NEW MEXICO TECH

NEW MEXICO BUREAU OF
MINE SAFETY

801 Leroy Place
Socorro, NM 87801

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www.nmminesafety.com

March 2018 Newsletter

Honoring New Mexico Miners

An initiative, in the early stages, is underway to recognize New Mexico Miners and their contribution to New Mexico's rich mining history with a monument to be placed in the City Plaza in Socorro. As most New Mexicans know, Socorro is home to what was once known as the new Mexico School of Mines and is currently the New Mexico Institute of Mining and Technology (or New Mexico Tech). The following letter from Mr. Michael S. Pino describes the initiative in more detail.

As one might expect, such an undertaking requires a considerable amount of volunteer time and contributions. Any contribution—money, material, or volunteer assistance would be most appreciated. Contact Mr. Pino at ancianos15@gmail.com 505 670-2363.

February 27, 2018

Dear Sirs,
This letter is in reference to the sculpture currently in the making. I am the artist behind this project. I am a retired mechanical contractor currently living in San Acacia, New Mexico. I was asked, by the Socorro City Council, to help promote the arts in Socorro. Making a long story short, I volunteered and worked for some time taking pictures of the area. I found a great need for recognition of our mining industry and important as well, the reestablishment of the name of the "New Mexico School of Mines".

There are no other monuments or sculptures that I am aware of in the State of New Mexico that highlight the mining industry. This is an opportune time to have this monument placed in the heart of New Mexico and in one of the oldest mining communities in the country. The City of Socorro has offered a prime spot in the Plaza. There is no other sculpture in the Plaza and this project would be the first one ever to be introduced to Socorro.

The sculptor, Reynaldo (Sonny) Rivera (Albuquerque) will be creating the bronze. Mr. Rivera has his work at the entrance to the Albuquerque Museum of Art and History and also at Museum Hill in Santa Fe, New Mexico as well as many others throughout the country. His impressionistic work is unique in itself!

The stone used for the sculpture will be hand picked from the local area mining areas. I will be featuring a 5.80 lb. piece of Smithsonite from the neighboring Kelly Mine in Magdalena. Special lighting will be used to enhance the stone and bronze for night viewing. "Green" lighting will be used throughout.

The sculpture will be museum quality bronze. The imagery will typify the New Mexico Miner from the late 1800s. Three miners, all actual size, a mule and mining equipment from the era will be featured alongside. The backside will present cranes, geese and pheasant to acknowledge the surrounding New Mexico Game Refuge areas.

Sincerely,

Michael S. Pino
Ancianos Photography and Fine Art

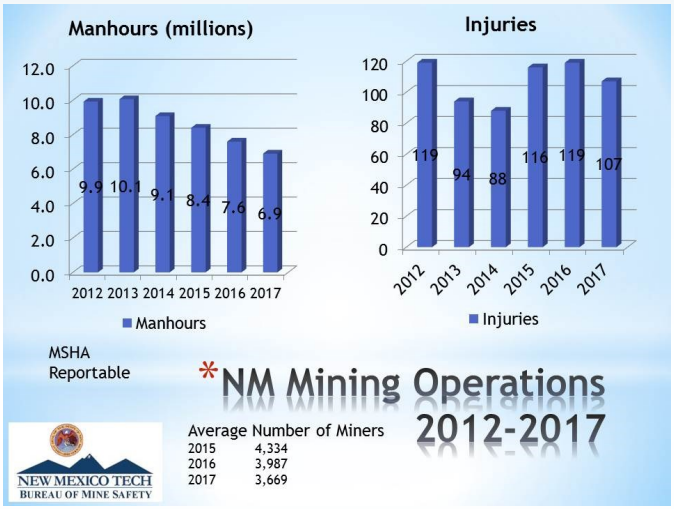
Need New Miner Training, Annual Refresher Training, First Aid Training? The Bureau of Mine Safety is ready to assist. Part 46; Part 48-B

Call 575-835-5460

Coming soon: NSC Certified First Aid & CPR

2017 New Mexico MSHA Reportable Injury and Illness Data

First, I want to acknowledge the assistance of Mac Burriss from the Southcentral MSHA Metal/Non-metal District office for collecting the raw data filtered for New Mexico Operators. Second, in this analysis I've comparted the New Mexico Operators' 2017 injury and illness experience against the 2015 and 2016 NM experience and in some cases, previous years.



The first slide depicts the number of manhours accumulated in mining operations (excluding contractor hours) from 2012 through 2017. It also depicts the number of injuries (illnesses) recorded by NM operators over that same span. From 2014 to 2016, a dangerous trend of decreased manhours coupled with an increase in the number of incidents accelerated our combined NM incident rate. While the exposure in manhours continues to decline in 2017, we also experienced a drop in the number of injury/illnesses reported. This resulted in a leveling-off of the overall incident rate from 2016 to 2017.

The second slide depicts the actual incident rates from 2012 through 2017. A comparison can also be made to the national incident rate for all MSHA reportable injures over the six-year time frame.

NM operators reported 119 injuries and illnesses in 2016. That number dropped 10% to 107 in 2017. However, with the continued decrease in manhours, the incident rate remained statistically unchanged.

SEVERITY

New Mexico did experience one fatal injury in 2017 but

recorded a significant decrease in lost workday cases—27%. Restricted workday cases doubled, and No Lost Workday cases edged up slightly.

Continued on Page 3

Even if you are on the right track, you'll get run over if you just sit there. ***Will Rogers***

March 2018 Newsletter

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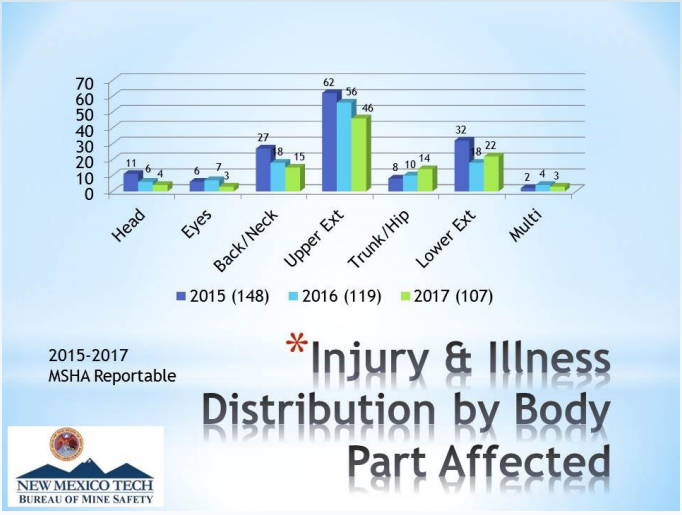
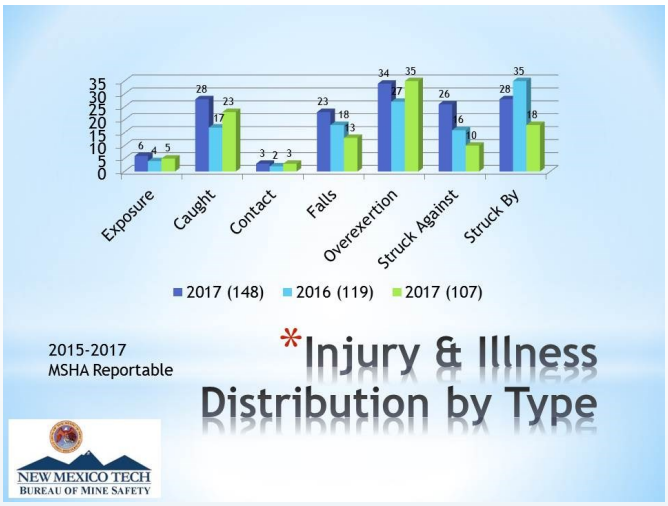
BODY PART



In 2017 NM experienced an increase in the number of trunk/hip injuries and lower extremity injuries. Other body parts faired better than in 2016.

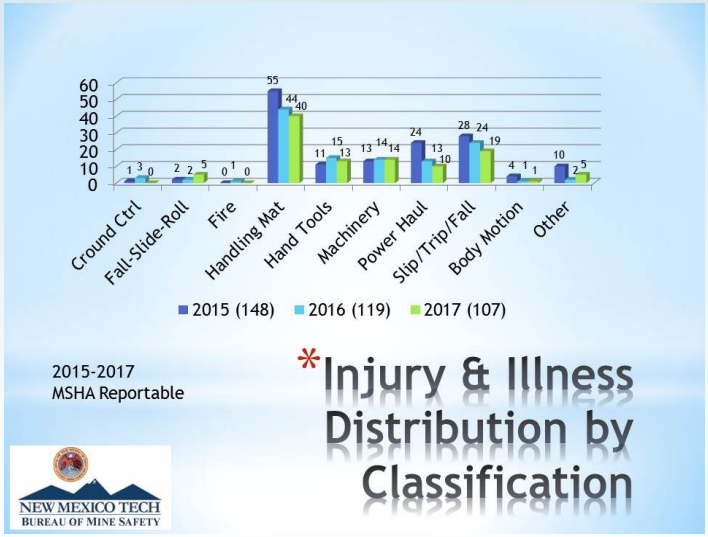
TYPE OF INJURY



Overexertion, including sprains, strains, and fatigue still account for the lion's share of injury source or "Type". These types of injuries are painful, often require significant time away from work to heal but are generally less traumatic than injuries due impact such as falls, struck by, and struck against. We see a significant decrease over both 2015 and 2016 in these trauma categories.

CLASSIFICATION

At the national level, there is a lot of attention given to preventing powered haulage incidents. In fact, a significant number of 2017 fatal injuries (including one in New Mexico) occur in this category. In contrast, New Mexico reportable injuries are more likely to occur while handling materials. Although we've seen a 27% decrease since 2015, the forty material handling incidents in 2017 account for 37% of the injury and illness incidents last year.



DISTRIBUTION BY OPERATOR

This graph indicates that the 2017 injury and illness reports came from a more diverse population. The 107 incidents reported in 2017 were spread among 23 operators. In 2016, the 119 incidents were confined to 18 operators. Only one operator reported 11 or more incidents. Eighteen operators reported five or fewer. Ten of those reported only 1. In 2016, twelve operators reported five or fewer incidents.

Even if you are on the right track, you'll get run over if you just sit there. ***Will Rogers***

March 2018 Newsletter

The following Op/Ed by Assistant Secretary of Labor for Mine Safety and Health David Zatezalo appeared in The Intelligencer Wheeling News Register on March 6, 2018.

The Intelligencer Wheeling News Register
March 6, 2018
Collecting Mine Safety Fines

American drivers understand that if they go over the speed limit and receive a ticket from a police officer, they must pay the fine that has been issued, or their driver's license will be suspended. The laws for drivers, and the consequences of not paying fines, are clear to all.

America's mine operators also operate under a set of well-known laws. The federal Mine Act is straightforward on enforcement matters: Inspectors conduct mandated annual inspections and issue citations for safety and health violations, which carry a monetary penalty. The payment of these fines is required by law, and funds go to the U.S. Treasury.

These penalties are an important reminder of the need to ensure safe and healthy working conditions for America's miners. When penalties are assessed, full and timely payment of fines must be a routine matter for all mine operators — just as it is for drivers who violate the rules of the road.

As the Assistant Secretary of the Mine Safety and Health Administration (MSHA), it is my job to promote safe and healthy workplaces, and help prevent mining accidents, illnesses, and injury for the more than 300,000 men and women who work in our nation's mines. Mine operators must pay the safety and health fines they have been issued by MSHA, as required by the law.

The great majority of mine operators are serious in their approach to safety responsibilities. They maintain safe working conditions, correct problems, and pay their penalties on time.

However, some operators do not pay their fines on time and in full. Failure to pay penalties is unfair to miners who deserve safe workplaces, and it is unfair to mine operators who play by the rules. By failing to prevent violations and then failing to pay fines, non-compliant operators gain an unfair competitive advantage in the marketplace.

Uncollected fines combined with continued violations show disregard for the law and our nation's miners. For this reason, I am taking action to strengthen MSHA's Scofflaw Program, which was created in 2007 to pursue the collection of unpaid fines.

Since its launch just over a decade ago, about $67 million in delinquent penalties have accrued. The agency has issued just 16 citations since 2007 for failure to pay final penalties, and only five orders requiring a mine to shut down operations while continuing to pay miners their wages.

The status quo is unacceptable and must change.

Beginning immediately, MSHA is stepping up its efforts to ensure mine operators pay the safety and health fines for which they are responsible and comply with safety standards. If operators fail to show good faith and arrange to pay their penalties, MSHA will pursue them with every means under the law. Just as drivers who don't pay their speeding tickets may see their driving privileges suspended, mine operators that do not pay their safety and health fines can be forced to cease production until fines are resolved. At all times, miners will be paid.

Ultimately, a more robust Scofflaw Program is about more than collecting unpaid fines. It is about promoting the health and safety of America's proud miners. MSHA's enforcement activities are intended to create safer working conditions for the men and women of the mining industry, who must return home safely to their families at the end of each shift.

David G. Zatezalo is the Assistant Secretary for the Mine Safety and Health Administration. He is a native of West Virginia who resided in Wheeling until being named to his current position.

United States Department of Labor
MSHA
Mine Safety and Health Administration

MSHA PROGRAM POLICY MANUAL—COAL

§75.1103-6 Automatic fire sensors; actuation of fire suppression systems.

Point-type heat sensors or automatic fire sensor and warning device systems may be used to actuate deluge-type water systems, foam generator systems, multipurpose dry-powder systems, or other equivalent automatic fire suppression systems..

75.1103-6 Automatic Fire Sensors; Actuation of Fire-Suppression Systems

The fire sensor and suppression devices required at belt drives under Section 75.1101 may be separate and apart from the sensor and alarm system required under Section 75.1103, except that the sensor and alarm system required under Section 75.1103 shall transverse and include the belt drive area. If the systems required under Sections 75.1101 and 75.1103 are combined and are interconnected, then the more stringent requirements of Section 75.1103-7(b) shall apply. For example, if the sensor and alarm system under Section 75.1103 is intrinsically safe, then interconnected fire-suppression devices under Section 75.1101 shall also be intrinsically safe.

§77.1109 Quantity and location of firefighting equipment.

Preparation plants, dryer plants, tipples, drawoff tunnels, shops, and other surface installations shall be equipped with the following firefighting equipment.

(a) Each structure presenting a fire hazard shall be provided with portable fire extinguishers commensurate with the potential fire hazard at the structure in accordance with the recommendations of the National Fire Protection Association.

(b) Preparation plants shall be equipped with waterlines, with outlet valves on each floor, and with sufficient fire hose to project a water stream to any point in the plant. However, where freezing conditions exist or water is not available, a 125-pound multipurpose dry powder extinguisher may be substituted for the purposes of this paragraph (b) for each 2,500 square feet of floor space in a wooden or other flammable structure, or for each 5,000 square feet of floor space in a metal, concrete-block, or other type of non-flammable construction.

(c)(1) Mobile equipment, including trucks, front-end loaders, bulldozers, portable welding units, and augers, shall be equipped with at least one portable fire extinguisher.

(2) Power shovels, draglines, and other large equipment shall be equipped with at least one portable fire extinguisher; however, additional fire extinguishers may be required by an authorized representative of the Secretary.

(3) Auxiliary equipment such as portable drills, sweepers, and scrapers, when operated more than 600 feet from equipment required to have portable fire extinguishers, shall be equipped with at least one fire extinguisher.

(d) Fire extinguishers shall be provided at permanent electrical installations commensurate with the potential fire hazard at such installation in accordance with the recommendations of the National Fire Protection Association.

(e) Two portable fire extinguishers, or the equivalent, shall be provided at each of the following combustible liquid storage installations:

(1) Near each above ground or unburied combustible liquid storage station; and,

(2) Near the transfer pump of each buried combustible liquid storage tank.

(f) Vehicles transporting explosives and blasting agents shall be equipped with fire protection as recommended in Code 495, section 20, National Fire Protection Association Handbook, 12th Edition, 1962.

77.1109 Quantity and Location of Fire fighting Equipment

When questions arise concerning paragraph (a), the standards presented in National Fire Protection Code No. 10 shall be used as a guide. Generally, a minimum of one extinguisher having a rating no less than 2A8B or 2A8BC where electrical installations are present shall be provided on each floor or level in the structure. At least one extinguisher shall be provided for each 3,000 square feet of floor space.

Where the floor space exceeds 3,000 square feet, and more than one extinguisher is required, they shall be no more than 75 feet apart. If the area protected contains permanent electrical installations, the maximum distance between extinguishers shall be no more than 50 feet.

The purpose of paragraph (b) is to insure that a water stream or dry powder extinguishing agent can be applied at any location in the building. The 125-pound extinguisher can be a single unit or made up of several smaller units, provided the total weight of powder meets the requirement.

A 125-pound dry chemical extinguishing unit shall be provided for each 5,000 square feet of floor area in a building of non-combustible construction, or 2,500 square feet area in abuilding of combustible construction.

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A single 125-pound unit can provide protection for more than a single floor if the system is permanently installed with rigid piping. Thus, a portable 125-pound unit can serve only a single floor, but a permanently installed unit may serve one or more floors, provided the floor area does not exceed 2,500 or 5,000square feet, depending on the type of construction.

When implementing paragraph (d), judgment shall be used in the evaluation of the requirements for extinguishers at each permanent electrical installation. One portable extinguisher can serve several adjacent electric motors or transformers. Extinguishers provided and located according to paragraph (a) shall be acceptable as protection for electrical installations within that area, provided such extinguishers are no more than 50 feet from the electrical installation.

Substation - Two extinguishers having a total rating of 20BCshall be provided at permanent substations.

The requirement in paragraph (e) of two portable fire extinguishers at the stated combustible liquid storage depots clarified in NFPA Code No. 30 means that two portable units, each having a rating of not less than 10-B units, shall be provided. Questions will arise as to whether a single extinguisher having a rating of 20-B units can be used instead of two 10-B fire extinguishers. Decisions shall be made for individual circumstances. Two 10-B extinguishers are generally preferred, as a greater chance exists that at least one unit will not be downwind of the fire. Decisions shall be based on the size of liquid storage, location and surrounding conditions. Rock dust in the amount of at least 500 pounds, kept dry and maintained usable, will be acceptable as "equivalent" to two portable extinguishers at remote combustible liquid storage installations, provided a shovel or equivalent means is available for applying the rock dust.

Fire protection referred to in paragraph (f) means two extinguishers having a rating of not less than 5BC each

The following portable fire extinguisher ratings will be acceptable as meeting the requirements of paragraph (c)(1). All trucks up to and including those of 20-ton (load) capacity should be equipped with at least one extinguisher having a minimum rating of 5BC. Trucks larger than 20-ton capacity should be equipped with an extinguisher having at least a 10BC rating.Two 5BC extinguishers are acceptable.

Other mobile equipment, such as front-end loaders, bulldozers,portable welding units, and augers of comparable size (to the trucks) should be rated on an equivalent basis, except hydraulically-operated equipment containing flammable and combustible liquids, trucks transporting flammable and combustible liquids, and diesel-powered motor generator sets.Examples are as follows:

A front-end loader or portable welding unit no larger in size (weight) than a 20-ton truck should require the same protection as a 20-ton truck or 5BC.

A front-end loader, bulldozer, auger, etc., larger than a 20-ton truck should require the same protection as a truck larger than a 20-ton or 10BC.

Mobile equipment containing flammable and combustible liquids, including trucks transporting flammable and combustible liquids and diesel-powered motor generator sets, should be protected with extinguishers having a minimum rating twice that required for other mobile equipment in examples 1 and 2; except that additional fire protection shall not be required for equipment using hydraulic fluids only for power-steering and power-breaking systems.

Paragraph (c)(2) requires equipment larger in size than that equivalent to a 50-ton truck to be provided with additional fire protection commensurate with the hazard. A minimum of one extinguisher having the proper rating shall be provided on each of all multilevel equipment such as shovels and draglines.

The extinguisher required by paragraph (c)(3) should be rated no less than 5BC.

MSHA PROGRAM POLICY MANUAL—M/NM

§56/57.4530 Exits.

Buildings or structures in which persons work shall have a sufficient number of exits to permit prompt escape in case of fire.

56/57.4530 Exits From Buildings or Structures

This standard requires that surface buildings or structures in which persons work shall have a sufficient number of exits to permit prompt escape in case of fire. The standard applies to buildings or structures where persons normally work.

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Excluded from the requirements of this standard are those areas where persons work infrequently, e.g., change rooms, surge tunnels, toilet facilities, and cafeterias. "Exits" may be doorways, passageways, windows, or other openings that lead out of the building or structure. While the standard uses the word"exits", a single exit may be acceptable where it permits the prompt escape of persons in case of fire.

When considering what constitutes sufficient exits, the following factors should be considered: (1) the size of the exit(s); (2)the height of the exit(s) from the ground; (3) the size of the building; (4) the number of persons who normally work in the area serviced by the exit(s); (5) the nature of the operations; (6)the presence of potential fire hazards; (7) the type of materials with which the building is constructed, e.g., wood, brick, block, stone, metal, concrete; and (8) the presence of fire suppression devices or the availability of fire extinguishers.

NOTICE OF RULEMAKING

Public Notice: The New Mexico Mining Safety Board will conduct a public hearing in Albuquerque at the Workers' Compensation Building, 2410 Center Ave., Albuquerque, New Mexico, 87106, on May 8, 2018 from 1:00 p.m. to 3:00 p.m. (MDT). The purpose of the hearing is to receive public comment on proposed amendments to 19.6.4 NMAC - Certification of Coal Mine Officials ("Part 4").

Purpose: The State Mine Inspector (SMI) has proposed amending the current rules concerning the certification and recertification of coal mine officials. The purpose of the proposed action is to clarify several procedural requirements, incorporate more consistent terminology, and to codify certain procedures used by the SMI in the course of certifying and recertifying coal mine officials. As part of this process, the SMI solicited input from the coal mining community. The response was positive toward the proposed changes in 19.6.4 NMAC with one additional recommendation that would resolve an issue concerning certification of coal mine foremen working on surface areas of underground mines. An additional proposal was drafted to address that issue. The proposed rule clarifies certification and recertification issues, codifies practices adopted by the SMI for administration of the rule, provides for consistent use of terminology, and provides for an agreeable solution to certification of surface foremen at underground coal mines.

Summary of full text: Throughout Part 4, the use of foreman and examiner was used liberally without direct context to coal mine foreman or coal mine examiner. Although the title of Part 4 directs application to coal mines, the proposed amendment would prevent confusion by consistently using these terms throughout the part. This move also made clear that prerequisite experience for testing would be based on coal mine experience and not non-coal mining experience.

Subsection C of 19.6.4.9 NMAC was amended to codify the SMI practice of providing for coal mine official examinations on an appointment basis. Subsection D of the same subpart codifies the SMI practice of requiring certain identification and qualifications of prospective coal mine officials via the application process and clarifies the coal mine examiner experience expectations for underground mine foremen by replacing the phrase "serve as" with "regularly performed the duties of". Finally, the proposed Subsection D outlines requirements for an underground coal mine foreman who may be required to perform foreman duties at surface areas of underground mines. A new classification "general underground coal mine foreman" is incorporated in the proposed rule.

Subsection E of 19.6.4.9 NMAC expanded the SMI's authority to permit a modified experience requirement for persons with "credentials that attest to advanced competency". Otherwise, such accommodation is limited to mining engineering graduates (and by definition, mineral engineering graduates). A table was created that identifies the qualifications and authorizations associated with each classification of coal mine official in a simple format.

In Subsection A of 19.6.4.11 NMAC, a process was outlined for the SMI to use in recertification of coal mine officials who for a variety of reasons may not have maintained annual training requirements on the 5-year certification. Subsection E codifies language that allows the SMI to recertify all coal mine officials whose certification expires during that year to recertify on a single date. This practice has been in place and has proven advantageous to the SMI, operators, and individual coal mine officials. Paragraph 5 of Subsection A was modified to make it clear that discipline for a non-mining issue in another state (such as a speeding ticket) does not disqualify a candidate for certification, recertification, or permit action by the SMI to suspend or revoke certification on such basis.

Authority: Section 69-8-4, NMSA 1978, provides that the Mining Safety Board "shall, after public hearing, adopt rules for the protection of the life and safety of employees and to carry out the intent of the Mining Safety Act." Section 69-14-3, NMSA 1978 authorizes the Mining Safety Board to "enact requirements, including requirements for applications, examinations and qualifications, for certification of any mine personnel required to be qualified by state or federal law." Finally, Section 69-14-4, NMSA 1978 provides that, "The mining safety board shall adopt rules for requirements for recertification."

Access to the Proposed Rulemaking: A complete copy of the proposed rule changes with line-out of extracted text and underlined inserted text may be read or downloaded from the Bureau of Mine Safety (BMS) website at bmi.state.nm.us. A copy may be obtained by contacting Debora McVey at the Bureau of Mine Safety at 575-835-5460 or Debora.mcvey@nmt.edu.

Public Comment: Interested parties may comment on the proposed rulemaking at a public hearing to be held at the regular mining safety board meeting beginning at 1:00 p.m. on May 8, 2018 at the NM Workers' Compensation building, 2410 Center Ave., Albuquerque, New Mexico. Written comments will also be received by the Bureau of Mine Safety until Monday, May 7, 2018 by U.S. Mail or email.

MSB Rulemaking Comments
New Mexico Bureau of Mine Safety
New Mexico Institute of Mining and Technology
801 Leroy Place
Socorro, NM 87801
Debora.mcvey@nmt.edu

Accommodations: Individuals with disabilities who require the above information in an alternative format or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Debora McVey or Randy Logsdon at 575-835-5460 as soon as possible before the public hearing. The Bureau of Mine Safety will make a reasonable effort to provide necessary accommodations.

Technical Information: These proposed amendments did not require technical information.

Mining Safety Board

The Mining Safety Board met on February 1 in Farmington. The board is proposing amending some of the rules for certification and recertification of coal mine officials. A copy of the proposed changes will be posted in the New Mexico Register and is printed on page 6 of this newsletter or on the BMS website nmminesafety.com

For a copy of the draft meeting minutes, contact Deb McVey at Debora.mcvey@nmt.edu or 575-835-5460

The next meeting is scheduled for 1:00 p.m. on May 8, 2018 at the Workman's Compensation Bldg., 2410 Center Ave., Albuquerque. A public hearing for comment regarding the proposed rules is planned for that meeting.

Advance comments may be directed to the:

Bureau of Mine Safety
New Mexico Tech
801 Leroy Place,
Socorro, NM 87801
Debora.mcvey@nmt.edu

U.S. Coal Fatal Injury
February 21, 2018

On Wednesday, February 21, 2018, a 38-year-old highwall mining machine operator, with 21 years of total mining experience, was electrocuted when he contacted an energized connection of a 7,200 volt electrical circuit.

YTD—3/12/2018: 3 M/NM Fatals; 2 Coal Fatals ; 5 Total

PROPOSED CHANGES TO THE NEW MEXICO ADMINISTRATIVE CODE
TITLE 19
Chapter 6
Part 4
CERTIFICATION OF COAL MINE OFFICIALS

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 6 MINE SAFETY
PART 4 CERTIFICATION OF COAL MINE OFFICIALS

19.6.4.7 DEFINITIONS:

A. "Board" means the state mining safety board.

B. "Certificate" means a document issued by the state mine inspector, or certifying agency from another state, allowing the holder to be employed as a coal mine official in the state of origin.

C. "CFR" means Code of Federal Regulations.

D. "Days" means calendar days.

E. "Inspector" means the state mine inspector.

F. "Mining engineering graduate" means a person having a B.S. degree in mining or mineral engineering from an accredited college or university.

G. "Official" means coal mine official, including underground coal mine foreman, underground coal mine examiner, general underground coal mine foreman, or surface coal mine foreman. (Table 19.6.4.9)

H. "Revoke" means to permanently invalidate a certification.

I. "Service" means providing any document, paper or pleading to a person either personally or by certified mail, return receipt requested.

J. "Suspend" means to invalidate a certification for a specified period of time.

[19.6.4.7 NMAC - N, 09/30/08; A, 10/01/10]

19.6.4.9 METHODS AND REQUIREMENTS OF CERTIFICATION:

A. The state mine inspector may recognize the foreman's or mine examiner's certificate issued by another state and issue certificates accordingly when:

(1) the state mine inspector reviews the certification requirements of another state and determines that the requirements are equivalent or more stringent than New Mexico's, and are pertinent to the mining conditions found in New Mexico's coal mines; or

(2) an agreement of reciprocity is signed between the state mine inspector and the director of the certification agency from another state.

B. Persons with four or more years of experience in or about underground coal mines, and providing underground foreman certification from another state program or persons with four or more years of experience in or about surface coal mines, and providing surface foreman certification from another state program, meet the requirements for testing.

C. The state mine inspector shall hold written examinations, at times, dates and places to be given out at least sixty days in advance, to all persons desiring to secure mine foreman certificates or mine examiner certificates. Alternatively, at the discretion of the state mine inspector, such examinations may be administered by appointment.

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D. The state mine inspector shall require that any applicant for examination to the position of mine foreman or mine examiner submit a completed application at least thirty days prior to the examination date and shall meet the experience requirements of this section as summarized in Table 19.6.4.9.. The state mine inspector may require documentation from an applicant supporting his/her qualification and competency. Every person desiring to secure an underground coal mine foreman's certificate and not already in such position or not holding such certificate from another state shall first serve as a mine examiner for six months have regularly performed the duties of an underground coal mine examiner for six months and shall have at least four years of underground coal mine experience to participate in the underground coal mine foreman's examination. Every person desiring to secure a surface coal mine foreman's certificate, and not already holding such certificate from another state, shall have at least four years of surface coal mine experience to participate in the surface coal mine foreman's examination. A person who holds a certificate for surface coal mine foreman who wishes to take the underground coal mine foreman test must have a minimum of four years of experience in underground coal mine workings. A person who holds an underground coal mine foreman certificate and who wishes to participate in the surface coal mine foreman examination must have at least two years of surface coal mine experience. A person who holds an underground coal mine foreman certificate and who wishes to participate in the general underground coal mine foreman examination must have at least two years of surface mine experience or two years of surface experience at an underground mine. Every person desiring to secure an underground coal mine examiner's certificate and not already in such position or not holding such certificate from another state recognized by the state mine inspector, shall have at least two years of underground coal mine experience to participate in the underground coal mine examiner's examination.

E. The state mine inspector may allow a mining engineering graduate or a person with other credentials that attest to advanced competency including applicable experience at non-coal mines to participate in the foreman's or examiner's examination if the mining engineering graduate candidate meets at least one-half of the experience requirements and all other prerequisites listed in Subsections B and D of this section and a mining engineering graduate must pass the underground mine examiner's examination and shall first serve as an underground mine examiner for six months have regularly performed the duties of mine examiner for six months prior to taking the underground mine foreman examination.

F. Table 19.6.4.9 is incorporated into this section as a guide to the prerequisites and areas of responsibility for coal mine officials.

Table 19.6.4.9 on page 9

19.6.4.10 FEES FOR CERTIFICATION AND EXAMINATION: The state mine inspector, after consultation with the mining safety board, may impose fees for examination and certification of officials. Current fees will be posted with examination notice given out as required in Subsection C of 19.6.4.9 NMAC.
[19.6.4.10 NMAC - N, 09/30/08]

19.6.4.11 CERTIFICATION PERIOD AND RECERTIFICATION PROCESS:

A. Certification of officials shall be issued for a period of five years. All officials certified by the state mine inspector prior to June 15, 2007 shall have their certification period extended five years. Each official is required to have retraining as a qualified/certified person on an annual basis from the mine in which they are employed as required in 30 CFR 75.160, 30 CFR 75.161 and 30 CFR 77.107 and 30 CFR 77.107-1. Failure to have re-training as a qualified/certified person on an annual basis may result in suspension of certification. Should a certified official fail to meet the annual training requirement for any reason; or should a certified official be absent from mine employment in New Mexico for a period of one year or more and upon resumption of mine employment in New Mexico; the certified official may appeal to the state mine inspector for reinstatement of active certification. The state mine inspector may require testing, remedial training, interviews, evidence of applicable training, or other criteria to assure competency before re-activating said certification.

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Table 19.6.4.9

Certification Title	Qualification *	Authorization
Underground Coal Mine Examiner	2-years underground mining experience, or 1-year underground mining experience and advanced competency, or Equivalent experience and certification from another state	Underground areas at underground coal mines
Underground Coal Mine Foreman	4-years underground mining experience with six months examiner experience, or 2-years underground mining experience with six months examiner experience and advanced competency, or Equivalent experience and certification from another state	Underground areas at underground coal mines
General Underground Coal Mine Foreman	Current NM certification as underground coal mine foreman, and 2-years of experience at surface coal mines or surface areas of underground coal mines	Underground areas at underground coal mines Surface areas at underground coal mines
Surface Coal Mine Foreman	4-years surface mining experience, or 2-years surface mining experience and advanced competency, or Equivalent experience and certification from another state, or Current NM certification as underground coal mine foreman, and 2-years of experience at surface coal mines or surface areas of underground coal mines	Surface coal mines Surface areas at underground coal mines

*All candidates for certification or recertification must achieve a cumulative score of 80% or higher on the corresponding written exam.

The next meeting of the Mining Safety Board is scheduled for 1:00 p.m. on May 8, 2018 at the Workman's Compensation Bldg., 2410 Center Ave., Albuquerque. A public hearing for comment regarding the proposed rules is planned to coordinate with that meeting.

Advance comments may be directed to the Office of the State Mine Inspector:

Bureau of Mine Safety

New Mexico Tech

801 Leroy Place,

Socorro, NM 87801

From Page 9

B. Each official has the responsibility to notify the state mine inspector of any change in address or change in mine employment within thirty days of such change. Failure to provide current contact information may result in suspension of certification.

C. Certified persons may apply for recertification within twelve months prior to the end of the certification period. Every certification shall automatically expire on the last day of the certification period if the official has not recertified prior to that date. The state mine inspector may extend the certification period for an official for no more than six months to facilitate the recertification process. Recertification will require the applicant to submit an application and appropriate documentation as required by the state mine inspector.

D. Recertification may be done by taking an exam every five years, prior to certification expiration, or an organization may submit an alternative plan for the inspector's approval as follows:

(1) officials taking an exam every five years will follow the same process required for original certification; or

(2) an organization may submit an alternative plan, for the state mine inspector's approval; the alternative plan may be carried out over the five year period; the alternative plan shall include the subjects to be covered, the minimum amount of time per subject, the methods of instruction, and the methods of participant evaluation during process completion; following completion, the applicant shall provide the state mine inspector with verification that all training for the recertification period is current; and

(3) applicants shall submit an application, pay the applicable fee, and provide all appropriate documentation as required by the state mine inspector, before receiving recertification.

19.6.4.12 REFUSAL TO CERTIFY OR RECERTIFY AND SUSPENSION OR REVOCATION OF CERTIFICATION:

A. The inspector may refuse to certify or recertify or may suspend or revoke any certification held or applied for under 19.6.4 NMAC upon grounds that the applicant or certified person:

(1) gave false or forged evidence to the inspector to obtain certification;

(2) is grossly negligent or incompetent in duties as a certified person;

(3) has failed to maintain certification;

(4) has violated or aided or abetted any person in a violation of the Federal Mine Safety and Health Act of 1977 or the New Mexico mine safety laws; or

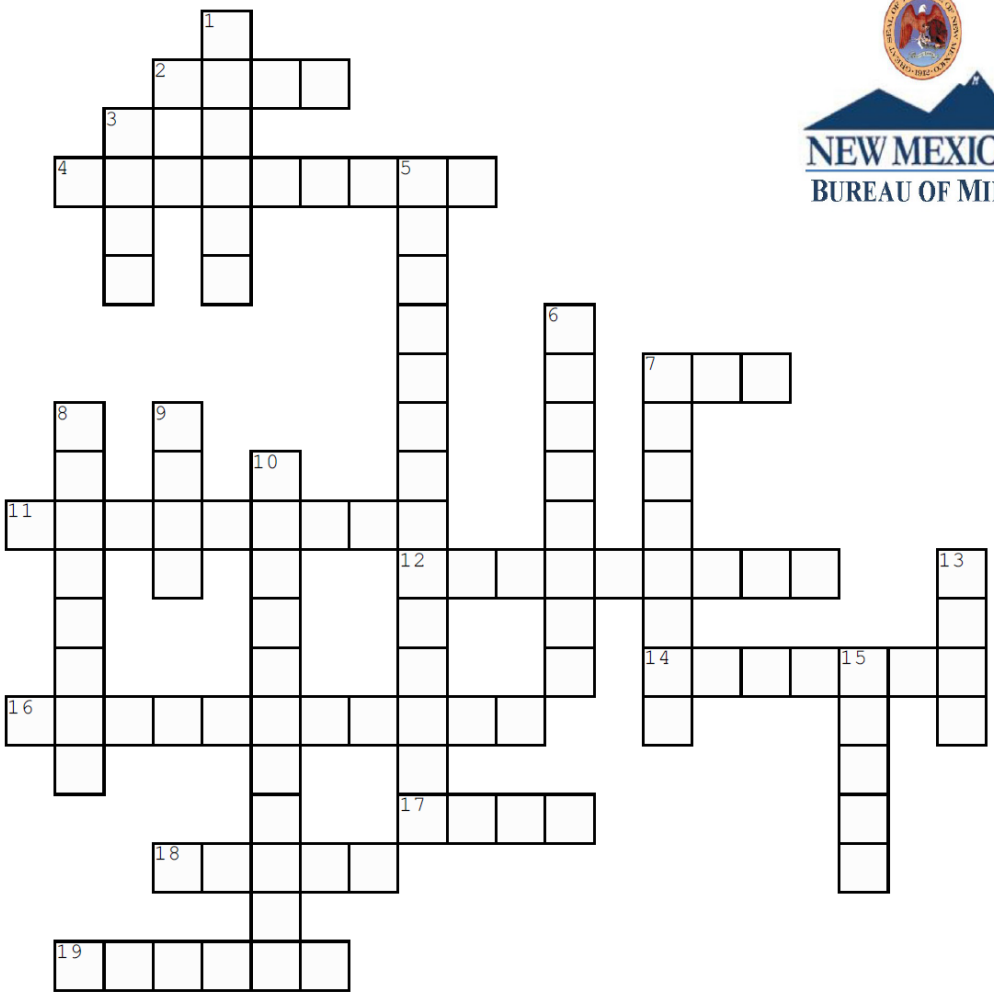
(5) has been disciplined by a state mine regulatory authority in another state that certifies mine personnel.

B. If the inspector contemplates taking any of the actions described in Subsection A of 19.6.4.12 NMAC for any of the reasons provided in that subsection, the inspector shall provide written notice to the applicant or certified person. The notice shall include a statement that the inspector has sufficient evidence that, if not rebutted or explained, will justify the inspector in taking the contemplated action, that indicates the general nature of the evidence and that provides the applicant or certified person at least twenty days to submit written evidence to rebut or explain the allegations.

C. If, after the response period ends, the state mine inspector takes any action of a type specified in Subsection B of 19.6.4.12, the inspector shall serve upon the applicant or certified person a written notice of the action containing a statement that the applicant or certified person may file a petition for review with the mining safety board pursuant to the Mining Safety Act 69-8-1 NMSA 1978.

HEARING

Complete the crossword below



Created with TheTeachersCorner.net Crossword Puzzle Generator

Across

2. Exposure _____ is a critical factor in determining overexposure to noise
4. A medical report on the status of your hearing capabilities
7. Abbreviation for noise exposure controls that you wear
11. Without effective precautions, hearing loss may be _____
12. The Noise _____ Rating is a rating for hearing protectors established by the manufacturer
14. The organ of the inner ear that is damaged by harmful noise
16. The ear is more sensitive to damage from certain _____
17. We conserve our hearing by protecting our _____
18. Temporary hearing loss is sometimes called a temporary threshold _____
19. Noise is a form of _____

Down

1. MSHA has established exposure _____ for exposure to harmful noise
3. The use of ear muffs over ear plugs is termed _____ hearing protection
5. Method of controlling noise exposure that may include limiting exposure time
6. Hearing protection requires limiting _____ to harmful noise
7. Work _____ controls may involve adjustments in job procedures
8. The sound _____ level is a critical factor in determining overexposure to noise
9. Exposure to harmful noise levels at _____ may contribute to permanent hearing loss
10. Method of controlling noise exposure that includes barriers and technical adjustments
13. Noise energy is measured in _____
15. MSHA has established the permissible expousre _____ at 90 dBA for an 8-hour time-weighted exposure

The correct answers will be attached to the archived March Newsletter on the BMS website nmminesafety.com

March 2018 Newsletter

It only takes a few minutes

MSHA *Immediate Reporting ** (within 15-minutes 800 746 1553)	***NM Underground*** *Immediate Reporting *** (within 30-minutes 866 761 6039)	***NM Surface Only*** *Immediate Reporting* (within 30-minutes 866 761 6039)
(1) A death of an individual at a mine;	(1) A death of an individual at a mine;	(1) A death of an individual at a mine;
(2) An injury to an individual at a mine which has a reasonable potential to cause death;	(2) An injury that has a reasonable potential to cause death to an individual at a mine;	(2) An injury that has a reasonable potential to cause death to an individual at a mine;
(3) An entrapment of an individual for more than **30 minutes** or which has a reasonable potential to cause death;	(3) An entrapment of an individual that has a reasonable potential to cause death;	(3) An entrapment of an individual that has a reasonable potential to cause death;
(4) An unplanned inundation of a mine by a liquid or gas;	(4) An unplanned inundation of a mine by a liquid or gas;	
(5) An unplanned ignition or explosion of gas or dust;	(5) An unplanned ignition or explosion of gas or dust;	
(6) In underground mines, an unplanned fire not extinguished within **10 minutes** of discovery; in surface mines and surface areas of underground mines, an unplanned fire not extinguished within **30 minutes** of discovery;	(6) An unplanned fire in an underground mine that is not extinguished within **10 minutes** of discovery of an unplanned mine fire within the surface area of an underground mine, that is not extinguished within **30 minutes** of discovery;	
(7) An unplanned ignition or explosion of a blasting agent or an explosive;	(7) An unplanned ignition or explosion of a blasting agent or an explosive;	(7) An unplanned ignition or explosion of a blasting agent or an explosive;
(8) An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use; or, an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage;	(8) An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use or, an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage;	
(9) A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour;	(9) A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour;	
(10) An unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile, or culm bank;	(10) An unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile, or culm bank;	(10) An unstable condition at an impoundment, refuse pile, or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area; or, failure of an impoundment, refuse pile, or culm bank;
(11) Damage to hoisting equipment in a shaft or slope which endangers an individual or which interferes with use of the equipment for more than **thirty minutes**; and	(11) Damage to hoisting equipment in a shaft or slope which endangers an individual; or	
(12) An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs.	(12) An event at a mine that causes death or bodily injury to an individual not at the mine at the time the event occurs.	(12) An event at a mine that causes death or bodily injury to an individual not at the mine at the time the event occurs.

**Underlined text omitted from NM U/G reporting requirement.*

***Includes the surface areas of underground mines.*

March 2018 Newsletter

Statistics show that mining accidents tend to increase during April and May when many intermittently operated mining operations begin producing again, often with new employees who are unaware of the hazards of mining.

Each Spring, the metal and nonmetal mining industry hosts cooperative mine safety and health training workshops around the nation to increase awareness of mining hazards and improve mine safety and health. During these educational outreach events, safety professionals from mining companies, associations, and MSHA share information and experiences in dealing with a range of mining dangers.

New Mexico Mine Health and Safety Conference
(Page 14)
May 9-11, Albuquerque Sheraton Uptown

Register Online at www.regonline.com/2018nmmhsc

New Mexico Mine Health & Safety Conference

May 9-11, 2018

Be Safe for Life
Your life

- Mine Emergencies
- MSHA Initiatives
- Compliance Issues
- Safety Performance
- Fatigue
- Training
- Crane Safety
- & Much More

John Drebinger
Keynotes
Spencer Beach

Patricia W. Silvey
Deputy Assistant Secretary
MSHA Operations

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