

**MINUTES**  
**BOARD OF COAL MINE SAFETY**  
**DEP Cambria Office**  
**June 15, 2022 – 10 a.m. – Ebensburg, PA**

**VOTING BOARD MEMBERS PRESENT**

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

**VOTING BOARD MEMBERS PRESENT VIA TEAMS**

Ron Bowersox, UMWA

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT**

Richard Wagner, DEP, Director, Bureau of Mine Safety  
William Hudak, DEP, Bureau of Mine Safety  
Charles Washlack, DEP, Bureau of Mine Safety  
Heather Cordial, DEP, Bureau of District Mining Operations  
Peggy Scheloske, DEP, Bureau of Mine Safety

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

Laura Griffin, DEP, Policy Office  
Chris Minott, DEP, Bureau of Regulatory Counsel  
Robert “Bo” Reiley, DEP, Bureau of Regulatory Counsel

**OTHERS PRESENT**

R. Henry Moore, Fisher Phillips, LLP

**OTHERS PRESENT VIA TEAMS**

Laura Campbell, Independent Regulatory Review Commission  
Rachel Gleason, PCA

**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 10:02 a.m. in the DEP Cambria Office, Conference Room 1 A/B in Ebensburg. Acting Chairperson Stefanko

informed the members that Patrick McDonnell, DEP Secretary and Chairperson of the Board of Coal Mine Safety, will be leaving the DEP on July 2<sup>nd</sup> and that Ramez Ziadeh will be serving as Acting Secretary. He then asked the members present to state their names and indicate who they are representing on the Board, as well as all others attending in person and over the telephone to introduce themselves.

The Board considered its first item of business, which was approval of the March 2, 2022, meeting minutes.

**Frank Reidelbach moved to adopt the minutes to the Board. Bobby Bodenschatz seconded the motion. The motion was unanimously approved by the Board, and the minutes were adopted as presented.**

### **Consideration of Final Rulemaking – Regulatory Amendments for E-Cigarettes**

Acting Chairperson Stefanko reported that, at the September 1, 2020 meeting, the Board adopted a proposed rulemaking to address prohibiting the use of all electronic smoking/vaping devices in underground mines to enhance the safety of miners. The proposed rulemaking was published in the *Pennsylvania Bulletin* on March 13, 2021, for public comment. At the Board's June 1, 2021 meeting, the Department provided an overview of the comments received on the proposed regulation and suggested to the Board minor changes to the regulatory language in response to comments from the Independent Regulatory Review Commission and the Office of the Attorney General.

The final rulemaking documents reflect the following changes made from the proposed rulemaking to final rulemaking as approved by the Board in the June 1, 2021 meeting:

- 1) Section 208.376(d) has been revised to remove the list of smoking-related prohibited items and has been replaced with a reference to "items identified in subsection (b)", to ensure both lists of items are identical.
- 2) In both Sections 208.375 and 208.376, the language referring to the amount of the civil penalty has been revised to state that the penalty "shall be the maximum civil penalty provided under 30 CFR 100.5(d) adopted and incorporated by reference" to be clear what the amount of the penalty is.
- 3) The supporting rulemaking documents address other concerns raised in comments by providing explanations of the Department's statutory authority to assess civil penalties and how investigations are conducted to confirm that a violation has occurred.

Acting Chairperson Stefanko asked if there were any questions concerning the final rulemaking. There being none, he asked for a motion to adopt the e-cigarette final rulemaking.

**Todd Moore moved to adopt the e-cigarette final rulemaking. James Sabella seconded the motion, which was unanimously approved by the Board.**

## **OTHER BUSINESS**

### **Diesel-Powered Equipment: Extend Oil and Filter Change Interval from 100 hours to 200 hours**

Acting Chairperson Stefanko reported that the proposal to extend oil and filter change hours that was presented and discussed at the March 2, 2022 Board meeting was formally introduced last Wednesday, June 8, and has been placed on the Senate calendar. Mr. Stefanko said that he would send the most recent version of this proposed legislation to Mr. Bowersox as requested.

James Sabella asked why there were no union representatives included on the task force. Discussion ensued and Chas Washlack explained that the task force was established according to law, to make recommendations on performance specifications for a piece of equipment where there are none. The law specifies that the task force be made up of equal number of representatives, not less than two nor more than four, selected by the Department and the major trade association representing coal operators. Mr. Washlack stated that the safety of the miners is always the first consideration.

Acting Chairperson Stefanko suggested that the Department consider including a representative from a union mine on future task forces.

Rachel Gleason reported that Senate Bill No. 1255 is represented by Senator Joe Pittman. The proposed language states that the task force or advisory committee may amend the recommendations and that the advisory committee does have a member of the UMWA on it.

Acting Chairperson Stefanko explained to the members that this is not a regulation and that the Board has input on regulations, not statutory changes; however, items affecting Pennsylvania miners will routinely be presented to the members.

Acting Chairperson 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. There were no public comments.

## **ADJOURNMENT**

The next Board meeting is scheduled to be held on September 6, 2022, at 10 a.m. at the DEP Cambria Office in Ebensburg.

With no further business to discuss,

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

The meeting adjourned at 10:22 a.m.