

Operator (Erika...: Welcome to the MSHA stakeholder conference call. At this time, all participants are in listen-only mode. We'll be conducting a Question-and-Answer session after the presentation. I'll now turn the meeting over to your host, Assistant Secretary Williamson, you may begin.

Assistant Secre...: Thank you. This is our last stakeholder call for this year. It's quarter number four, so it's the fourth one. And I just, going to start out with a few introductory remarks. Really what I want to start out with is, as I'm sure most of you all know, is today's National Miners Day, and I put out a blog post and the Department of Labor's done some things promoting National Miners Day today.

And I'm going to guess a number of you probably also know this is, is that, it's not random that December 6th is the date that we commemorate National Miners Day, the anniversary of the Monongah Mine disaster, which is the largest mining disaster in country's history in terms of the number of fatalities. It also just happens to be the anniversary of the Robena Mine disaster as well, and so, for those of you that don't know, that's why National Miners Day is commemorated each December 6th.

So I want to start out by just talking a little bit about National Miners Day. Each December on National Miners Day, we recognize the contributions that miners make to our country. Historically, miners have been an invaluable part of our nation's workforce, supplying the minerals and raw materials for many critical needs, like energy and manufacturing and infrastructure.

And today, thousands of miners supply the iron and coal necessary to produce steel, the sand and gravel needed to build our roads and bridges, copper and other important minerals essential to manufacturing electronics and batteries for electric vehicles, and I could go down the line over-

Speaker 3: [inaudible 00:02:22] says he can't hear you right now.

Assistant Secre...: Can anybody hear me, I guess? We have a message-

Operator (Erika...: Yes, we can hear you. Please continue.

Assistant Secre...: Okay, well, we got a message that someone couldn't hear us, so. Any event, what I was saying is, there's a number of commodities and different things that you all know that miners produce that are critical to our way of life, and things that not only society but each of us benefit from. So with the president signing of the Bipartisan Infrastructure Law and Inflation Reduction Act, mining and miners will continue to play a critical role in fostering a prosperous future for America and its citizens.

Today, as I was mentioning earlier, noting Monongah and Robena, today's also a day that we honor current, retired former miners, including those we've lost in fatal mining accidents and to occupational illnesses such as black lung disease

and silicosis. In doing so, we recommit to ensuring that miners' safety and health must always be the first priority and concern in mining. And miners must play an active role in safety and health because we know speaking up saves lives.

Throughout history, miners and their unions have always been at the forefront of the fight for better workplace protections, including the thousands of coal miners in my home state of West Virginia who engaged in wildcat strikes to raise awareness about black lung disease and advocate for safety and health protections and benefits for sick miners.

As Assistant Secretary of Labor for Mine Safety and Health, I have the privilege of leading the Department's Mine Safety and Health Administration as you all know, and supporting our agency's employees, who are out at mine sites each and every day actively protecting miners' safety and health.

I recently attended a memorial service commemorating the 55th anniversary of the Farmington Mine disaster and honoring the 78 miners who lost their lives. That event was a catalyst for passage of, what we know as the Coal Act, Federal Coal Mine and Safety Act in 1969, which ushered in significant new safety and health protections for miners. And a few years later, passage of the Mine Act, which created our agency.

And over the course of the 45 or so years since MSHA was created, mining fatalities have significantly decreased, but one lost life is one too many, and we all still have a lot of work to do. We want to talk a little bit more about this over the course of the stakeholder call, but this year, the mining industry has experienced a trouble increase in fatal mining accidents.

And, as I explained in an open letter to the mining community earlier this year, MSHA is going to continue to use all its tools to combat this unacceptable trend. So over the past year, MSHA has twice used one of its strongest enforcement actions when chronic violators had demonstrated disregard for health and safety of miners.

Additionally, we conduct monthly impact inspections to identify and eliminate hazards that can cost miners their lives. To date, impact inspections resulted in 2,307 violations including 654 S&S and 46 unwarrantable failure findings.

As one of the things we also did, and there was a lot of participation and support throughout the mining community for was, we launched our inaugural Stand Down to Save Lives Day, which is going to become an annual event, in which we try to educate miners and operators and everyone in the mining community to encourage that we take steps to prevent injuries and illnesses.

MSHA is also, as you all have probably noticed, and one of the things we heard and one of the things I heard from stakeholders when I first came on as

assistant secretary was a desire for MSHA to issue more safety and health alerts and target those to focus on issues that were driving accidents and injuries and illnesses, and we've done that, and you probably noticed that and we're going to continue to do that and target then towards, when we see trends and things that are going on out there.

And we encourage you all to use that information to try to protect miners safety and health, and we'll continue to share out information and safety and health alerts including best practices through various forms of media, that also include our Miner Safety & Health App.

Finally, too many miners continue to suffer from debilitating and deadly occupational illnesses such as, silicosis and black lung disease that are entirely preventable. That's why MSHA will continue to focus on protecting miners' health as well, including tirelessly working on finalizing its rule to protect miners from exposure to toxic silica dust.

This National Miners Day, I would encourage you all, to join me in expressing appreciation for our nation's miners and their families, which is also an important part of this, and committing or recommitting to protecting their safety and health. I wanted to share that about National Miners Day. And I think it's important day to really focus on the contributions that miners make to our country and as I said, commit to making sure that their safety and health is always the first priority and concern.

Just the other thing, just relatedly, and a segue from that is, just to hit on a couple of things. One of the ones I mentioned is, as we've talked about quite a bit, this year's been a troubling year for the mining industry in terms of the number of fatal mining accidents. So far, to date, the industry's experienced 38, which I believe is 10 more than the same time last year. And I know this is an unfortunate fact that troubles everyone that's on this call.

And as I go out and have conversations all throughout the mining community, people are scratching their head. People are trying to put their heads together to figure out what can we all do? How can we prevent these things from happening? How can we reduce this number?

And one of the things that I think is important to have these calls and one of the things that, we historically have done and we'll continue to do is, when we do identify trends or practices or have ideas or things, we're going to share those out, so everyone can use those to better protect miners and to prevent accidents.

Speaker 4:

You got volume on this?

Speaker 5: We'd ask that everyone, mute your phones at this time, so no background noise is heard at this time, so Mr. Williamson can continue, please mute your phones at this time. Thank you.

Speaker 4: We're not hearing volume on the teams or at least I'm not in, Morgantown.

Speaker 6: And actually from the beginning, I ain't heard anything.

Speaker 5: At this time, please let Mr. Williamson continue, at this time.

Operator (Erika...: Can you hear now? I can hear you right now.

Assistant Secre...: Okay. Thank you.

So just to, continue along the same lines, and I won't get into this super in the weeds because I'll save that for others, but 38 total mining fatalities, and I think I have the numbers right, if not, someone that follows me, correct them, but as I checked 29 in metal and nonmetal and nine in coal, and I think of the 29 metal, nonmetal fatalities, 26 have been on the surface. As was the case last year, the largest number in terms of classifications, machinery followed by powered haulage. There's also been three electrical and three slip or follow the person accidents this year.

So I just wanted to sort of talk about that a little bit and I'll save room for the others, but just wanted to highlight that and share what I shared a minute ago. The agency is going to continue to use all its tools to combat this troubling trend. We're going to have some information to share with you about a number of things that we're going to be doing moving forward, as I explained in the open letter and have with everyone, since then, I think we all are going to make the biggest impact here by working together and that's certainly what the agency wants to do and will continue to do. But I think it's all something we got to, all really focus on and try to come up with what are the biggest drivers of this and what we can all focus on and work together to ultimately combat, drive down this troubling number, and have a better year next year.

The other thing I will just mention too, and I know we probably we will get some questions on it is, I mentioned earlier our focus on miners' health as well, and we put out a proposed rule on silica. The notice and comment period was open, we had three public hearings, received comments that's now closed and I appreciate everyone that participated in that process and we're currently working through and reviewing comments and working to develop a final rule. That's about as much as I can say at this point in terms of timing, and where we're at with that. But we're certainly, it's still a priority, we're moving forward on it, because at the end of the day, the agencies said in the proposed rule, and as I've said, the existing standards are not adequately protecting miners from silica and we need to move forward on putting in place a more protective

standard to better protect miners from exposure to this toxic dust that can cause cancer.

So I just wanted to share that, that's about all we can say on this point in time. At some point in time, the regulatory agenda will come out and that will have some information in it about when the agency projects to put out a final rule. So that's about as far as I can go on that right now. And as folks have followed that process for years that comes out, and it has all the, agency is playing regulatory activities on their projected dates and that's about as far as I could say right now. But those are the two big issues that the agency is focused on. There's a number of things the agency's working on, but those are the two big ones right now.

And I guess I'll just say a little bit too, in terms of the other thing that we've been putting some resources out and I'd encourage others to help us with is, really encouraging and this is an area where, it can have an impact on both safety and health is that encouraging miners to speak up because when they speak up, you can save lives, not only speak up about hazards that could impact them, but also ones that are maybe in the workplace that could impact their coworkers, to protect them as well.

So that's another initiative that, we've been putting some information out and sharing some materials and not only to advise and educate miners about what rights they do have, but also encouraging them to exercise them in the workplace as well. So I will stop there in terms of introductory remarks and turn it over to Brian Goepfert, the Administrator of Mine Safety and Health Enforcement.

Brian Goepfert:

Perfect. Thank you sir. Hi everybody. Happy miners day. I have a little presentation, I'm going to jump around a little bit though, so I don't want to bore you to death with PowerPoint, but I'll start on slide two. As Chris mentioned, we're up to 38, which is obviously 38, too many. A couple of key takeaways, there is, 29 of those have been the metal and non-metal industry and nine in the coal industry. Eight of the 38 were underground and 30 were on the surface. I'm going to come back to the surface part of this later on in the presentation, but just keep that in mind that out of 38, 30 were on the surface. Jumping to slide four, you can see that the majority of the accidents, fatal accidents this year have been in one of two categories, machinery and powered haulage. Keep that in your mind as I go on through the presentation also, 30 on the surface and 24 between machinery and powered haulage. Slide five, the significance of that is, the lack of experience with fatalities and I'm going to discuss that in a minute.

And jumping to slide seven, we can see that, less than 10 years of total my experience, with the experience, we often notice there's a training element here that's missing, or not adequate enough, I shouldn't say missing. With all training, new miner, annual refresher or task, the key is not the time of the training, it's the effectiveness of the training, okay? What I mean by that is yes,

our training regulations have certain minimal timeframes to them, i.e. 24 on the surface and 40 underground. Does that mean the miner is adequately trained and fully ready to go, in all cases at all times? Maybe, maybe not. It's an individual thing. Miners of different generations learn by different means, and that's where you really have to take a deep dive into each individual training plan at your mind, your training plan, and see, is it effective? Are we reaching... Is the message getting to the miner? Do they understand it? And can they demonstrate they understand it? That's the key to training.

Because as we all know, adequately trained miners are generally safer miners, which is an asset to the mine. So, keep training, just because you've had a training plan for 10 years, is it still as effective as it can be? And we do have resources available here to help you, our Educational Policy and Development group headed by Nancy Rooney, that they have all kinds of resources available to help, look over your training plan, enhance your training plan, add new things, maybe you want to look at different training methods. So keep that in mind.

Going back to the powered haulage and machinery classifications, there's a few key themes that we keep finding in our investigations. One of them is examinations, either lack of or inadequate. And examinations are important. First of all, you're able to find and fix something before it becomes a potential hazard to somebody, okay? I'm talking about both workplace exam and pre-operational examinations of mobile equipment. You can use technology to help you. Many mine sites are going to electronic type of examinations where it actually walks you through step-by-step so you don't forget anything and it automatically lets all the miners and coworkers in that area know, Hey, the examination's been done for this shift, we're good to go. I have a safe working area. I've been to mine sites where they actually use scanners and barcode readers to conduct workplace examinations and it makes it very carefree. It's not a burden. And that's the key with a lot of anything in health and safety. Try to minimize the burden. If you minimize the burden, people are more likely to do something.

For example, if you're trying to lockout a piece of equipment before you work on it, place the point of lockout near the work that's going to be performed, they're more likely to lockout versus having to walk a quarter mile to a switch panel somewhere in lockout. That's just one example. The other thing, I've already mentioned, the pre-operational and workplace examinations and training. The other key thing that we see often is, machine guarding. And this should be caught on the examinations, but it's not. We often see guarding, that is laying off to the side was removed for some reason, maintenance or repair, but never replaced, okay? Those are the types of things they get caught on workplace exams that don't eliminate the potential for someone to get hurt.

A couple of other slides we'll go through quickly. Slide eight, is a recent fatality. Rotating steel, drill steel, entanglement, preventable, yes. This is where you want to stay clear, rotary drill steel, and maybe this was a pre-operational check

thing, I don't know, we're still under investigation with this. Slide number nine, powered haulage, again, see the first one was machinery, here we have powered haulage. A vehicle accident, again, pre-operational checks, very important. Slide number 10, fall of person, the majority of imminent dangers ordered, issued by this agency have to do with the lack or inadequate fall protection, and that shouldn't be the case anymore. Fall protection has come a long way over the last few years. They've developed, manufacturers have developed fall arrest systems for just about every application you can imagine, or they can even help you develop one if they don't have one available.

Fall protection is available for people of any size. It's easy, it's much easier to put on now than it was 20 years ago. A lot of them are just pull on, slip in and zip up or snap up and they're comfortable, they're easy to put on, make them available, better yet, make the use of them not needed. So engineer the work area so you don't need it, but there are cases and we know that, where it's going to be required and needed. So when it is needed, let's have it available. Let's have it and let's use it.

Imminent dangers are just lucky people, when we issue those. There's the one that, an inspector happened to be there when someone was in a dangerous situation. So let's wear those folks. So one of the questions we got, pre-meeting questions here has to do with, okay, MSHA, what are you going to do about all this? And as Assistant Secretary Williamson already alluded to, we've put out more hazard alerts, we've done some other activities, we did the stand down for safety earlier in the year. We're going to do that again next year. We're going to do it annually, actually.

We're gathering data right now and much like this phone call, we're going to have 15 stakeholder meetings at the district level. Each district manager is going to have a stakeholder meeting, at least one. And what we're going to do there is they're going to talk about national data trends, but they're also going to talk about localized data, what's going on in that area. Because as we know, things can be different from one district to the next, one mining region to the next. Mining methods are different. Cultures are different. So we want to make sure that we provide good solid data, so that people know what to look for. And we have people here helping us compile that data. We're doing some in the enforcement division and peers also helping us, our data experts here in the agency. So we're going to gather that up and we're going to have these meetings, similar to this one.

We're going to ask any mine operators at these meetings that if they have anything they'd like to share, good examples of programs both safety and health that are working for their mine. We always share information we get from state grantees that develop programs or materials. We would like to do that on these calls too.

We also, during these stakeholder meetings as part of this, "What are you doing, MSHA?" Effort is, we are also going to engage some of our other

coworkers here at the agency in the tech support division, and again, in EPD division, they're going to help with special training needs. If a mine operator's having difficulty or would like some help with their training materials or plans. Again, we have EPD for that. And there are some mines with some very, very unique mining situations or they use some very unique mining methods. We have a whole group of experts that in tech support that can help us with that. And we're going to engage those folks when and where they're needed on a very strategic basis. So that's going to start in January, these stakeholder meetings. So those along with continued health and safety alerts. And I did get a comment here, they'd like to see more of our alerts out sooner. Yep, we hear you We're working on that too.

So that's part of the things we're doing. We're doing some other things too, but I wanted to highlight that. Issuance, jump to slide 12, somewhere in the neighborhood of 89,000 right now, close to 90. The next one is the top standards. This covers the entire mining industry. So it would be different if it was broken out by a metal, nonmetal and coal. But, we can see accumulation of combustible materials in the coal industry, which is not uncommon. And moving machine parts like I've already mentioned in the metal, nonmetal side, along with housekeeping and failure to report quarterly employment reports.

Again, 14 is just a recap of the imminent dangers I mentioned already. You can see on both metal, nonmetal and coal and fall protection is the majority of imminent dangers issued, along with safe hat, safe access. Sometimes that's cited situations that are almost like a fall protection. Well it is a fall, it's an unsafe access. Moving to slide 15, going into the health arena a little bit, we can see that we've been conducting a little bit more health sampling. We've been looking harder for our over exposures not only to silica but other contaminants, useful particulate, total dust, welding fumes, just to name a few of the ones we sample for the most. So we are, an exemption, we are the Mine Safety and Health Administration. So we want to make sure we're giving due retention to both safety and health. The number of samples taken this year is up from the last three years, and we've sampled close to a little over 3,800 mines. So we are out. We're looking for potential over exposures. Hello? Okay.

Speaker 5: Again, please silence your phones in the background at this time. Thank you.

Brian Goepfert: So again, pay attention to safety and health. It's important. The health you don't see right away, safety you do. But both are harmful. Slide 17 is a breakdown of our enhanced enforcement at MSHA, looking at certain categories, looking at block against motion, training, new miner training, task training and traffic control. And the percent of the S&S there, it's well above 50. So those we target to... These are the violations that we noticed are getting people seriously hurt and killed. And so we focus on those, our enhanced efforts, we focus on them at all times, but these get extra attention.

Hazard complaints received by MSHA this year were up. And that just says people are more engaged to the workplace. People are concerned about their

safety, we're concerned about people's safety. And we will continue to be, a lot of times we will see complaints of, it runs the gamut. So be attentive to the needs and everybody should be involved in safety. It's not the safety director, it's not MSHA, it's not the state inspectors. It's everybody's involved in safety and health at every mine, including the miners, mine operators, the miners' representatives, everybody should be engaged in this process. No one person can do it alone. Those are the slides that I had today. Is there anything we want to expand on? Pat, would you like to expand on some things?

Pat: Thank you Brian. Thank you for that presentation. I'd like to just add a couple of points to Brian's presentation. And the first is in tandem with the information that he gave on powered haulage and machinery. And I know a lot of you all know this already. We have a final rule pending at the Office of Management, under review at the Office of Management and Budget. And as Assistant Secretary Williamson said earlier, I can't say to you when it will be issued in final, and you all who follow OMB, you know how long it's been there. You probably know better than I do. So, we anticipate that rule coming out as a final rule, but more importantly it will address two areas of these fatalities that we talked about today. It will address the powered haulage and it will address surface mobile machinery which account for 24 of those 38 fatalities thus far this year.

And so, you all who followed us in the proposed rule station, I know a lot of you did, then all that we would say to you is, be innovative. When you think about how you will address your surface mobile program and address it in a holistic way, it will mean you will be looking at things in a holistic way. And to mention something that Brian said earlier, this final rule would address technology in some aspects. So as he said earlier, we have our educational, policy and development program, but we also have our technical support staff who can assist you in that. And the second, the only other thing I'd say, he mentioned that our hazard complaints were up and they were up by quite a few, if I recall, 300 and something to date so far and the year is not over yet.

And Assistant Secretary Williamson mentioned mines playing a role in their safety and health, and we don't know exactly why the hazard complaints are up, but I would think that maybe we have a miners rights outreach campaign and maybe making miners more aware of their rights that they have a tendency to invoke their rights more.

And in that respect, we would hope that that would help promote safety and health. And those are really the only two, unless I triggered something new-

Brian Goepfert: Yeah, no, and you just triggered me. Speaking of the surface mobile rule, equipment rule, a surface program, safety rule, much like the worst place exam rule, we're going to have plenty of rollout. We're going to engage the stakeholders. So it's not going to be like it's going to be in the federal register and next day it's ready to go. We're going to actually have a good rollout and we'll do the same with a final silica rule. There'll be plenty of, there'll be no

secrets. We're going to engage, like I said, our stakeholders, we'll train our folks, we'll make those materials available on the website, just like we did with the workplace exam rule. So there'd be plenty of guidance, cute FAQs. So we want to make sure everybody understands, what the rule is, what it means. So, there's no, try to minimize the confusion and maximize the protection. That's the whole goal here, when we roll out a new rule.

Assistant Secre...:

I was just going to add a couple of things to it too, since we're all picking things here. And just to add a couple of things, I appreciate, Brian, I appreciate the presentation and Pat, I appreciate the additional points that you added too, and I think on surface mobile, the only thing I was going to add is, again, we don't know when the rule will be final and as Brian said, we're going to do plenty of outreach and compliance assistance and we all want this to, all work well, but I also think too, that given Brian's presentation and walking through the information, and I know a lot of you all are already familiar with this, and machinery and powered haulage being the two largest drivers of the fatal accidents, the past few years. I think it's also going to be an opportunity for all of us to really focus on those issues and to try to work together to drive those numbers down, and I think it'll be a good opportunity for all of us to do that too.

So that was one point I was going to make. Two, on the issuance that went through just, what I think is an interesting point or one I would just make is that, the numbers on there are back before pre-pandemic levels. So just wanted to flag that. I think that's an interesting observation from that data. And just lastly on the, and I agree with everything Pat said about the hazard complaints and as I mentioned a little bit earlier, and she mentioned we do have an education and awareness campaign.

We're basically asking miners to speak up to save lives. And the other part of that that's really important, and I think part of why we've seen the significant increase just not from last year, but looking over this chart from five years, pretty much the data is pretty much the same every year, except for this year, it's jumped up pretty significantly is the last piece of that is, speak up, save lives and MSHA has your back. So, miners out there knowing that there's an agency that, we all benefit from miners speaking up, playing that active role. And I think that was what Brian said in talking about this, right? And we want them to do that, to make sure that everybody is safe and healthy and encourage them to do that, and create an atmosphere where that's not only permitted but it's encouraged because it does make the workplace safer and healthier for all of us.

But, miners are only going to do that and feel comfortable doing that if they know they can do so without fear of retaliation or reprimand or discrimination, and we'd hope that no operator would ever do that. But it does happen from time to time and it's our agency's responsibility if a miner files a complaint to investigate it and see if it has merit and do that. And that's the assurance piece of this. So, as I said, it's really important, speak up, save lives, it's like doing a workplace examination, right? Hazard identification and then elimination. That's

how you protect people's safety and their health. Same principle here, and we want miners to do that, and we want those issues actually addressed at the mine site. But miners need to know if they need to, that they can call. There's a Miner Safety & Health app. You hit a couple of buttons on there and next thing you know you're into the MSHA hotline and make that and we'll go out and investigate it and see if it's got merit and address it, if there's an issue there.

But miners are only going to play that active role if they have an assurance there. And so that's a big component of this as well is to know that, MSHA has their back and doing that. And I think we all benefit and mines are safer and healthy for doing that. And I think that's what's reflected in that number is that environment where miners do feel that they can speak up and without that fear, and we're going to continue that campaign and that education and awareness and get out and talk to miners. And as I said, I think we're all better for that. So I just wanted to underscore that point of it based off of the information and the data that's there, and I think that's incredibly important. I don't know, does that... Anybody else have anything? I guess, we're ready for questions now, if folks have questions.

Operator (Erika...: Ladies and gentlemen, at this time we will conduct the Question and Answer session. If you would like to ask a question, please press *0 on your phone now. An operator will take your name and place you into the queue in the order received. Once again, if you would like to ask a question, please press *0 on your phone now. One moment, while we gather our questions. Our first question comes from Dennis O'Dell, please state your question.

Dennis O'Dell: Hi. I'd like to touch on something if I may, you had just covered, and now that I'm retired, I'm able to get out and mingle among working miners and talk to them more frequently and freely, and some of the things that I've been told is, they don't participate in working with the inspectors as much as they should be. And I don't know whether it's fear of retaliation, or it's that they don't know the importance of it, how much education they can gain from it, they're not encouraged to do so otherwise, is there anything that you as an agency can do, to help maybe further get them involved in walking around, participating in those type of inspections? Thank you.

Assistant Secre...: Dennis, I appreciate you raising that and talking about that. And when I was talking about this issue a little bit ago, usually I talk about, and if you look at our materials that we have, not only does it talk about miners' rights, but it talks about miners' rights and responsibilities. And I think part of what you're referencing in, and I know our inspectors when they're out on mine sites, try to talk to as many miners as they can, when they're there. And there's certainly that piece of it, but it sounded like what you were referring to was more walk around rights, right? Like aiding the inspection, and it does aid the inspection, it makes for a better, more comprehensive inspection, and I'm happy to make that point, share that point, and as you said, maybe there's multiple pieces of this and work with others to do that.

But again, it's very clear that miners' reps have that right to do that, and there's a value to doing that and it leads to better, it goes back to what I was saying about, hazard identification, elimination, right? It's more people looking, it's more participation, which everyone benefits from, but there's certainly an education piece and making sure that people are aware of those rights. But there's the responsibility part of it too, and having miners play that role and speaking up, and at least anecdotally, if you're hearing that, that's something we need to think about, and see what we can do a little bit more about, and if you have ideas and want to share them, more than happy to listen to it or if anybody has ideas or want to engage on that, I think it's important, but it's one of those things that again, it's clear that there's a right there, but are people exercising? And then if they're not, why? And so...

Dennis O'Dell: Thank you for that. Like I said, there's a mentality out there now that a lot of these younger miners, for whatever reason, they're overworked, a lot of them are tired, don't get to spend much time with their families like they used to. I don't know if that's part of it. And then there's a mentality now, and I've talked to several miners since I've been retired about seven years now, I stay engaged. There's this mentality now that if the mine's unsafe, it's not the mine, it's the worker. And I've heard guys say that time and time again, and I'd like to volunteer myself and I already have, as far as working with some of these other guys just, free or whatever. But I appreciate you taking the time to address that and I appreciate all the work that you all have done, and I want to wish you [inaudible 00:47:53] Thanks again for my question.

Assistant Secre...: Thanks, Dennis. And the only thing I'll just add on that point is, the law's very clear where the ultimate responsibility for safety and health wise, right? And it's with the mine operator, so that's why it's a strict liability statute. I haven't heard that one specifically, but again, that goes to what are the rights, and are people aware of them and do people know? And we can all probably help with those efforts to make sure that people are aware of them and know what they can exercise if they need to. But on that point, I think the Mine Act's pretty clear.

Operator (Erika...: Our next question comes from John Dupnock, please state your question.

John Dupnock: Yes, thank you. John Dupnock, New Jersey State Grants. And I just wanted to reiterate with the last caller, can everybody hear me by the way?

Assistant Secre...: Yes.

John Dupnock: Okay. Yeah, with the last caller that point out, about fatigue, fatigue is a major issue. One of the surveys I do during my class is how many people are getting at least seven hours of sleep. The experts say 79 hours and I'm seeing probably one out of 20 of my miners and contractors. On the average they say about 5%. And one of the excellent PowerPoints that I show is the MSHA, NIOSH, CDC PowerPoint on stress management, which reinforces the importance of getting that stress, reduce the cortisone level, and basically getting people focused, when they get to work. I think that's an important factor and I think we need

some more videos on that. Speaking of which, I'm going to read again, excellent PowerPoint presentation, excellent discussion on the focus on the fact mechanize and power haulage is still a big problem out there. One of the things when I do new miner training is that, we talk about a handout, that I got from Ralph Bennett, which I believe is retired now, right?

Brian Goepfert: Yeah, he's retired.

John Dupnock: He's retired, yeah? God bless him. And that handout that I give both new miners and my annual refreshers is the acronym stages, signs, tools, access guard, electrical, and of course, structure. I reinforce what everybody was saying, you see something, say something, so it gets addressed. Important, first during your workplace exam, I also give all of my miners, a copy of that MSHA handout, if there's a problem that the mine management has the, regulatory requirement to call immediately, no later than 15 minutes, and I have the 800 number, I give that out to all my miners, and I also give out, third piece of information I give out is, I choose to look the other way. It's a handout on somebody that saw something, did nothing, and a person ended up dying.

One thing I would like to ask is, can we get some more videos on miners' rights? I show the miners' rights video that, I don't know how old it is, but it's very dated, still gets the points across. I do use the MSHA PowerPoint on miners' rights, but I'd like to see if we can get another video, as well as another video on silicosis. The one that I show again is dated. It gets out the importance I talk about Ralph Bennett's idea. Of course, we do hands-on, about the respirators being, and of course the most important is using engineering controls, followed by administrative with last line of defense being, the PPE, the respirators. I just like to see videos, and is that an option? Is that a possibility? And thank you. That's all I have. Thank you.

Assistant Secre...: Appreciate that. I think it's a fair point to say that there's a few of our videos that we could update. Yes.

John Dupnock: Yes. Thank you.

Assistant Secre...: And I think you picked on two, you singled out two topics that, would certainly be at the top of the list of things we'd be looking to do there.

John Dupnock: Thank you. Thank you.

Operator (Erika...: Our next question comes from Joseph Riney, please state your question.

Joseph Riney: Good afternoon. Thank you guys for the call today. I had two questions. The first one is, is MSHA considering looking at human behaviors as part of the causality of some of these fatal investigations? I think that not always, is it, human behavior that leads to it, but it certainly is one of the core components, and

until we really consider that as part of it, I feel like the data never really tells the true tale. Did my question come through?

Pat: It did. I think we are pondering it.

Joseph Riney: Nice to hear from you, Pat.

Pat: Thank you, Joe. Well, I guess I'll start. First off, we start with the structure of the Mine Act. And I know I'm not telling anybody on the phone anything that they don't know, and that is, it's a strict liability statute and responsibility of the Mine Act. It's the mine operator's responsibility. Having said that, the Mine Act does say, that operators, and with the assistance of miners, and MSHA is a part of that also. And I would probably like to address it from this point of view, Joe, that when we do, a fatality report, I'll take that, unfortunately, we've had too many to, investigate and prepare this year.

We try to the best of our knowledge and to the best that we can go through and reconstruct the facts, to determine what the root cause of that accident, of that fatality. And the best practice is corrective actions that would prevent it in the future. In doing so, training is indicated a lot, lack there off, and somebody could consider that a behavior aspect or going under, and now I'm going to a cold situation, under our matter, for that matter, under supported roof may be indicated.

So one could consider that a type of behavior action, but as we put out the issue, the fatality report, we are going to capture the root cause as something that the operator did not do, either in training the miner sufficiently, or in taking some other kind of preventive action with respect to supporting the roof, taking some other action so the miner wouldn't have to go under unsupported roof to do whatever activity he or she was undergoing. So, maybe that's an obtuse way, and one could in looking back at it, look at behavior, come to look at behavior. But I think that's probably as best as I can explain it.

Joseph Riney: Thank you, Pat.

Pat: Okay.

Operator (Erika...: Once again, if you would like to ask a question, please press *0 on your phone now. At this time we have no further questions.

Assistant Secre...: Okay. Well, I guess we can go ahead and wrap up then. And I just appreciate everyone's participation in the call today. Again, happy Miners, National Miners Day, and I hope everyone on the call has a happy holidays and a happy New year too. So we'll be talking with you all in the next quarter of next year. So thank you.

Operator (Erika...: This concludes today's conference call. Thank you for attending.

