

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
September 20, 2023 – 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
Joseph Zelanko, PCA
Roger Berringer, UMWA
Ron Bowersox, UMWA
Frank Reidelbach, UMWA

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Richard Wagner, DEP, Director, Bureau of Mine Safety
Richard Murphy, DEP, Bureau of Mine Safety
Dustin Mowery, DEP, Bureau of Mine Safety
Stephanie Doratio, DEP, Bureau of Mine Safety
Peggy Scheloske, DEP, Bureau of Mine Safety

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT VIA TEAMS

Art Brower, DEP, Bureau of Mine Safety
Charles Washlack, DEP, Bureau of Mine Safety
Matthew Kessler, DEP, Office of Chief Counsel
Roland Gensel, DEP, Active and Abandoned Mine Operations
Max Schultz, DEP, Policy Office
Caroline Paterno, DEP, Policy Office

OTHERS PRESENT

Rachel Gleason, PCA
R. Henry Moore, Fisher & Phillips
Anthony Hennon, The Center Square
Ken Fletcher, Rosebud Mining Company
Tanner Lowmaster, Rosebud Mining Company
Ben Stock, Rosebud Mining Company
Jake Wells, Rosebud Mining Company
Ron Kingan, UMWA
Brandon Lucy, UMWA
Adam Robbins, UMWA

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 (Board), called the meeting to order at 10:00 a.m. in the DEP Cambria Office, Conference Room 1 A/B in Ebensburg. Acting Chairperson Stefanko asked the members present to state their names and indicate who they are representing on the Board. He then asked all others present in person and via Microsoft Teams to introduce themselves.

The Board considered its first item of business, which was approval of the June 8, 2023, meeting minutes.

Ron Bowersox moved to adopt the minutes to the Board. Joe Zelanko seconded the motion. The motion was unanimously approved by the Board, and the minutes were adopted as presented.

Update on Equipment Approvals Taskforce

Chas Washlack, Mine Safety Electrical Program Manager, reported that the Equipment Approvals Taskforce received a request to review the current ground fault testing and device requirements of Variable Frequency Drives (VFDs) used underground only. There have been several weekly meetings to address improvements. The recommendations will not affect surface installations or any VFDs located in coal preparation plants or those associated with surface ventilation fans. They will include bituminous open type equipment approvals such as grout pumps, water pressure pumps, belt drives, constant tension winches, other outby machinery and select face equipment including machineries equipped with VFDs used in the face, such as long wall shears, coal loaders and possibly mobile bridges and shuttle cars.

The Taskforce is trying to remove redundancy of the devices. With updates in technology, the new devices are rated specifically for this application, whereas the older devices used when the original document was created were not specifically rated for all operating speeds. By reducing the number of devices needed, the underground electricians that service this equipment will have an easier time troubleshooting and there will be less frequent panel openings which will be an improvement in safety.

The new document will have locations of device sensing apparatus. The Taskforce is now evaluating those locations for effectiveness to detect the ground faults based on known engineering principles. The Taskforce will be able to provide an updated specification that is in an improvement in safety with a reduction in unwarranted complexity. The document is almost complete and is now being reviewed with industry and equipment vendors and should be finalized within the next few weeks.

Discussion ensued and the Board requested that the final document be presented to them upon completion.

Recordkeeping Software for Operators

Todd Moore asked the Board for their input on using new software for recordkeeping at the mine site. Consol has asked a company named KGC Solutions to take required recordkeeping books and convert them into an electronic format. The required exams would then be recorded and signed electronically alongside maintaining the current record keeping books as required by law. The electronic format would allow information to be easily passed on to the next shift. Mr. Moore stated that he would like to make sure that it is within the law to explore further.

Discussion ensued about the availability of records for miners' review and it was reported that a screen could be available for review; and if a system would fail, a paper record would be kept. The Board expressed general support for the transition to electronic recordkeeping and noted the benefits of improving access to records and increasing transparency for miners, as well as making the records easier to read than traditional handwritten records. Additionally, there were concerns for privacy and HIPAA violations, but Board was reassured there is software to keep medical records secure and that there would be no direct access to medical records.

The Board asked what MSHA thought about this proposal and Mr. Moore reported that MSHA has indicated that they do not have much input because recordkeeping is regulated by the State; however, their only concern would be that the record could not be altered and that signatures are indelible.

Mr. Moore said that he would like to move forward and set up a test mine for about 60-90 days where this technology would be used alongside the current standard of record keeping. The Board members would be welcome to visit this test mine.

The Department will request that their legal team review the statute and determine if it will permit implementation upon favorable testing; or if a statute change or regulation would be required to make sure that what is currently written will cover use of an electronic record. This will be presented to the Board at a future meeting.

OTHER BUSINESS

Apprentice Miner Certification

Acting Chairperson Stefanko reported that there had been some difficulty in organizing the working group on the apprentice miner certification proposal; however, they would be meeting on October 18, in the Ebensburg Office and a report should be available at the next Board meeting.

Acting Chairperson Stefanko asked the Board if there was any other business that they would like to address. There was no other business presented.

PUBLIC COMMENTS

Acting Chairperson Stefanko asked the members of the public in attendance if they would like to

provide any other comments.

Brandon Lucy, UMWA, introduced some concerns at the Cumberland Mine regarding “transportation of individuals”, specifically clearance of the track and the number of cars on the track and how it effects the distance to travel with an injured miner. He noted that when a person is injured, it is important to transport the person out of the mine to get immediate health attention. When the ramp out of the mine is filled with cars, this increases the time to get the injured person out of the mine and makes it more difficult. He also discussed concerns about the availability of EMUs. He would like the Department to consider modifying the 1500 feet in 258-A-1 of the Safety Laws of Pennsylvania for Underground Bituminous Coal Mines to include the 1500 feet start at the 9 ton.

Rick Murphy stated that the Bureau of Mine Safety will visit the mine and review the concerns to determine if a change is needed for safety purposes.

Acting Chairperson Stefanko confirmed that the Board of Coal Mine Safety is the appropriate platform for considering law that effects the safety of coal miners. He further explained that if a change is warranted, the Board would need to decide whether it is statutory or regulatory change.

Acting Chairperson Stefanko asked the Board how they would like to proceed. The Board requested that Rick Murphy present a report on his findings at the next meeting to determine if a regulation change is warranted. If it is determined that a change to the statute is required, a local sponsor would need to introduce it to the Department for a bill analysis.

ADJOURNMENT

The next Board meeting is scheduled to be held on December 7, 2023, at 10 a.m. at the DEP Cambria Office in Ebensburg.

With no further business to discuss, Joseph Zelanko made a motion to adjourn the meeting. Todd Moore seconded this motion, which was unanimously approved by the Board.

The meeting adjourned at 11:10 a.m.