

Erika (Operator):

Welcome to the MSHA Stakeholder Conference Call. At this time all participants will be in a listen only mode. We will be conducting a question & answer session after the presentation. I would now like to turn the meeting over to your host, Chris Williamson, you may begin.

Chris Williamson:

Hello everyone. This is Assistant Secretary Chris Williamson. I want to welcome you to our quarterly stakeholder meeting. It's my first stakeholder meeting as assistant secretary, and I appreciate all of you for joining us today. We got a lot to cover, so I'm going to keep my introductory remarks very brief, but for those of you that don't know me, I served at MSHA before in the Obama administration with Assistant Secretary Main. I'm excited to be back.

Chris Williamson:

I come from Southern West Virginia in a mining community. I grew up there and that's just a little bit about my background, but excited to be here and excited to... I remember participating and sitting in on these stakeholder meetings when I was MSHA before. I think they're incredibly important. They're a good way for us to have a dialogue with you all and to explain things that we're doing.

Chris Williamson:

I know that there's some interest in our new silica initiative, and I'm more than happy to talk a little bit more about that today, but before we get to that, as we normally do with these stakeholder meetings, we're going to go through a review of the fatalities, which I think is really important, and I hope you all look at them the same way we do and try to see what we can learn there and where we can all work together to better protect miners. With that, I want to turn it over to Marcus Smith, the Chief of Accident Investigations here at MSHA Enforcement.

Marcus Smith:

Thank you, Chris. As Chris said, my name is Marcus Smith and I'm the Chief of Accident Investigations here at MSHA Enforcement. I'm going to talk about the fatalities that have occurred this calendar year. We have had 15 fatalities this year. Fatalities have ranged from January 7th to June 20th. I'm going to begin by talking about and going over a few charts related to the fatalities. After the charts, I'm going to talk briefly about each fatality, and as Chris said, talk about best practices after each fatality. Things that need to be put in place to prevent a recurrence of these fatalities.

Marcus Smith:

Moving to slide two, this chart shows accident classifications. As you know, we assign classifications to each fatal accident. The largest category of the 15 fatalities is the machinery classification followed by powered haulage and fall of roof and rib. Moving to slide three, this chart shows the ages or categories of the ages of the victims that were fatally injured. Moving to slide four, this slide goes into the size of the mining operation. So we have the categories of 50 or more, 20 to 49 and 19 or less, which would be smaller operations.

Marcus Smith:

Moving to slide five, these next two are very important. We always like to put these in our presentations when we talk about experience at the mine, and the one I'll talk about in a minute is experience at the

activity, but these are very important. As you can see, the largest category is one year or less. 8 out of the 15 one year or less experience that the miner victim had at the mine when they were fatally injured.

Marcus Smith:

And we always have to slow down when we get to this point. We want to talk about training and how important it is that we ensure that miners are properly trained. Miners that are new to a particular mine, new to a mining environment, need to receive adequate and proper training prior to being introduced to hazards at the mine.

Marcus Smith:

That involves safety and health practices, safety concern, any hazards particular to the mine, so we just want to reiterate how important that is, and as Chris said, that we work together in the mining industry to ensure that our training plans are adequate, that our training practices are adequate and proper. That's so important that we need to do that, and to ensure that whenever we see a number like this that really jumps out at us, and we really want to make sure that training is what it needs to be.

Marcus Smith:

As I said, moving to slide six, experience at the activity, 7 out of the 15 had one year or less at the activity they were performing when they were fatally injured, when they died. The category of training that comes to mind here is task training. Miners need to have adequate task training and the key is before they are assigned that task. Training needs to be adequate. If there are any manufacturers, manuals, recommendations, warnings, safe work procedures, all of that needs to be discussed. All of that needs to go over everything. Regulations that talk about practice, supervised practice, practice in the mining environment before that task is assigned. It's so important to have the mine training in the mining environment that we talked about previously and task training before work tasks are assigned.

Marcus Smith:

Moving to slide seven, this slide deals with mine employees and contractors, comparing those two categories. 10 out of the 15 were mine employees and 5 were contractors. So going to slide eight, I'm going to start to give a brief summary of each fatality that occurred this year. In the month of January, we had six fatalities and we actually had two fatalities on January 7th. So the first fatality on January 7th occurred in Pennsylvania when a front end loader died. In this accident, a large rock fell from the mine roof and crushed the cab of the loader. At the time, the miner was loading material from a recently blasted shot.

Marcus Smith:

And like I said, I'm going to go over best practices, after I briefly talk about each fatality, to go over the things that need to be done to prevent these going forward. And like Chris said, we need to work together on each of these best practices to make sure these things are implemented, they're in place, in order to put things in place to prevent a recurrence.

Marcus Smith:

So on slide nine, we have the best practices for the first fatality. Conducting examinations. You're going to hear me say that a lot as we go through these slides, but adequate workplace examinations, pre-shift examinations, on-shift examinations, ground condition examinations. Doing adequate and proper, thorough, complete examinations is so important to preventing these fatalities. So in this case,

conducting adequate examinations of the back, face and ribs where miners work or travel. It's important to scale hazardous material before allowing work to be performed in that area and/or installing suitable ground support where conditions warrant.

Marcus Smith:

We can't say enough about examinations. We talked about this many times in many stakeholder meetings, and then after proper examinations are done, taking care of those hazards by scaling and/or installing suitable ground support. Going to slide number 10, we have the second fatality on January 7th that occurred in Indiana at the Oaktown Fuels Mine. In this fatality, a continuous mining machine operator was fatality injured when he was pinned between the machine and a whole rib.

Marcus Smith:

Slide 11 has the best practices for this fatality. Over the years we have coined the phrase "the red zone", so we have to make sure that miners stay out of the red zone, and those are areas involving pinch points for continuous mining machine. That involves the turning radius of the machine and any area besides the machine where you're close to ribs.

Marcus Smith:

Secondly, proximity detection systems, and these systems have been installed on certain continuous mining machines, and it's important these machines are in place to prevent this type of accident fatality, but it's important that these systems be maintained in an approved operating condition. Just like anything, you have to maintain it, and you have to keep it in an approved operating condition. There's a component that the miner wear is called a miner wearable component. That has to be properly worn, properly maintained.

Marcus Smith:

Also, the system has to be checked, so there are static checks, dynamic checks... Those need to be done in order to make sure the equipment is operating properly before the shift that it is going to be used. Okay. So let's move on to slide 12. This fatality occurred on January 11th in Kentucky. In this accident, a blaster died. A tree fell from the high wall. You see the high wall there in the picture adjacent to the road that he was traveling on in a pickup. The tree fell and struck the cab of the pickup and caused fatal injuries.

Marcus Smith:

On slide 13, we have best practices for this fatality. And once again, the word examine. Proper examinations. I want to highlight that as we go through these. Examine high walls frequently, and look for signs of instability, cracks, sloughing, loose ground, and any fall or material hazards, such as large trees and rocks, and it's important, when you're talking about a high wall, especially after heavy rains, freeze and thaw cycles that can cause that material to be loosened up and to fall off.

Marcus Smith:

As you know, high walls, when they go through the different cycles, can change and frequently do change. You have to be vigilant, to conduct thorough, adequate, complete examinations, and then to take appropriate action as necessary. It's important to train all miners to recognize these high wall conditions, especially your examiners, after these heavy rains and freeze and thaw cycles that can exacerbate things.

Marcus Smith:

And then to clear potentially hazardous material from the edge that can fall, especially when you know persons are going to be working or traveling in that area. Going to slide 14 on January 14th, a miner was fatally injured in West Virginia. This miner was a contract laborer. He fell 27 feet onto a concrete surface. At the time of the accident, he was on a belt conveyor, and you can see in the picture there, the top red arrow points to the location of the victim before the accident. He was working to replace a belt conveyor roller. You can see in the picture the [inaudible 00:13:55] that the victim was using and the roller that the victim and other miners were working to replace.

Marcus Smith:

So moving to slide 15... Something else we've talked about frequently over the years is the proper use of fall protection. We can't say enough about that. When there's a danger of falling, it's important to have proper fall protection. Make sure that fall protection is properly done, fall protection, as we said in the second, it needs to be available and maintained. Fall protection, over time, can deteriorate, so you need to check it, make sure it's adequate and if it's available for miners to use.

Marcus Smith:

And then, the third bullet is critical. You have to have secure anchor points. Anchor points have to be provided, identifiable and secure so you can attach the lanyard or the lifeline associated with the fall protection. Okay. Moving on to slide 16. On January 26th, a dump truck rolled backward onto a miner. At the time, the miner was under the truck attempting to troubleshoot a brake issue. Now at the time that this occurred, the driver, the operator of the dump truck was not aware that this miner had gone underneath the truck to troubleshoot the brake issue, so when the driver released the parking brake, the truck rolled backwards onto the miner.

Marcus Smith:

Moving to slide 17 for more best practices. Again, things that we've talked about many times over the years. Blocking and securing machinery against hazardous motion before performing maintenance or repairs, and as you know, that also shocking... Mobile equipment also has an application when mobile equipment is parked on a grade or turning wheels into a berm or bank. So the key, blocking machinery or equipment against hazardous motion. That is so, so key.

Marcus Smith:

Second bullet. Communication. We've talked about that many times. Proper and adequate communication between mobile equipment operators and miners on foot. That is so important that mine operators work with equipment operators to ensure that communication is taking place. Okay, we're going to move now to slide 18. On January 28th, a driver of a concrete mixer truck was fatally injured. In this accident. The driver lost control of the truck and the truck overturned and the driver was ejected from the truck. There was another miner in the truck who was also ejected and suffered serious injuries.

Marcus Smith:

Moving to slide 19, we talk about best practices for this accident. Each shift, inspect equipment. Those are the pre-ops. Pre-operational checks. So important. Each shift, before placing it into operation, and if any defects are found during that pre-op, it's important to correct those defects because they can pose a hazard to miners. And if they can't be corrected right away, it's so important to take that equipment

out of service. Tag it out of service, make it clear that equipment is not to be operated. That is so, so important. We've seen that before as well, over the years, that when equipment is not taken out of service and used, that it creates a lot of problems. It can cause accidents and fatalities when we don't take that step to take it out of service.

Marcus Smith:

You have the word inspecting here, but that goes back to examinations, pre-operational examinations. Seat belts. How many times have we talked about seat belts? Talk about seat belts over the years. Always wear seat belts when operating equipment, and it's important to maintain control and drive at safe speeds. Moving now to slide 20. On February 14th, a maintenance technician died while driving a lube truck in an underground mine. The truck backed over the edge of a stope and fell approximately 60 feet.

Marcus Smith:

Slide 21. Best practices. Provide berms, bumper blocks or similar impeding devices at locations where there is a hazard of over travel, and it's important to provide that... Not only to provide it, but to maintain that and ensure that those berms, bumper blocks and impeding devices are in place and stay in place. Okay. Sometimes we find it where it was there at one time, but over time it has gone away, so we need to make sure that they're in place, they stay in place and that they're properly maintained to serve their protective purposes. Once again, examine. Examine working places before work begins for conditions that can adversely affect the safety and health of miners.

Marcus Smith:

Slide 22, February 28, a contract miner died when he was crushed between the rib and a single-boom face drill. Now this miner was alongside the drill using the onboard tram levers... Controls when the accident occurred. Okay. Once again, the miner was beside the drill and became crushed between the rib and the drill... February 28th in West Virginia.

Marcus Smith:

Slide 23, we have best practices again. Maintaining equipment in safe operating conditions, and as we said before, immediately remove mobile equipment from service if it's in an unsafe condition. And also, we talked about this before, and the second bullet... Red zones. Avoiding pinch points, okay. All of these things are key and critical, and as we said before, we need to work together to make sure these best practices, especially the ones that we keep repeating over and over again, are taught and instilled at the mine, in the mining environment, at the company, if you will, to ensure that miners are kept safe.

Marcus Smith:

Okay. So moving on to slide 24 on March 2nd at the Maple Spring Mines in Pennsylvania. A miner was fatally injured when an overhang along the mine rib fell and struck the miner. Slide 25. Back to the same thing. Examine. Proper examinations, examine the roof, face and ribs immediately before starting work in the area. Okay. Before starting work... Adequate examinations, including sound and vibration testing. Removing overhang with the continuous mining machine. It's important if, while that area is being mined, that overhang presents itself, to go ahead and take that down with the mining machine.

Marcus Smith:

And if that doesn't happen, then we get to the third bullet, and it's important to scale. We talked about that before. Scaling loose roof from a safe location. You want to make sure you do that from a safe location so you don't endanger yourself while you're scaling, and then preventing access. It goes back to taking things out of service. In this case, it's an area. If that area is unsafe, if there's hazardous roof and rib conditions, we need to prevent that access. We need to danger that area off until corrective action is taken.

Marcus Smith:

All right. On slide 26, we have the fatality that occurred on March 4th. A bulldozer operator died when the bulldozer he was operating went over the edge of the high wall. Slide 27. It's important to maintain control once in operation, and also once again, ground condition, workplace examinations. On

Marcus Smith:

On slide 28, March the 20th, in Kentucky at the [inaudible 00:24:07] before the mine a miner died when he was struck by a roof fall out by a retreat mining section. So they were retreat mining. This area was out by that area in another entry where this fall occurred and struck the miner and cause fatal injuries. This was a very large fall, approximately 48 feet long, 18 feet wide and five feet thick. Slide 29, be alert to changing roof conditions, especially during retreat mining. Retreat mining presents a lot of unique challenges, so we need to be extra vigilant during the retreat mining for changing roof conditions. Miners need to know, once again, back to training. Identifying these hazards, hazardous roof and roof conditions.

Marcus Smith:

Okay. On slide 30, we have fatality that occurred up in Wisconsin on March the 22nd. In this fatality, a heavy equipment operator drowned. This miner was working on a floating pump station, and you can see in the picture, the black pontoon at the top of the water toward the front of the picture next to the boat, that's the pontoons that are floating under the water. That you can't see obviously, is the pump station that he was on. The floating pump station is similar to the floating pump station in the background that you can see. So at the time of the accident, he was assisting another miner to connect a discharge waterline to this floating pump station, and they were doing that, the floating pump station capsized and caused the victim to drown.

Marcus Smith:

All right. So on slide 31, it's important, as it relates to these floating platform, that they're used accordance with the manufacturers' specifications. We talked before about following manufacturer recommendations. We talked before about following any warnings or any manuals that apply. Also, before getting on these platforms... Essentially, a lot of times they're out in the body of water for long periods of time. It's important that we implement safe work procedures and take into account rain, ice, freezing temperatures, other environmental conditions. And under the second bullet, performing adequate workplace examinations again. Since this equipment is outside a lot or pretty much all the time, rust, sun damage, water damage can occur. So those factors need to be taken into account during leave examinations, and of course, wearing life jackets where there's a danger of falling into water. Okay. So we've had three recent fatalities as you may be aware. On June the 17th of this year in Georgia, a contract miner died when he was using or operating this compactor, and the compactor overturned, as you can see there in the picture.

Marcus Smith:

On slide 33, back to seat belts. Wearing seat belts at all times when operating mobile equipment. And back to train, training miner to perform task safely and recognize hazards. So back to task, training and training involving hazard at the mining environment. Okay. Nearing the end of the presentation. We had two fatalities on June the 20th. On slide 34, we see the first of those fatalities. At 3M Little Rock in Arkansas. In this fatality, a contract driller fell over a 25 foot high wall, and when he was working outside of the drill. You can see there in the picture, there's a drill steel that is leaning away from the drill mass. And at the time of the accident, the driller was in the process of trying to put that drill steel back in the carousel with the other drill steels, when he fell over the edge of that high wall. You can't really see it too good in that picture, but the edge of that high wall is right there, almost at the bottom of that drill. Not far at all from that bottom of that drill.

Marcus Smith:

Okay. So going to slide 35. Once again, we talked about this before, fall protection. Wearing proper fall protection when there's a danger of falling. And then second bullet, training all persons to recognize hazards and to perform tasks safely. Okay. So moving to slide 36. The last fatality that I'll talk about today is the fatality that occurred [inaudible 00:30:04] on June the 20th, in Virginia, when a miner was operating an excavator underground. When the excavator slid over embankment and was engulfed by lime dust. Slide 37. Once again, we end on adequate workplace examinations. Properly correcting conditions that adversely affect the safety and health of miners. And once again, training. Train all personnel to recognize potential hazards and understand procedures to safely perform tasks.

Chris Williamson:

Thank you, Marcus. I'll just add to that real quick that... Not to sound like a broken record, but there were a lot of words that you used over and over and over again there. Training, examinations, hazard awareness. Just take in a few minutes to address potential risk and hazards. You talked about seat belts. Literally, wearing a seat belt can save a miner's life. We have examples where something as simple as wearing a seatbelt could have saved a life. I appreciate you walking through that. And I think there's a lot there for all of us to learn from, as we continue our work and working together to protect the safety of miners. I mentioned earlier that we want to talk a little bit about silica and as a segue into that, it's equally as important that we also protect miners' health, not just their safety and making sure they have a safe workplace.

Chris Williamson:

We recently announced this Silica Enforcement Initiative, and I'm going to try to explain, give you a little bit of the why. And then Deputy Assistant Secretary Pat Silvey and I will walk through the mechanics and the actual pieces of it, which are on our website, if you need to reference it. But just to take a step back and fill in the why, let's start with the premise or the position that we are... It's public knowledge. We are actively working on a silica regulation that will better protect miners' health against potential silica exposure.

Chris Williamson:

The reg agenda was just recently released. We can't really talk about the specifics or the substance of what's in the rule making, but the timeline is there, and that's the public information about it. But the Silica Enforcement Initiative really [inaudible 00:33:11] or goes hand in hand with the rule making, and where we're looking at that. And the question that we're looking at is, even under existing law on the

existing hundred microgram per cubic meter hell, what can we do to better protect miners' health now? In areas where we know, given our data and given our interactions with mine operators, what mines currently have the most repeated over exposures to silica? You might ask, well, why is that important? Well, that's how you develop horrible lung diseases, is when miners are repeatedly overexposed at dangerous levels to, not just silica. They're other toxic substances, but we're talking about silica here when miners are repeatedly overexposed to silica at levels that are unhealthy, that's how you develop these diseases. Once a miner develops a form of pneumoconiosis outside of getting a lung transplant, there's no fix for that. It's a progressive illness.

Chris Williamson:

The way that I think about this, growing up in communities where I've witnessed this firsthand, I've seen more miners pocket oxygen tanks than I'd ever liked to see in my lifetime. It's something that once you develop it, it is only going to progressively get worse. I'll be honest, this is a little bit personal to me because the data's pretty clear, and we know that, especially in certain areas including Appalachia, where I'm from, more and more miners are developing pneumoconiosis. They're developing more advanced progressive forms of that disease, and younger and younger miners are getting it. Miners my age are getting it. My friends that I grew up with, that I went to high school with, that are miners today. That's why we're taking these actions, is to prevent this generation of miners from developing horrible occupational lung diseases. That's the why. So just to add a little bit more context there, so why are we doing this specific enforcement initiative?

Chris Williamson:

Because what we're doing is we're really trying to look at what we know is the known universe of mines, where there have been repeated over exposures, where maybe there are plans that aren't adequately controlling silica exposure in the mine environment. So that's really what this is. This is a targeted enforcement initiative that is looking at the existing universe of mines that have a history of repeated over exposures because we know that's how miners develop lung diseases. We can connect all those dots. So that's why we're doing this. Like I said, it is strategic. It is focused. The piece of this that I would like to say before we actually get into the mechanics of it, if you take nothing else from our discussion about this enforcement initiative, what I would like to say is that, I would encourage all of you to assess what the current health situation, and what are the current health hazards are at your mines.

Chris Williamson:

Outside of what we do, you also monitor and survey and have information there. And just based on your operations, should have a pretty good sense of what the potential health hazards are there. I would implore all of you to take proactive measures. If you're operating one of the mines that has had a history of these over exposures, don't wait for us to get there. Start trying to take proactive measures now because it's in all of our best interests for miners to be healthy. Hand in hand with that, we want to work with you to address these issues, and enforcement's a part of that, but so is compliance assistance. If you operate or you work at a mine out there, and you have this known hazard or problem, and you're struggling to address it, reach out to us, even before someone from enforcement goes there. We have compliance assistance resources that are available, and they can go out and try to help you address the issue.

Chris Williamson:



Take advantage of that because there are different pieces of this. And ideally, we want to work with you to address the hazard, which protects miners. It's not that... But having said that, what we laid out, we'll get to the specifics of it in just a second. But it's a progressive progress or progressive process that has built in steps of what can be done to address the known hazard. And the easiest way is for all of us to get in on the ground floor here and just work together to address the situation and then miners are better for it. And I can understand how there might be some concern out there on the enforcement piece of it. It's not meant to be a zero to 60 situation. There is a progression there, and that's where... I don't want to sound like a broken record, but where communication and working with us and trying to address known hazards. I think is the best situation for all of us.

Chris Williamson:

That's what's really going to make the most difference here in terms of better protecting miners. So that's a little bit of color. That's a little bit of the why we're doing this, why we're going through the rule making process and looking at better protecting miners from silica exposures. On the regulatory side, we decided that we needed to do this now to better protect miners now. Like I said, the hope and the intention here is that we can work with you to do that. That's the first goal. So I don't know if Deputy Assistant Secretary Silvey, if you want to maybe start the process? And you and I, we can walk through this. But talk a little bit about the mechanics, or if you want to add anything to what I said?

Patricia Silvey:

Yeah. I think you covered it holistically and globally and wide. So I don't think there's probably much more for us to add to it. When you said, not going from zero to 60 because everybody knows that we are limited with our resources. So we can't. Our resources won't allow us to go from zero to 60. We've got a number of questions on this, and I probably would like to take them, and hope that I can anticipate them and answer them all, between Chris and me, in one fell swoop. If I do good enough a job, then you won't have any questions after this.

Patricia Silvey:

First of all, it covers metal and non-metal and coal mines, this initiative. And I'm going to start with the 103(i) Spot Inspection. I want to start there because we have not used that. Most people in the mining industry are familiar with that, and they know it's associated with methane. I know from my many years in [inaudible 00:42:00]. Did you hear me saying over 40 years? I associated with methane. So many cubes of feet of methane in mine that admits so many cubes of feet of methane a day. We have a few metal and non-metal mines that do that and all the coal mines. But what we are really saying is, and Chris hit on it, if we go to a site or we look at our data... Mostly when our inspectors go to a mine site, be it coal or be it metal, they look at the mine file first. They have an idea of the mine that they're visiting. They have an idea of what the greatest health issues are at the mine and safety issues are at the mine.

Patricia Silvey:

Be it underground coal with control, ventilation, or be it metal, non-metal ground control or on the surface [inaudible 00:43:05]. So what we'll do is, we will look at our data, look at your data, and we'll see if we have over exposures to silica. And we'll see if we have repeated over exposure to silica. Remember he said, it was targeted. It's not meant to be [inaudible 00:43:30]. It's not meant to be punitive. It's really meant to be proactive and remedial, and try to get corrective action, and to incentivize mine operators to take the corrective action, the proactive action before we even show up.

Patricia Silvey:

I'm giving you a hypothetical. If we come in and there's a... I'm going to say for metal mine now. And there's a metal mine that has a 200 microgram [inaudible 00:44:04] and the metal [inaudible 00:44:07] is a hundred, and you can write a... MSHA can issue a separate citation for that. I'm going to make this an underground mine. I'm just doing this for simplicities purpose. MSHA comes back in the next quarter, and the sample shows that now, instead of being 200, it's a 100... And MSHA issued a citation and put an abatement period on that, and corrective action to be taken. But MSHA comes back and it's 180, so that's a de minimis, not much of a corrective action. But let's say that we extend their abatement period.

Patricia Silvey:

I'm not the inspector, and I'm not the district manager, but let's just say, I look at that and say... And the operator has some extenuating circumstances and said, "Well, I needed some more equipment, et cetera, et cetera." And we extend their abatement, and we come back again. This time we come back, and it's a 160 micrograms. You hadn't gotten back by much then, but at some point we're going to come back, and it's going to not... If it haven't gone demonstrably lower, I think at that point, we would get with the district. We won't be doing [inaudible 00:45:38] at headquarters. This will be discretion of the district management and the field office supervisor. But they'll look at this, and they may say that this is a mine. And we've looked at this, and we've tried. And we've called in our... Chris mentioned compliance assistance. Our [inaudible 00:45:57] field and small mine services staff to see if there are best practices. Have we exhausted all our best practices?

Patricia Silvey:

And at that point, that might be a candidate for 103(i) Spot Inspection for a 15 day interval. As I said, we are limited in inspection. You don't want us to do that, and we don't want to do that. That's why I guess I took more minutes than I cared to go through that, that's the process that we are going through. Throughout this process, we are going to be communicating with you. We're going to be communicating with you, your management. We're going to be communicating with miners. And if it happens to be an organized mine, we're going to be communicating with labor, with the union. And that's how we're expected to operate. I took that example, but now I take a coal example. We're going to be paying greater attention, where... And we mention that in the silica. In the coal, as you all know, the district managers have discretion with, and I'll say that, respect to mine plans.

Patricia Silvey:

So in terms of... We find that there're greater... He says something about targeting. There're great exposures when we are doing extended cuts and when the operators are developing cross cuts. So what we are doing is, we are going to be paying more attention there and we are going to be taking great more samples there if we are there, when that is occurring. And we are going to be asking for a little bit more information in the plan, the number of miners working down, [inaudible 00:47:55] of the continuous mining machines, and the extended cut situation. And

Patricia Silvey:

The number of extended cuts [inaudible 00:48:04]. Now, I've talked to some of you all separately and I'm told that some of you all include that information in your plan. You know how. You have that information. And I bet you a lot of you all do know that. And that's the part that when Chris said, be proactive and get in front of that. And so if in fact you are doing that, and then you're ... We cannot cite

separately in whole. So, I'm being upfront about that. But if we go out and sample, because we, MSHA, the inspector does all the sample and the samples come back in excess of a hundred micrograms. At that point, the district manager can go to the operator and say, "We don't think that your ventilation and methane and dust control plan is working, and we think that you ought to look at some more engineering control."

Patricia Silvey:

And we will be collaborative with you and looking at the engineering control. Like I said, we don't look at this as punitive as at all. And in a way, there's a plus to this for us and for you. This will be helping us get ready to be all ready to go when the silica rule comes, and it'll be helping you all get ready too. So, I see a benefit to both of us, and I think that's kind of the best way for us to look at that. Would you add anything to that?

Chris Williamson:

Yeah. I mean, this is Chris again. The only thing I would sort of add to that is all these different pieces work together and they're complementary of one another. One of the things we didn't hit on is-

Patricia Silvey:

Yeah, I didn't hit on every one of them.

Chris Williamson:

Oh, sure, sure.

Patricia Silvey:

Because they on the website. Right.

Chris Williamson:

Sure. Yeah. And you know, just real quick, one of the other ones is we're going to try to do a better job of when we do sampling, doing it when we know that there are the potential highest risk of exposures, and particular types of mining work that's being done in certain environments, whether it's construction of a shaft or slope and coal, or-

Patricia Silvey:

Yeah, [inaudible 00:50:23].

Chris Williamson:

... overburden removal and metal, non metal. But all this stuff works together.

Patricia Silvey:

And in that way, we will try to expand some of our sampling and therefore expand the breadth of protection to the mines.

Chris Williamson:

Yes. Yeah. The last piece I'm going to hit on real quick, and it's one of the four sort of pillars here of this initiative is we're also going to make sure that we're out there not just talking to mine operators, but we're going to be out there talking to miners too and making sure that they know that they have rights and to make hazard complaints, and that they're protected against retaliation and discrimination. And hopefully we never get to any of that point, but miners need to know that they do have certain rights. And the Mine Act's very clear in vision that the miner take an active role in the safety and health of the mine and a lot of different ways to do that. So, we're going to be talking to not just mine operators but miners in this too. Because when we all work together, that's when we have safe and healthy mines. So I'll just kind of leave it at that. And then-

Patricia Silvey:

[inaudible 00:51:36].

Chris Williamson:

Pat, did you want a few spend a few minutes talking about enhanced enforcement too?

Patricia Silvey:

I will. Thank you, Chris. We got a number of questions on enhanced enforcement, so I try to be preemptive there too. We did issue an enhanced enforcement program because when we did an analysis of our fatalities for 2021, about ... At one point, I knew the number. Nine were managers and supervisors performing mining tasks, and I think 17 were powered haulers, if I'm not mistaken.

Chris Williamson:

[inaudible 00:52:14].

Patricia Silvey:

I'm close enough, I was going to say, it's close enough for my addition. And so, that was a great percentage. So we decided that again, in a targeted manner, we would look at powered haulage, particularly customer truck drivers and contract truck drivers, and we would look at managers and supervisors performing mining tasks. Now, we got a number of questions in, I'll be up front about it, on customer truck drivers, not so many on powered ... I'm sorry, on contract truck drivers. But I'm going to take them sort of in tandem. And basically the question went this way. The production operator, and I'm paraphrasing. We know we got to do site specific hazard training. You know that. That's a given. We all know that. If I operated a mine today, I would know that. So what then do you expect me to do when the customers come on board? And I talked to some operators, some member [inaudible 00:53:24], and they say they can get as many as 100 customer truck drivers a day that's coming onto their property. That's a lot of truck drivers. And I think it were me, I'd want to have some sense of what they were doing, where they were going, what they were going to pick up, what they were going to do when they were picking up this product, where they were going, when they were going to leave.

Patricia Silvey:

I kind of know what they do. They come in and they go to the scale house and they get a pre-weigh and they go to the load for ... They pick up their load. They go to the shared house again, they get a post-weight to make sure they know how much price, and then they leave. But when they come home, they got to touch base with somebody at the mine site. And the specific question was, and I'm going to go right to the specific question and try to answer it, can that site specific ... We give them signage. We do

this. I know you say something to them. Can that satisfy the site specific hazard awareness training? So, you know you got to do that. Whether you talk to them early, whether you show them the sign and you tell them, "On this property, it's 10 miles an hour, don't go over that, this is where you got to go, this is the way you got to go down here to the load out facility, and you got to come one way back up." You explain that.

Patricia Silvey:

Then add a few more things in there. Are you wearing your seatbelt? When you go down to pick up your load, you got to park on your [inaudible 00:55:00]. Do you have chalking equipment to make sure you chalk your wheels and make sure you control the equipment? And I'm pretty good at remembering, but ... And oh, before you came, did you check your truck and is everything operating properly, including the brakes? In a simple way, those were the four, five standards that were in that enhanced enforcement program. So, you can check that. Somebody on your behalf can check that when they come in, and it shouldn't take that long, I don't think. And that's all we are asking in the interest of trying to improve safety. But with the main thing, making sure that they are aware of where they go and aware of any hazards on the ... That's what that site specific hazard awareness training is all about. Did you change something since they were here last? Did the route change? Did the miles per hour change, the way they're supposed to go? It was meant no more than that.

Patricia Silvey:

And I think if we can get a little bit of a handle on some of that, just a little bit of that, that we can do something to try to help control the fatalities. Again, that's our goal; not being punitive, not to do anything like that. Call us if you need some help. We've got our EFSMS people who are going to work with our enforcement people to try to do best practices. Even our technical support staff, if you need them on more technical issues. And I think that's kind of what we ... The way I generally explain it, and I think that's kind of what we meant. At the end of the day, yeah, it's a case by case basis because at the end of the day, it's the inspector's judgment. But that's kind of the way we've trained our managers, or not trained. We've talked to our district managers and we are hoping that they are passing that down to their subordinate managers and then to the inspectors. That's all, Chris, I'd say.

Chris Williamson:

Okay. Well, I think we're probably ready to move to-

Patricia Silvey:

Questions.

Chris Williamson:

... the question and answers.

Erika (Operator):

Ladies and gentlemen, if you would like to ask a question, please press star zero on your telephone keypad 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 star zero on your phone now. One moment while we gather our questions. Our first question comes from Mike Zimmerman. Please state your question.

Mike Zimmerman:

Yeah. My question is, is MSHA going to allow coal mines to start sampling inside the PAPRs in a similar manner in the metal/nonmetal side? They're able to sample inside welding helmets for dust fumes, and I was just curious if we will see something like that on the coal side.

Patricia Silvey:

[inaudible 00:58:49]. Yeah. We've gotten that question a number of times with respect to the PAPRs, and you mean in measuring the ... What am I trying to say? The atmosphere inside the PAPR. Well, right now that's not the protocol for our sampling, and that's all I can say right now, that it is not.

Mike Zimmerman:

Okay. Thanks.

Erika (Operator):

Our next question comes from Tom Todd. Please state your question.

Marcus Smith:

Hello? This is Tom Todd. I asked some questions on the program. You said about you could be put on a 103I. Is there any written criteria on how you get on, or even how you get off it if you get on it?

Patricia Silvey:

Well, let me answer ... Hi, Tom. Let me answer the last one first, the easiest one. The way you get off is you don't have any overexposure. You get off. That's the simple one. That's not meant to be sarcastic, either. You know that. I want to say that so everybody on the phone can hear that, but in terms of how you ... I sort of went through that. It wasn't convoluted, but ... And I just happened to use a metal example. I know you are coal. I went through that process to sort of let you know that there are several iterations that we would go through, that MSHA would go through to provide the operator with the opportunity to correct the hazard, for abatement and even come back and probably abate again before an operator would be put on 103I. That would be ... When Chris said they all complement each other and they work together, that would probably be the last resort, the ... What do you say? The thing that ... We would go to that as a last resort when exhausted. When we've exhausted all other things, opportunities.

Chris Williamson:

This is Chris. I'm just going to add to that. Another way of saying that is it may not be the first lever we pull in trying to address the known hazard or issue. And just the other piece I wanted to add on the 103I spot too is, and Pat just said this, and I said it. All these things are complementary and they're meant to work sort of together. And some may be better uses than others, depending on what the mine environment is and what the hazard is, and you know, what the history of over-exposures, et cetera, et cetera.

Chris Williamson:

But in terms of the 103I, the idea and where the value is in the 103I, and especially if you think about it in the context of the hypothetical Pat used is that when there is a known history of over-exposures where miners are not being adequately protected, this 103I spot inspection allows us to be at the mine more frequently, allows us to have a better sense of what the health hazard is there, allows us to have a

better sense of ... You know, also gives us ... We're going to be there more, so it gives us more of an opportunity to work with you on engineering controls or whatever that is. But the idea behind the 1031 is that once we know there's a known hazard there, and we've already tried to work with you to work with you to address it, then we need to be there more and we need to know more about what the hazard is to miners. And once again, another opportunity to work with mine operators to address it. But that's the importance of the 1031 part of this.

Marcus Smith:

Well, I asked that because we have a mine on a 1031 supposedly health spot for the last two years. And I think we've done rather well, but there's no way for us to know how to get off it. And because there's no written policy on it, it doesn't matter if we apply or not apply. It's up to the discretion of DM, just like getting rid of an ODO or DA that's not required by the rig. We may have gotten it through our own fault, obviously, by letting someone get overexposed. But after you do a good job for one year, two years, or even more, and you write to each district manager to see if we can get out of the sampling because we're sampling so much, there's no criteria for them to ... I mean, it's just up to them.

Patricia Silvey:

Well, why don't we take that one off, Tom? And not-

Marcus Smith:

[inaudible 01:04:13] question. That's just a statement. And my other question is-

Patricia Silvey:

No, I understand. I understand what you're saying. What I was going to say is in my humble opinion, I don't know the full details of what you're talking about, but looks like you're telling me if you under 100 micrograms, then I don't know what the issue is. So, we'll look at that. Chris and I will look at that later.

Marcus Smith:

Okay. And another thing was, and I want to have all the information, definitely. You know, we want to look at everything and where we're overexposed, but not every sample that MSHA analyzes for courts gets onto the data retrieval system. I have been notified of samples that have been overexposed, or I find out about samples down the road that never appeared on the data retrieval. We've got ourselves in bad situations, our own fault, but then when I get a letter saying we've had these many over-exposures, I go to the date of retrieval and some of them aren't there. I don't know if there's a glitch in the system or what the problem is. I think it's important to get everything out there. So I'm not expecting an answer on that, but ...

Patricia Silvey:

Okay.

Chris Williamson:

Well, we appreciate you flagging it.

Patricia Silvey:

Yeah. We'll look into that. I hear what you're saying, though.

Marcus Smith:

Okay. Thank you, then.

Erika (Operator):

Our next question comes from Donna Pryor. Please state your question.

Donna Pryor:

Hi, Chris and Pat. It's Donna Pryor from Husch Blackwell. My question is about coal inspectors coming onto metal/nonmetal mines. We have some clients who are experiencing some challenges with coal inspectors that are coming, visiting the metal/nonmetal mines. And I was wondering if you could tell us something more about the training of coal inspectors who are visiting these mines.

Patricia Silvey:

As a general matter, all whole inspectors who are coming on to metal/nonmetal mines and vice versa should have been cross-trained, initially cross-trained and are recurring cross-trained. And all of our inspectors and including managers, the people who review the paper that they write, I'm sure that's what you're getting to. So that's what I'll say to you right now, but what I'll leave with you, if you have a specific issue that you have, then I suggest you talk about that specific issue with the district manager. And if it can't be resolved there, then you talk about it with ... You bring it to Tim and Nancy [inaudible 01:07:02] attention. And then obviously, ultimately while I sure am not inviting anything, but ultimately if you have to, then you bring it to Chris and me and Jeanette. Because we are very interested in making sure that things are correct, or appropriately. That's a better word to use, are appropriately done.

Donna Pryor:

Thank you, ma'am.

Erika (Operator):

Our next question comes from Jordan G. Please state your question.

Jordan G:

Yeah. My question was similar to the first one, I believe, that got asked, but I was wondering if we can expect to see PPE such as like PAPRs or respirators as a form of mitigation. I know they're not ideal like in engineering or administrative control, but is that something that we could see coming down the pipeline soon?

Patricia Silvey:

Well, when you say down the pipeline soon, that's an open-ended question. I mean, obviously you know we are working on our silica proposed rule and it will cover certain issues. And that's probably as far as I can say right now, that I should say, I shouldn't say any more than that.

Jordan G:

Okay. Thank you. I have one more follow up question. We talk about increasing the amount of sampling that the inspectors will do. I understand if you're on a spot inspection, it could be as soon as every 15 days. Talking about the initial initiative, how often can we expect to see inspectors coming and doing dust sampling? Is that going to increase?



Patricia Silvey:

That's a loaded question because silica is dust. So when you say dust sampling, no, this initiative is focused though on silica. You a metal/nonmetal mine, I take it, right?

Jordan G:

Yes. Yeah, we are.

Patricia Silvey:

Yeah. And so obviously, you all got total dust and then out of total dust, then you got silica and you got ... You know.

Chris Williamson:

[inaudible 01:09:34].

Patricia Silvey:

Yeah. [inaudible 01:09:35]. Well, that's what I consider silica. Right. So, this initiative didn't have anything to do with total dust. We didn't say anything in the initiative about total dust. As Chris said in his lead-in remarks, we all know that silica is very toxic. And that was our focus on targeted. He further said this is very targeted. So I guess all I'm going to say to you is you're not going to see it every day. And then after he said what he said, I said we don't have the resources to do it. And that's why it's focused and targeted and all the pieces sort of work together. That's kind of how we've got to do it. So if I were you, I wouldn't take away from here that you think you're going to see us at your mine every month, every 15 days, rather.

Chris Williamson:

And this is Chris.

Patricia Silvey:

That's just a little humor there. That's all.

Chris Williamson:

This is Chris. The only thing I would add to that is you asked specifically about MSHA sampling, but you know, obviously-

Patricia Silvey:

Yeah, that's a good one. [inaudible 01:10:45].

Chris Williamson:

The other part of that too is the mine operator can always be doing his own sampling or doing other different monitoring and things to proactively monitor the mine environment for silica or dust or other known toxic substances. So I guess what I would say is even if we're not there sampling, I would strongly encourage if you have the resources to do it, because you can't correct a hazard if you don't know it exists. And that's one way in which you can get that information to address those things even outside of the sampling that we're doing.

Patricia Silvey:

Yeah. [inaudible 01:11:31].

Jordan G:

Thank you.

Chris Williamson:

Thank you.

Erika (Operator):

Our next question comes from Michael [Pelisch 01:11:38]. Please state your question.

Michael Pelisch:

Good afternoon. This is Michael Pelisch. I was born in a small town north of Sophia, West Virginia named Beckley. I've been around the industry a long time, Chris and been in metal/nonmetal and coal. But one of the things that I heard you say and Pat repeat is that MSHA is not going to

Chris Williamson:

In zero to 60 in looking at this. And I, and I think that's a good approach because the standard's going down, yet production demands have gone up. So we're going in opposite directions, but yet we're asking more from the operators and I think they need time. And I hope that is understood when the, I know you won't comment to it, but when the new rule comes out, that this isn't an overnight proposition for new engineering controls to come on the market and be applied and everybody would be happy about it. So I applied the effort to assist operators in the way you've spoken. And again, I don't know what has changed really from what was on the previous administration, because I remember the Monday morning meetings that EMSHA used to have, we were told about, and things were addressed. So I assume this is part and parcel the continuation of that effort as well, to see where the industry is and see how can encourage operators to comply. And I just appreciate the opportunity to speak. Thank you.

Chris Williamson:

Okay. Thank you. I just was going to say real quick, Michael, you know, Beckley's a big city to where I'm from. I'm from a little place called Dingess, which is Mingo county, and even Logan and Williamson is the big city compared to where I'm from. So I'm very familiar with Beckley.

Chris Williamson:

I just want to say real quick though, you brought up the zero to 60, right? And I'm going to tie two things together. I'm going to tie that to something else I said. You know, I think it's in all our best interest and really, let's work together to address these issues that weigh on the enforcement end. EMSHA doesn't even have to go zero to five, right? Let's all get out ahead of this, address the hazards, and then EMSHA, doesn't even have to get to five, let alone clock to 60.

Chris Williamson:

But if we got to go to 60 to address known hazards where miners are repeatedly overexposed to silica and other harmful toxins, we'll do that. That's not our goal and that's not really what we're trying to do here. We're trying to better protect miners. Like I said, I said it once, I'll say it again. I would implore

everyone to work with us and we'll stop well short of 60, as long as miners are adequately protected. Well,

Patricia Silvey:

Chris always used the zero to 60, and I got to say this as a little humor. Maybe we'll push, infuse a little humor in here. In my time with cars, I've had two Corvette Stingrays. You could go zero to 60. I just want you to know. Unfortunately I don't have either one of them now, 65 fast back, Stingray. I wish I did, but you could go zero to 60.

Chris Williamson:

Well, and I'll just add to that too. As electric vehicles become more and more popular, they really have fast acceleration, so you can have a little small hatchback that'll do zero to 60 pretty quick too.

Patricia Silvey:

I know people think I'm crazy.

Chris Williamson:

So we appreciate the comment. Like I said, let's work together and you know, I think we can do a lot of good here to better protect miners.

Erika (Operator):

Our next question comes from John Benedict. Please state your question.

John:

Yeah. I was just wondering when you do your sampling, do sample contract employees as well?

Patricia Silvey:

Yeah. If we can't sample, if they're on the mine property, then sure. Because you know, we have different various categories of contract employees. We have some mine contract employees, some separate, totally contract employee, but if they're on mine property doing mining task and they happen to be there during a test that we are sampling. Yeah, we sample them.

John:

Okay. And the other question I had is does EMSHA have a list of tasks or operations that are known to produce higher levels? And is there a publication of that somewhere?

Patricia Silvey:

To be very, and I'm sure some of you all know that and you can help each other out, we do have some occupations that are known to be, I mean, in the coal industry, it's easy. And for y'all on here who are coal operators, and I know some of you, I won't call you out, but I know some of you who are on here, because you have designated occupations, other designated occupations, and so you all know that. And the designated occupation is the one exposed to the highest risk in the underground coal industry. In the metal industry, we don't have that same concept for occupations and tax, but you know, we know some of the processes and some of the facilities where we have the highest exposures facility and they're not silica flower, that kind of thing. Stone cut. Right. That's right. Okay.

Chris Williamson:

Yeah. I mean, I'll put it this way. I don't have to be a mining engineer to know that if I'm drilling through rock that there's still a good there, right? Like they're just pretty basic mining tasks and operations where we should sample, but just based on the occupation that's doing it or whatever the particular mining task is, that there's likely a silica hazard there. I mean, unless you get more information and you sample, you don't know the extent of it.

Chris Williamson:

And to go to your first question about the contract employees, I mean, throughout a hypothetical, if you have contract employees doing some of these tasks, they should be sampled, Kind of know what the hazard is, because as I said before, that's where the sampling and any other kind of monitoring, or anything's so important. Because if you don't have that information, you don't know what the hazard is and you can't take steps to correct it or address it and protect miners the way that we all want protect them.

John:

I agree. The real reason I'm asking is if there's some kind of a baseline that's been used to make this rule making. If we had that information, small mine companies, even large ones, we can already proactively make sure we're sampling in those areas at high risk. That way we're ahead of the game.

Patricia Silvey:

And you know, the process is that we issue a proposed rule. And when we issue a proposed rule, you will get in that proposed rule, our risk assessment and some of the data that we relied upon and the data that comes from the highest exposure, some of the tasks that were the high exposure. And you'll have an opportunity to comment on that, and you'll have an opportunity to prepare for the final rule. And as ESHA does in almost all its rule makings without fail, we then develop material. We develop compliance assistance material at the end of the final rule making that we make available to our inspectors for training purposes, because they're going to have to go through a training process. And we make that available, the same material we make available to our inspectors, we make that available to the complete mining community also.

Chris Williamson:

The only other thing I'd add is maybe NIOS might be a good place for resources too.

John:

Thank you.

Chris Williamson:

Thank you. I appreciate the insight and the question.

Erika (Operator):

Our next question comes from Patrick Hagle. Please state your question.

Patrick Hagle:

Hey, this is Patrick Hale. I'm with the Alabama Mining Association. First I want thank Mary Jo Bishop and the Birmingham district for the support they provided for our Surface Mine First Responder competition earlier this month. And my question for the assistant secretary is, what can we, as industry stakeholders, do to help them to advocate for the resources necessary to provide the judges and band power necessary to support a mind rescue competition.

Patricia Silvey:

First you should have said roll tide, then he'll answer your question.

Patrick Hagle:

So I'm an Auburn fan, so I can't do that. I'm sorry.

Speaker 1:

Oh my God. OK. Get off the call.

Patricia Silvey:

That's why I said, you know with all due respect to you, okay, Mr. Assistant Secretary, go on and answer his question. Do you want me to do it?

Chris Williamson:

Well, I'm going to make a comment, then I'm going to let the pride of Alabama, not the school, but the state, speak up here and add to it. I just want to say that, as assistant secretary and this being my first stakeholder call, I want everybody on the call to know that I think mine rescue's incredibly important. And I really support it and I want to support it as much as I can as assistant secretary, and it's something I value.

Chris Williamson:

I really appreciate your question. It's very thoughtful. I'm going to think about it a little bit more. It might be something we follow up with you about to give you a better answer. But my short answer is, I want to be as helpful as I can. And part of that is giving you some good advice how you can help us. And I think it's like everything else we're talking about here, we do the best when we work together on it. And I appreciate the sentiment of the question and I'm going to let the pride Alabama speak a little bit on it.

Patricia Silvey:

Was that the contest that was in Tuscaloosa? That was the surface mine contest?

Patrick Hagle:

Yes, ma'am

Patricia Silvey:

Ah, see you got additional help from us that others don't get on that, to be honest. And I don't get, because we have not provided a whole lot of assistance in surface mine contests because really, to be honest, we haven't gotten a lot of them. We got one that started about three years ago, maybe four, in Florida. And I think now, this might have been the second one in Tuscaloosa. Yeah, no, that's right, because those are not required by the standard, the way the underground ones are. But we see great

value in them, like Chris said, in terms of supporting them, because they provide first responder capabilities, and injuries and illnesses can happen on the surface just like they do underground. They are required by law, by this standard underground, not on the surface, but to the extent that we can support the surface one, we will do that.

Patricia Silvey:

And to be honest, we appreciate you all being proactive and starting that type of contest. And the more other states do that, then what we'll do is we'll try to... You ask what you could do? You could try to work with some of the other states to see if you can expand the surface mine rescue contest. And in doing that, we would just expand our response capability as an agency and as an industry.

Patrick Hagle:

Well, thank you. And I appreciate the invitation. We'll accept. To continue the discussion, since it's a blank slate, I think it can be a training opportunity that incorporates, that's really a vehicle to help EMTA accomplish a number of the existing initiatives you guys have put in place. So I welcome the conversation and, Miss Silvey, in the future, I will say roll tide.

Patricia Silvey:

That's all right. war Eagle, and I'll say war Eagle. Okay. I'm with you. Okay.

Patrick Hagle:

Thank you.

Patricia Silvey:

Thank you.

Chris Williamson:

Well, there's no, let's go Mountaineers on there anywhere? And if you're going to play to the audience, you got to play to the full audience here.

Erika (Operator):

Our next question comes from Ryan [inaudible 01:25:39]. Go ahead and state question.

Chris Williamson:

Good afternoon. I am not about to test the SCC, so there's that. Or the ACC. I'm a PAC 12 guy myself. But my question is, we're really harping on the new silica initiative, but I haven't heard much as far as the powered haulage initiative, where do we stand with that?

Patricia Silvey:

Well, the enhanced and forced, ah, you know what, I almost fell into the wrong trap. I was going to say the enhanced enforcement program is a sub component. But as Chris said earlier on silica, these things work together. The enhanced enforcement program was a sub component of power haulage, but the proposed rule, the next iteration of the rule, would be the final rule. And we are working to get that out sometime before the end of the year. I think that was probably what you were meaning as opposed to where I was going.

Chris Williamson:

Yes, ma'am.

Patricia Silvey:

Right.

Chris Williamson:

Yes, ma'am. I wasn't trying to trip you up.

Patricia Silvey:

Oh, no, no. I know that. I got you. I got it.

Chris Williamson:

Thank you.

Erika (Operator):

Our next question comes from Tim Atkins. Please state your question.

Tim:

I'd like to, first of all, say, thank you for presenting this information to us all. My questions, I come from the metal, non metal side, although I have been in coal side for many years as well. My questions also will be directed specifically to the silica initiative. Where we have had proactive in-house monitoring ongoing, will any of those internal records be required to be produced? What will EMSMHA do, if anything, with those records, and will EMSHA take a look at their own past monitoring records at our operations?

Patricia Silvey:

Our program, I'm speaking now, sort of. I'm looking at Chris and I'm speaking, but our programs that we put in place are prospective in nature. We hope that if you have those, I know a lot of the miner, as Chris said, have done your own monitoring. I hope that you use those to direct you in terms of what you do. But our silica enforcement initiative is prospective in terms of forward looking. And that's what we'll be doing. Now, that's obviously in terms of developing our silica rule. We looked at data, we looked at our own pride data and whatever data we had from the mining industry. But that was in terms of developing the rule. That's not in terms of an enforcement that we are doing today, today or tomorrow, the next day.

John:

Okay. And as a follow up to that, we have utilized both gravimetric monitoring to determinate, of course, the eight hour time weighted averages, but we also utilize as another tool, PDMs, personal adjust monitors, where we can get instantaneous readouts. What approach will EMSHA take as far as monitoring goes, and will EMSHA recognize anything with PDMs?

Patricia Silvey:

Okay. You are asking me now, I think, if I'm reading you correctly, to talk into what some of the provisions in the rule. And maybe I should have made that clear at the beginning. I can't do that because now we are into rule making and that would be a violation.

John:

Yeah. And again, nothing intentional there. Is there anything in the rule making currently that would provide some kind of information along those lines?

Patricia Silvey:

I can't talk about any specifics in the rule making right now.

John:

Sounds like we need to go read up for ourselves.

Patricia Silvey:

No, the proposed rule is not out there yet. When it comes out, we'll let you know. We will make sure that everybody who, I hope you have a subscription, but it will be on our website, and we'll let you know when the proposed rule comes out.

John:

Yes. I realize that. Thank you very much.

Chris Williamson:

Well, this is Chris. I just want to say real quick, if that's all right. Step outside of the rule making context, which we already covered. I just want to say, what you're talking about, the proactive measures that you're already taking, that's great. I commend you for that. I think that's great. Separating compliance from you doing your own internal monitoring and taking proactive measures, I think no matter what the instrument is that you're using, I mean, different ones have different utilities, but I think it's great that you're doing your own internal monitoring based off of whatever available instrument is out there. So I just wanted to say that piece of it, set aside what's going on in the rule making space. Just the fact that you're doing your own monitoring and stuff, I think is great.

Chris Williamson:

And it's kind of goes back to the point I made earlier about, the more information you have about what the hazards or potential hazards could be, the better off you are and the better informed decisions that you can make and take corrective actions to better protect miners. So I just wanted to make that point, even set aside whatever's going on in the rule making space, the fact that you're actually using some of these instruments to monitor and get assessments and know what the potential hazards are, I think is great, and a good step to take.

John:

Okay. Thank you very much.

Chris Williamson:

Thank you.



Erika (Operator):

Our next question comes from Rob [inaudible 01:32:15]. Please state your question.

Rob:

Thank you, Mr. Williamson, Miss Silvey, for taking our questions. I'm Rob Lanum, Virginia Transportation Construction Alliance, we represent the metal, non metal producers here in Virginia. I just have a real quick question and you may have answered and I missed it. On the enhanced enforcement, did you say, Miss Silvey, that it would be okay to put signage up to notify customer trucks of conditions in the operation and hazards and change conditions?

Patricia Silvey:

Yeah, I think some of operators in some of the questions that came in, told us they used signage to do that site specific hazard awareness training. And if they do that, I think they can continue to do that. I just suggested that as trucks come on, you ought to stop them and ask if they're wearing their seatbelt and if the truck in good operational condition, and if you directing them to where to go, if they happen to park on a grade, do they have something to chalk the wheels with? That was my suggestion, unsolicited advice. That's all.

Speaker 1:

Okay. I just want to put out a notification to our members of best practices and that helps me. Thank you very much.

Patricia Silvey:

Okay. So we want to help.

Erika (Operator):

At this time, we have no further questions.

Chris Williamson:

All right. Well, I just want to say thank you for everyone that participated. I think it was a very productive discussion and as I said, I remember from my time before, how valuable these quarterly stakeholder discussions are. We talk a lot about safety, a lot about health, a lot about different issues and questions that you all had. And I hope we were able to address all those, and we'll have another one next quarter. So appreciate you all again. And thank you.

Patricia Silvey:

Thank you all very much.

Erika (Operator):

This concludes today's meeting. Thank you for attending.