
Nick Troutman, Senator Yaw's Office  
Jake Wells, Rosebud Mining

**CALL TO ORDER AND APPROVAL OF MINUTES**

John Stefanko, DEP Deputy Secretary for Active and Abandoned Mining Operations and Acting Chairperson of the Board of Coal Mine Safety, called the meeting to order at 10:05 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg.

Acting Chairperson Stefanko informed the members that Laura Edinger has moved on and is now replaced by Laura Griffin as the Department's Regulatory Coordinator and that Joe Iole, Counsel to the Board, has also left the Department.

The Board considered its first item of business which was approval of the December 10, 2019, meeting minutes.

**James Sabella moved to adopt the minutes to the Board. Joseph Zelanko seconded the motion. The motion was unanimously approved by the Board, and the minutes were adopted as presented.**

### **Miner Certification Plan Concept**

Acting Chairperson Stefanko asked Bureau Director Wagner to comment.

At this time during the pandemic, the miner certification system currently in place meets the Bureau's needs as well as the industry's and to try to implement the electronic system previously discussed at the Board's meetings at this time may compromise the current process. It would be difficult considering all state offices are closed at least until the end of the year to pursue the plan.

Acting Chairperson Stefanko recommended that the current process continue and that this item be removed from the agenda until the Department would like to pursue. He then asked if there were any further questions or comments. There were none.

### **Update on Status Amendment to Reportable Accidents Technical Guidance**

Acting Chairperson Stefanko provided an update to the members. On March 21, 2020, the revisions to the Department's Reportable Accidents Technical Guidance Document were published as final in the *Pennsylvania Bulletin*.

### **Consideration of Proposed Rulemaking – E-Cigarettes**

Acting Chairperson Stefanko referenced the meeting materials. At the June 11, 2019, meeting the Board authorized the Department to move forward with draft proposed regulatory language prohibiting the use of all electronic/vaping devices in underground mines to enhance the safety of miners.

Discussion ensued regarding a personal fine. It was confirmed that the fine would be assessed against the individual miner and not the company. The fine will mirror the Federal penalties that are updated on an annual basis to reflect inflation. This is currently set at \$338.00.

There was also discussion about how to describe smoking materials and add clarity regarding the terms "open lights" and "making lights" by possibly removing those and providing more specific language. Bo Reiley was consulted and confirmed that those terms could be removed from the proposed language without issue.

**Joseph Zelanko made a motion to amend the proposed regulation to address the terms "open lights" and "making lights." Ron Bowersox seconded the motion, which was then unanimously approved by the Board.**

Acting Chairman Stefanko asked for a motion to approve the regulation with amendments.

**Todd Moore made a motion to approve the proposed rulemaking with amendments. James Sabella seconded the motion, which was then unanimously approved by the Board.**

## **OTHER BUSINESS**

### **Board Statement of Support: COVID-19**

Discussion ensued regarding issuing a statement of support from the members of the Board of Coal Mine Safety.

**A motion was made by Ron Bowersox to issue the following statement: “For those persons and entities that follow the Safety Laws of Pennsylvania for Underground Bituminous Coal Mines, the Board of Coal Mine Safety acknowledges and supports, to the extent that operational limitations allow, the CDC interim guidance for Business and Employers to Plan and Respond to Coronavirus (COVID-19) to help prevent workplace exposures in non-healthcare settings.” Bobby Bodenschatz seconded this motion, which was unanimously approved by the Board.**

Acting Chairperson Stefanko will reach out to the Communications Office for the possibility of issuing a public notice.

Acting Chairman Stefanko asked if there was any other business the Board would like to consider. No other business was brought forward.

## **PUBLIC COMMENTS**

Acting Chairperson Stefanko asked the members of the public in attendance if they would like to provide any other comments. Will Dando attended via telephone and noted that it was difficult to hear the conversation during this meeting. Acting Chairperson Stefanko said that if another virtual meeting is required, there is a smaller conference room with better virtual conferencing capabilities that will be used.

## **ADJOURNMENT**

The next Board meeting will be held on December 8, 2020, at 10 a.m. at the DEP Cambria Office in Ebensburg. Depending on agenda items, there is a possibility this meeting may be canceled.

With no further business to discuss,

**Frank Reidelbach made a motion to adjourn the meeting. Todd Moore seconded this motion, which was unanimously approved by the Board.**

The meeting adjourned at 10:55 a.m.