

THE VIRGINIA DEPARTMENT OF ENERGY

VTCA Safety Seminar

December 1st & 2nd, 2021

AS OF OCTOBER 1, 2021



- The Department of Mines, Minerals and Energy became the Department of Energy.
 - To be generally known as Virginia Energy.
- The Division of Mineral Mining will now be known as the Mineral Mining program.
- The law was changed earlier this year to facilitate the name change and other minor modifications.

HOW DID THE LAW CHANGE?

- The change was primarily for the department name change and wording changes for clarification and, in some cases, grammar. Some consolidation and streamlining was afforded as well. In short, structural and internal in effect. The result:
 - Previously the bulk of the mineral mine- safety law was under title 45.1 and chapter 14. It is now 45.2 and chapter 11.
 - In simple terms, anything previously found under 45.1 is now in 45.2.
- Other chapters of interest:
 - Chapter 12 covers mine permitting.
 - Chapter 13 covers retaining dams and adjacent owners.
 - Chapter 14 covers issues specific to underground mineral mines.
 - Chapter 15 covers issues specific to surface mines.

DOES THIS MATTER TO YOU AND HOW?

- Nope, nada, zilch.....
 - As stated before, the changes were structural and internal. Nothing has changed, “where the rubber meets the road”.
 - In the short term, go to our web site to view the law. Eventually, there will be printed books available.
- My hair is still curly and my shirt is still blue.....

End

POWERED HAULAGE FATALITIES

VTCA Safety Seminar

December 1 & 2 2021

Presented by Virginia Dept. of Energy,

Mineral Mining Program

MSHA RULE MAKING REGARDING MOBILE EQUIPMENT

- Under the proposed rule, mine operators would implement a written safety program including actions to identify hazards and risks to reduce accidents, injuries and fatalities related to surface mobile equipment. Mine operators would have the flexibility to devise a safety program for their specific mining conditions and operations. In addition, MSHA would encourage its state grantees to provide training to address hazards and risks involving surface mobile equipment in small mining operations.
- The comment period on this ended on November 8th.

BACKGROUND

- Of all 739 fatalities that occurred at U.S. mines between 2003 and 2018, 109 were caused by hazards related to working near or operating mobile and powered haulage equipment at mines with six or more miners. To reduce the number of injuries and fatalities involving mobile and powered haulage equipment, the Mine Safety and Health Administration (MSHA) has launched several actions, including providing technical assistance, developing training materials, and gathering information from the public and mining stakeholders. MSHA is now proposing a rule to improve safety in the use of surface mobile equipment, defined as mobile and powered haulage equipment (**except belt conveyors**), at surface mines and surface areas of underground mines.

PROPOSED SUBPART T

Subpart T—Safety Program For Surface Mobile Equipment

[56.23000](#)

Purpose and scope.

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Purpose and scope.

- This subpart requires mine operators employing six or more miners to develop, implement, and update a written safety program for surface mobile equipment to reduce the number and rates of accidents, injuries, and fatalities. This subpart applies to surface mobile equipment at surface metal and nonmetal mines. The purpose of this safety program is to promote and support a positive safety culture and improve miners' safety at the mine.

56.2300 I

Definitions.

- The following definitions apply in this subpart:
 - *Responsible person* means a person with authority and responsibility to evaluate and update a written safety program for surface mobile equipment.
 - *Surface mobile equipment* means wheeled, skid-mounted, track-mounted, or rail-mounted equipment capable of moving or being moved, and any powered equipment that transports people, equipment, or materials, excluding belt conveyors, at surface metal and nonmetal mines.

56.23002

Written safety program.

- (a) Each operator subject to this subpart shall develop and implement a written safety program for surface mobile equipment that contains the elements in this subpart, no later than [DATE 6 months after the effective date of the final rule].
- (b) Each operator subject to this subpart shall designate a responsible person to evaluate and update the written safety program, no later than [DATE 6 months after the effective date of the final rule].

56.23003

Requirements for written safety program.

- (a) The mine operator shall develop and implement a written safety program that includes actions the operator would take to:
 - (1) Identify and analyze hazards and reduce the resulting risks related to the movement and the operation of surface mobile equipment;
 - (2) Develop and maintain procedures and schedules for routine maintenance and non-routine repairs for surface mobile equipment;
 - (3) Identify currently available and newly emerging feasible technologies that can enhance safety at the mine and evaluate whether to adopt them;
 - (4) Train miners and other persons at the mine necessary to perform work to identify and address or avoid hazards related to surface mobile equipment.
- (b) The responsible person shall evaluate and update the written safety program annually or as mining conditions or practices change, as accidents or injuries occur, or as surface mobile equipment changes or modifications are made.

56.23004

Record and inspection.

- The mine operator shall make the written safety program available for inspection by authorized representatives of the Secretary, miners, and representatives of miners, and provide a copy, upon request.

NOTES

- The proposal would offer mine operators flexibility to devise a safety program that is appropriate for their specific mining conditions and operations.
- In the 2018 RFI, MSHA sought information on safety issues related to belt conveyors. After reviewing the comments, the Agency has concluded, at this time, that the safety issues surrounding the operation of belt conveyors can be better addressed through best practices and training than through rulemaking. No belt conveyor is covered under this proposed rule.
- Over the years, MSHA has observed that mine operators with five or fewer miners generally have a limited inventory of surface mobile equipment. These operations also tend to have less complex mining operations, with fewer mobile equipment hazards that would necessitate a written safety program.

2021 FATALITIES

Powered haulage at surface operations

OHIO COAL

- On October 19, 2021, a 58-year-old mechanic with 17 years of experience was fatally injured when the articulated haul truck bed collapsed on him while he performed maintenance on the truck.



NEW MEXICO SAND & GRAVEL

- On September 21, 2021, a 68-year-old contract truck driver with 20 years of experience was fatally injured while operating a haul truck. The victim was found lying in front of his truck near the edge of a haul road. The truck was upright and in the opposite direction of the expected route of travel.



WEST VA. COAL

- On August 11, 2021, a 53-year-old contract truck driver with ten years' experience was fatally injured while conducting a pre-operational examination of a truck. The rear wheels of the vehicle struck the truck driver when the truck rolled forward.



TEXAS LIMESTONE

- On August 3, 2021, a miner was run over by a customer tractor-trailer while walking to his normal work area.



NEBRASKA SAND & GRAVEL

- On April 22, 2021, a miner was fatally injured when leaving the mine site in his personal pickup truck. The manual swing barrier gate was partially closed. A gate pole entered the truck's windshield as the pickup truck approached, striking the victim and causing fatal injuries.
- No citations issued. The gate was not secured in the open position.



TEXAS CRUSHED STONE

- On April 19, 2021, a miner stopped his haul truck in front of his personal vehicle to get his lunch. While standing and eating his lunch, the haul truck rolled forward, pinning the miner between the haul truck and his personal truck.



UTAH SAND & GRAVEL

- On Jan. 19, 2021, a miner backed a haul truck to the edge of a dump point that was over steepened by a loader removing material at the bottom of the slope. When the edge of the bank failed, the haul truck traveled backwards and overturned, landing on the roof of the cab. The miner was fatally injured.
- Four 104(d)(1) citations issued; no pre-work inspection of the area, Failure to maintain bank stability, No restraints in place, and failure to take action with evidence of ground instability. A 104(a) citation was issued for failure to ensure seat belt use.



MISSOURI LIMESTONE

- On February 8, 2021, a miner was fatally injured when he became entangled in a fluted tail pulley while attempting to shovel under an adjacent fluted tail pulley.
- Two 104(a) citations were issued; improper guarding and failure to de-energize and block against motion.
- One 104(d)(1) citation was issued for not providing adequate new miner training and not properly supervising a new miner.



End