



NEW MEXICO BUREAU OF MINE SAFETY

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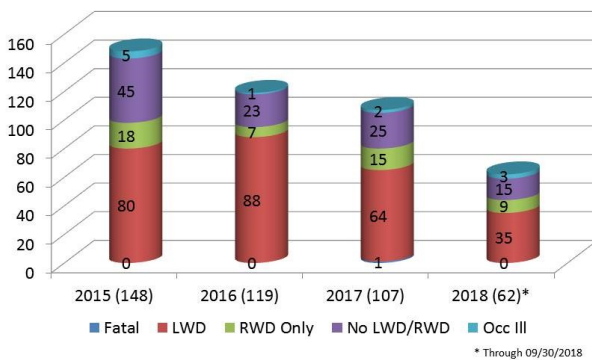
November 2018 Newsletter

THIRD QUARTER NM REPORTABLE INJURY & ILLNESS STATISTICS ARE IN: GOOD NEWS—BAD NEWS

Statistics provided to this office and gathered from MSHA 7000-1 reports for the state of New Mexico for CY 2018 through September 30 provide for some promise as well as some concern. In other words, there is good news and bad news. First the good news.

Good News. The number of overall MSHA reportable injuries and illnesses in 2018 through the third quarter indicate that (provided we all watch our fingers and toes) we will continue a steady decline in the number of injuries to New Mexico miners in 2018.

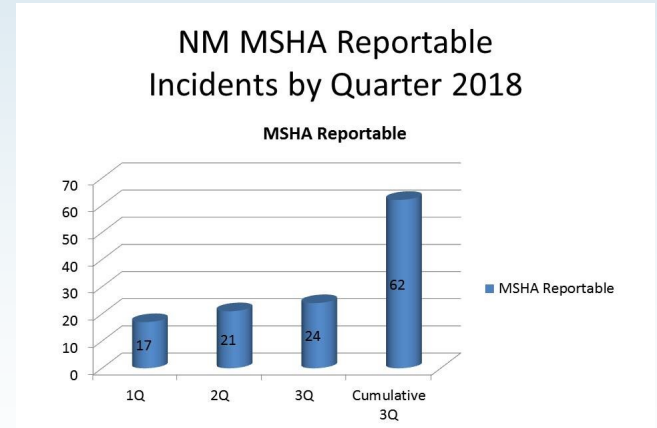
NM CY 2016-18 MSHA Reportable Injuries and Illnesses



148 injuries and illnesses were reported in 2016. The decline continued through 2017 with 107 injuries and illnesses. As of September 30, New Mexico miners have experienced 62 injuries and illnesses and should complete the year well below 100.

Bad News. New Mexico mines have also experienced a steady increase in reportable incidents over

The course of the first three quarters. Any trend that



shows an increase in the number of incidents raises concerns. Additional graphs regarding the 1Q-3Q stats can be found on pages 11—13 in the newsletter.

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NEWS

MSHA is taking on three initiatives covering both coal and metal/non metal mining.

Powered Haulage. MSHA is continuing to collect and analyze information that will hopefully assist mine operators in preventing fatal injuries due to powered haulage. The areas of focus are around collision avoidance, seatbelt improvements and usage, and conveyor safety. MSHA is especially interested in technological safeguards that may be effective in these areas. A link for commenter instructions can be found at <https://www.msha.gov/news-media/special-initiatives/2018/05/31/powered-haulage-safety-initiative>. Links to MSHA training materials on power haulage can be found on that same page.

Fire Suppression Systems. MSHA has investigated several serious incidents involving mobile equipment fires. In these cases, the installed fire suppression system failed to operate correctly to control or extinguish the fire. One incident resulted in fatal burns to the operator. An informative presentation on fire suppression systems and a checklist are available through links provided by MSHA at <https://www.msha.gov/news-media/special-initiatives/2018/10/04/fire-suppression-system-initiative>.

Assistant Secretary Zatezalo announced that a number of MSHA inspectors have been cross-trained from coal to M/NM and from M/NM to coal in a national effort that he terms “blurring”. The move is designed to provide more efficient inspection from field offices in closer proximity to mine sites. A coal field office, for example, may be located closer to some aggregate operations than the M/NM field office. Mr. Zatezalo reported that there were 90 such operations identified.

Life is a grindstone.

Whether it grinds us down or polishes us up depends on us.

Thomas L. Holdcroft

Mining Safety Board

The Mining Safety Board met at the DOE building in Carlsbad on October 30. The resignation of the current Chair, Jeff Gordon was received, and a new Chair was selected by the board; John Purcell. No other significant action was acted upon.

Following the meeting, the Board was treated to an underground tour of the WIPP site East of Carlsbad. On behalf of the Board, we extend our thanks to the WIPP management and staff that made the tour informative and engaging.



The next meeting of the Mining Safety Board will be at a location to be announced on January 29, 2019

nmminesafety.com

Mining - Fatal Injuries

YTD—11/01/2018: 13 M/NM; 8 Coal; 21 Total

COAL

Fatality #8 October 17, 2018—A 33-year-old surface miner in West Virginia died from chest trauma from the forced extrication of a stuck auger steel.

M/NM

Fatality #11; October 01, 2018—A 26 year-old miner was killed when the victim fell and was crushed by a granite block at a dimension stone operation in Virginia.

Fatality #12; October 19, 2018— A 63 year-old quarry manager in Montana was injured when he lost control of the haul truck he was operating. Traveled a steep grade and through a berm. No seatbelt.

Fatality #13; October 25, 2018—A 29-year-old contract miner overturned in a pick-up on a haul road at a NM copper mine.

Fatality #14; October 25, 2018—A 42-year-old underground miner in Nevada was killed by falling back/roof while loading explosives at the face.

MSHA has re-classified Fatality #8 as a highway traffic incident.

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New Hazard Recognition Tool Nearly Ready for Roll-out From NIOSH



At the annual TRAM conference (Training Resources Applied to Mining) in early October at the MSHA academy in West Virginia, NIOSH (National Institute for Occupational Safety and Health), demonstrated new hazard recognition training software package that is expected to be made available to the public before the end of 2018.

The new product called “ExaMINER” works much like a current package called the Hazard Recognition Challenge. The current program requires web connection to participate. ExaMINER can be downloaded so it will stand alone, include 33 pre-programmed scenarios and can be supplemented with photos from your own workplace.



Haz Rec Challenge

To get a feel for the ExaMINER program, try-out the Hazard Recognition Challenge 1.0 via the link at <https://www.cdc.gov/niosh/mining/Works/ProductList.html> When released, a link to the ExaMINER package will likely be at this same page.

Investigation Continues into the Death of Contract Miner in New Mexico.

On Thursday, October 25, a 29 year-old contract miner at the Chino mine in Grant County was providing the rear escort for an ATV traveling up a grade along a mine haul road when his vehicle veered left into the embankment, rolled up onto the embankment and overturned onto the haul road. Emergency CPR was administered following extrication from the vehicle. Determination as to the cause of death has not yet been released. A preliminary report may be viewed on the MSHA website.

Bureau of Mine Safety Calendar



November:

- 06 Don't forget to V O T E !
- 08 NMMHSC Planning Meeting, ABQ
- 11 Veterans Day (Observed 11/12)
- 15 Coal Mine Examiner and Foreman exam, Farmington Civic Center
- 15 SWRMRA Meeting
- 22-23 Thanksgiving Holiday—BMS office closed

December:

- 06 NMMHSC Planning Meeting, ABQ
- 24-31 Christmas Holiday—BMS office closed

January:

- 1 HAPPY NEW YEAR! — BMS office closed
- 29 Mining Safety Board Meeting, ABQ

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

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MSHA PROGRAM POLICY MANUAL COAL & M/NM

For those who seek compliance assistance, MSHA provides written policy and procedure guidance in a number of formats including the Program Policy Manual (PPM). Other sources available on the MSHA web page include Program Policy Letters (PPL), Procedure Handbooks, Procedure Instruction Letters (PIL), Program Information Bulletins (PIB), Compliance Guides, and eLaws Advisors. This month, we are reprinting two of the more recent Program Policy Letters.

EFFECTIVE DATE: April 21, 2016

PROGRAM POLICY LETTER NO. P16-V-01

FROM: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

SUBJECT: Implementation of Section 2 of the Mine Improvement and New Emergency Response Act of 2006

Scope

This Program Policy Letter (PPL) is intended for underground coal mine operators, miners and miners' representatives, independent contractors, Mine Safety and Health Administration (MSHA) enforcement personnel, and other interested parties working in underground coal mines.

Purpose

Section 2 of the Mine Improvement and New Emergency Response Act of 2006 (MINER Act) requires underground coal mine operators to follow an approved Emergency Response Plan (ERP). This PPL provides policy and guidance to underground coal mine operators to facilitate the development of their ERPs. This PPL supersedes PPL P13-V-1.

Policy

The MINER Act addresses both the evacuation of miners endangered by an emergency and the maintenance of miners trapped underground. MSHA emphasizes that every effort must be made by miners to evacuate the mine in the event of a mine emergency. Refuge alternatives are shelters of last resort and should be used only when evacuation is not possible. Lifelines, tethers, Self-Contained Self-Rescuers (SCSRs), and proper training provide essential tools for miners to evacuate through smoke and irrespirable atmospheres. Post-accident wireless communications are critical to inform miners of the nature of the emergency so that the best evacuation and survival strategies may be utilized. Electronic tracking helps the responsible person direct evacuation efforts and provides vital information to mine rescue efforts.

In accordance with the MINER Act, underground coal mine operators must develop, adopt, and submit an Emergency Response Plan (ERP) to the appropriate MSHA District Manager. The MINER Act requires that ERPs address both the evacuation of miners endangered by an emergency and maintenance of miners trapped underground. These plans must:

1. Afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;
2. Reflect the most recent credible scientific research;
3. Be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and
4. Reflect the improvements in mine safety gained from experience under the MINER Act and other worker safety and health laws.

In accordance with the MINER Act, MSHA will review the ERP at least once every six months. Operators must periodically update ERPs to incorporate changes in operations or conditions in the mine; such as changes in mining systems, alterations in mine layout, relocation of escapeways, advances in technology, or other relevant considerations. All operators of existing, new, or reactivated mines must have an approved ERP before miners start work underground.

Emergency Response Plan – Content

Post-accident Communication

ERPs must comply with section 316(b)(2)(F)(ii) of the MINER Act. MSHA provided guidance on systems that can comply with the MINER Act provisions in PPL P14-V-01, on wireless two-way communications systems or alternatives, and in Questions and Answers on the scope of the PPL.

Post-accident Tracking

ERPs must comply with section 316(b)(2)(E)(ii) of the MINER Act. MSHA provided guidance on systems that can comply with the MINER Act provisions in PPL P14-V-01, on wireless two-way electronic tracking systems or alternatives, and in Questions and Answers on the scope of the PPL.

Post-accident Breathable Air

1. SCSRs SCSRs that may be needed for an emergency mine evacuation are addressed in 30 CFR § 75.1714-4. There is no need to approve these prescriptive requirements in the ERP. In addition to plotting SCSR storage locations on mine maps, as required by section § 75.1714-5, operators should list the types of SCSRs stored in those locations. However, mine operators should include a statement in the ERP that “X Mine is in compliance with 30 CFR 75.1714-4. The ERP should contain a provision adopting manufacturers’ recommendations for SCSR maintenance, routine examinations, storage, and retirement. The ERP should also address SCSR performance by specifying a schedule for opening, initiating the breathing cycle, and establishing operational reliability for a representative number of SCSR units on an annual basis.

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Units at the end of their service life, if available, may be used for this purpose. The ERP should also provide for replacement of retired SCSRs with more technologically advanced SCSRs as they become commercially available and are approved for use in underground coal mines.

2. Refuge Alternatives

ERP requirements for refuge alternatives are listed in § 75.1507. ERPs providing for the use of refuge alternatives must detail the method by which breathable air will maintain miners for at least 96 hours, unless the District Manager has determined that a greater or lesser period of time is appropriate based on mine-specific conditions or other particular factors or unless advanced arrangements have been made and approved to assure that persons who cannot be rescued within 48 hours will receive additional supplies to sustain them until rescue.

Post-accident Lifelines

Post-accident lifelines are addressed in § 75.380(d)(7) and § 75.381(c)(5). There is no need to approve these prescriptive requirements in the ERP.

Training

Training for post-accident evacuation is addressed in § 75.1502 and § 75.1504. Training for examining, maintaining and repairing refuge alternatives is addressed in § 75.1508. There is no need to approve these prescriptive requirements in the ERP.

Local Coordination

Consistent with the MINER Act, the plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local mine rescue personnel with surface functions that may be required in the course of mine rescue work. Normally, this will include alerting 911 and appropriate Federal and State officials. Calling 911, a universally accepted practice for notifying emergency responders in the United States, will alert local emergency responders (i.e. ambulance, police, and fire fighters), and place hospitals and doctors on alert as appropriate.

Emergency Response Plan - Approval Procedure

Mine operators must develop and follow an ERP approved by the District Manager. The plan must be designed to safely and expediently evacuate miners in the event of an emergency or, if evacuation is not possible, provide refuge alternatives that are capable of sustaining trapped miners for at least 96 hours, or for 48 hours if advance arrangements are made. The approved ERP must be suitable for the conditions and mining system at the mine. Proposed plans and any revision to the plan must be submitted in writing to the District Manager. The District Manager will notify the operator in writing of the

approval or denial of a proposed ERP or revision.

No proposed ERP or revision may be implemented before it is approved by the District Manager. A copy of the approval notification will be sent to the representative of miners by the District Manager. Training on the ERP or revisions should be completed within thirty days of approval and before the ERP is implemented.

Section 2(b)(2)(B)(i) of the MINER Act requires that the ERP “shall provide for the evacuation of all individuals endangered by an emergency”. The individuals covered by this provision do not include properly trained and equipped persons essential to respond to a mine emergency, as permitted in 30 C.F.R. § 75.1501(b).

In considering comments from the miners or their representatives as specified in Section 2(b)(2)(C) and (D) of the MINER Act, MSHA will follow the procedure outlined for submission and approval of ventilation plans as noted in 30 C.F.R. § 75.370(a)(3)(i) through (b) and (f).

Background

On June 15, 2006, the MINER Act became effective. Section 2 of the MINER Act amends Section 316 of the Federal Mine Safety and Health Act of 1977 to address emergency response plans. Paragraph (b)(2) of Section 2 of the MINER Act requires that not later than August 14, 2006 (60 days after the date of enactment), each underground coal mine operator shall develop and adopt a written emergency response plan that provides for the evacuation of all individuals endangered by an emergency and the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

MSHA issued PPL P06-V-9 on August 4, 2006, to address Section 2 of the MINER Act. This PPL was superseded by P06-V-10 on October 24, 2006. On December 8, 2006, MSHA issued a final Emergency Evacuation rule to address the evacuation training, post-accident lifelines and SCSR requirements of Section 2 of the MINER Act. On December 31, 2008, MSHA issued a final rule on Refuge Alternatives in response to Section 13 of the MINER Act. On April 28, 2011, MSHA issued PPL P11-V-13 on post-accident two-way communications and electronic tracking requirements to provide guidance that addresses these provisions in Section 2 of the MINER Act, and on May 24, 2009, MSHA posted Questions and Answers on the scope and application of the PPL. On March 27, 2014 MSHA issued PPL P14-V-01 which superseded PPL P11-V-13.

On January 25, 2010, MSHA issued PPL P10-V-1 which superseded PPL P06-V-10. On January 11, 2013, MSHA issued PPL P13-V-1 which superseded PPL P10-V-1. The current PPL P16-V-01 replaces P13-V-01.

Authority

The Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 as amended by the MINER Act, Pub. L. No. 109-236, June 15, 2006, 120 Stat. 493.

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Internet Availability

This program policy letter may be viewed on the Internet accessing the MSHA's homepage at www.msha.gov and then choosing "Regulations", "Policy and Procedures" and selecting "Program Policy Letters".

Issuing Office and Contact Person

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Distribution

MSHA Program Policy Manual Holders Miners' Representatives

Coal Mine Operators Special Interest Groups

EFFECTIVE DATE: February 6, 2017

PROGRAM POLICY LETTER NO. P17-IV-01

FROM: KEVIN G. STRICKLIN
Administrator for Metal and Nonmetal Mine Safety and Health

SUBJECT: Suspended Loads (30 C.F.R. §§ 56/57.16009)

Scope

This Program Policy Letter (PPL) applies to surface and underground metal and nonmetal mine operators, contractors, equipment manufacturers, miners, miners' representatives, and Metal and Nonmetal Mine Safety and Health enforcement personnel.

Purpose

The purpose of this PPL is to clarify compliance with suspended loads, as required under 30 C.F.R. §§ 56/57.16009, and enhance consistency and protection of miners.

Policy

MSHA standards at 30 C.F.R. §§ 56/57.16009 require that persons stay clear of suspended loads. The purpose of this standard is to avoid the hazard caused if a load were to fall in an area where miners are present. MSHA interprets the term "load" to include equipment or rigging that is attached to the crane wire rope for the purpose of facilitating the hoisting of materials, such as spreader bars, load blocks, ropes, slings, shackles, and any other ancillary attachment ("load-attaching equipment"). Such equipment has the potential to fall and harm miners. Thus, MSHA's interpretation of §§ 56/57.16009 requires that persons generally must stay clear of load-attaching equipment.

MSHA recognizes, however, that it is occasionally necessary for miners, including riggers, to stand near load-attaching equipment in order to attach and detach this equipment to the object or materials being hoisted. When miners (including riggers) are involved in the attachment of objects or materials to the load-attaching equipment or are detaching the load, MSHA will not issue a §§ 56/57.16009 citation for failure to stay clear of the load-attaching equipment if adequate measures are in place to protect miners from hazards associated with load-attaching equipment during these processes. MSHA believes that such an interpretation is consistent with the standard and its protective purpose.

In determining whether adequate measures are being taken during the rigging and detaching processes, MSHA looks to the Occupational Safety and Health Administration's (OSHA's) suspended load standard, 29 C.F.R. § 1926.1425 (c)(1-3), which states that:

- (1) The materials being hoisted must be rigged to prevent unintentional displacement.
- (2) Hooks with self-closing latches or their equivalent must be used. Exception: "J" hooks are permitted to be used for setting wooden trusses.
- (3) The materials must be rigged by a qualified rigger.

In addition, the attachment equipment should be rated for overhead lifting, rated appropriately for the load to be hoisted, used in accordance with manufacturer instructions, in good repair, and mechanically locked or secured to the crane wire rope. MSHA will evaluate each situation in light of the above factors (and any others that may introduce a hazard). If the only activity at issue involves miners (including riggers) working near load-attaching equipment in order to attach and detach this equipment from the object or materials being hoisted, and if MSHA determines that miners are not exposed to a foreseeable risk of being struck by load-attaching equipment, MSHA does not intend to cite under §§ 56/57.16009.

Background

This policy letter clarifies the Agency's application of 30 C.F.R. §§ 56/57.16009, Suspended loads. Operators and contractors have raised questions about the application of 30 C.F.R. §§ 56/57.16009 as it relates to work at metal and nonmetal mine sites.

The types of equipment and techniques used to lift loads in mines are similar to those used in other workplaces. MSHA's interpretation of the term "load" is consistent with industry usage and with OSHA's definition of load. "Load" is defined by OSHA at 29 C.F.R. § 1926.1401 Definitions: "Load refers to the object(s) being hoisted and/or the weight of the object(s); both uses refer to the object(s) and the load-attaching equipment, such as, the load block, ropes, slings, shackles, and any other ancillary attachment."

The Commission has recognized that "the hazard against which the standard is directed is that of a person being struck by a hanging load." Haines & Kibblehouse, Inc., 30 FMSHRC 504, 517 (June 2008) (ALJ); see also Dawes Rigging & Crane

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Rental, 36 FMSHRC 3075, 3078 (Dec. 2014).

Authority

The Federal Mine Safety and Health Act of 1977, as amended; 30 U.S.C. § 801 et seq.; 30 C.F.R. §§ 56/57.16009.

Internet Availability

The PPL may be viewed on the internet by accessing MSHA's home page at <http://www.msha.gov>, and then choosing "Regulations", "Policy and Procedures", and "Program Policy Letters."

Issuing Office and Contact Person

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Distribution

MSHA Program Policy Manual Holders
Metal and Nonmetal Mine Operators
Independent Contractors
Miners' Representatives
MSHA Enforcement Personnel
Special Interest Groups



New Mexico Mining Safety Board

The Mining Safety Board met in Carlsbad on October 30 and was treated to an informative tour of the underground areas of the WIPP facility east of Carlsbad. Photos below.

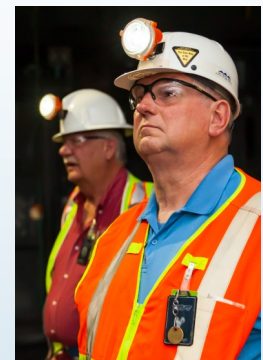
The membership on the 13-member Mining Safety Board has diminished to 9 voting members. If you are interested

in participating in promoting mine health and safety across the state as a member of the board, please contact the office of the State Mine Inspector at 575-835-5460.

69-8-3. Mining safety board.

There is created a "mining safety board", referred to in Chapter 69, Article 8 NMSA 1978 as the "board", consisting of thirteen members. The members of the board shall represent and balance management and non-management employees at coal, metal-nonmetal and sand and gravel operations throughout New Mexico. The members of the board shall be appointed by the governor for terms of six years or until their successors are appointed and qualified. Vacancies shall be filled by appointment for the unexpired term by the governor in the same manner as the original appointments. Members absent for three or more consecutive meetings shall be considered inactive. The chair of the board shall ask the governor's office to appoint a new member to the board if a current member becomes inactive. The inspector and the secretary of energy, minerals and natural resources shall be ex-officio members of the board but shall have no vote.

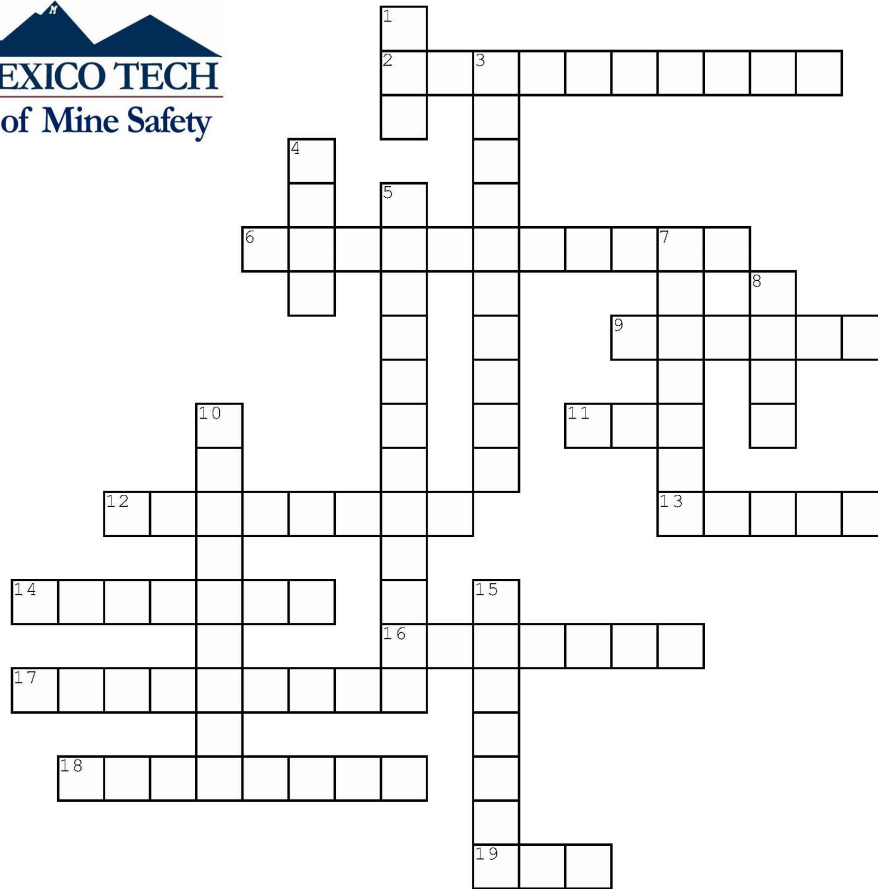
Voting members of the board shall receive compensation pursuant to the Per Diem and Mileage Act [10-8-1 NMSA 1978]. The inspector is authorized and directed to provide the board with such clerical, technical, legal and other assistance as shall be necessary to permit the board to perform its duties as provided in the Mining Safety Act [69-8-1 NMSA 1978].



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Energy

Complete the crossword below



Created with TheTeachersCorner.net [Crossword Puzzle Generator](http://CrosswordPuzzleGenerator.com)

Across

2. Spring tension and motor-driven equipment are examples of _____ energy
6. common type of energy used for lighting and motors
9. A _____ valve is required to protect against over-pressurizing a pressure vessel
11. a unit of measure of electrical resistance
12. Falling objects from _____ may strike you
13. Pin-hole _____ in pressurized liquid or air lines can damage exposed skin
14. The force that the earth has on objects
16. One might step into a floor _____ and fall to a lower level
17. Limiting exposure time, extending distance, and use of barriers are means of limiting _____ exposure
18. Liquids under _____ can be harmful if not controlled
19. The _____ may be the most common source of radiation exposure

Down

1. a unit of measure of electric current
3. Air or other gasses under pressure are said to be _____
4. a unit of measure of electrical force
5. Term used to describe increasing speed of a falling object
7. A hot surface is an example of _____ energy.
8. Even the _____ can propel objects in your direction.
10. Burns may result from a reaction to contact with caustic _____
15. Pressure _____ are designed to contain pressurized gasses

*The correct answers will be attached to the archived
September [Newsletter](#) on the BMS website nmminesafety.com*

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Location



New Mexico Institute
of Mining and Technology
Campus

Smithsonite:

This 5.2 lb. gem will be
embedded within sculpture



"Green" Power:

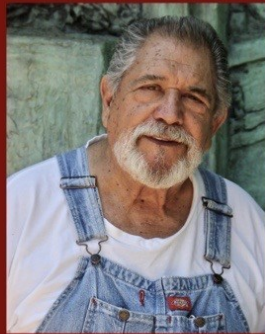
24/7 Customized lighting
for head lamp and candles

For More Info, Contact:

Michael Pino
505-670-2363
ancianos69@icloud.com

Sculptor:

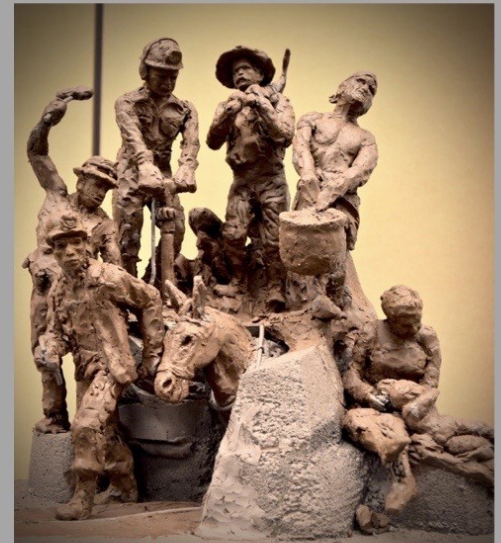
Reynaldo Rivera



In 2014, Reynaldo
"Sonny" Rivera won
The Rounders Award
for his representational
and impressionistic
sculptures that move,
talk, evoke emotion,
and desire to be
touched.
And so it will be with
this 12 ft. sculpture !

MINER'S MEMORIAL SCULPTURE

Donations Needed



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Our Goal:
\$420,000.00

Donation Category

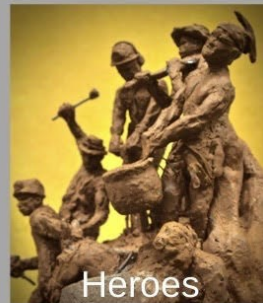
Astatine:
100% of Cost

Platinum:
\$100,000.00

Gold:
\$50,000.00

Silver:
\$25,000.00

Smithsonite:
\$10,000.00



Dedicated to the Men and
Women Who Extract Our
Natural Resources for the
Benefit of Humankind

NM Miner's Memorial Sculpture Donation Form

To make donation via check, debit/credit card, PayPal, complete, and mail this donation form along with your choice of payment.

Write a check to: **New Mexico Mining Association**

1470 St Francis Dr. Santa Fe, NM 87505 | Office: 505-820-6662 | E-mail: nmma@comcast.net

Amount Enclosed \$ _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

E-mail: _____

Signature: _____ Date: _____

Our Goal:

\$420,000.00

Donation Category:

100% of Cost

\$100,000.00

\$50,000.00

\$25,000.00

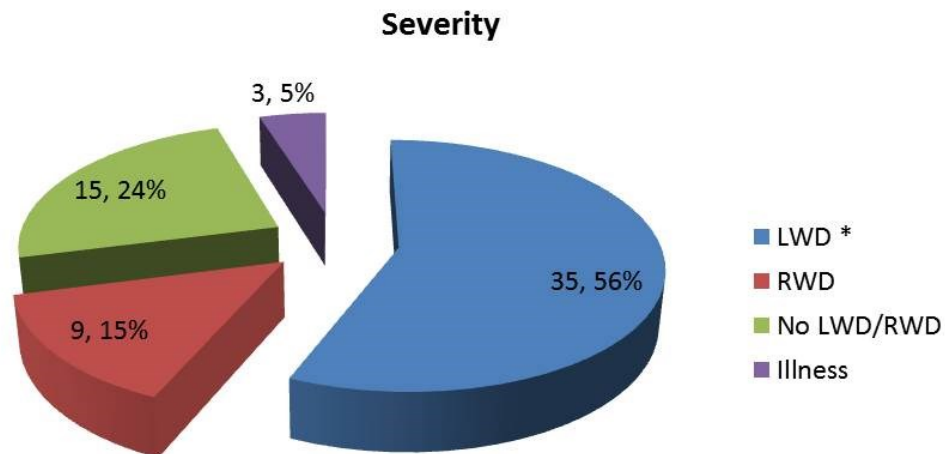
\$10,000.00

Thank you!

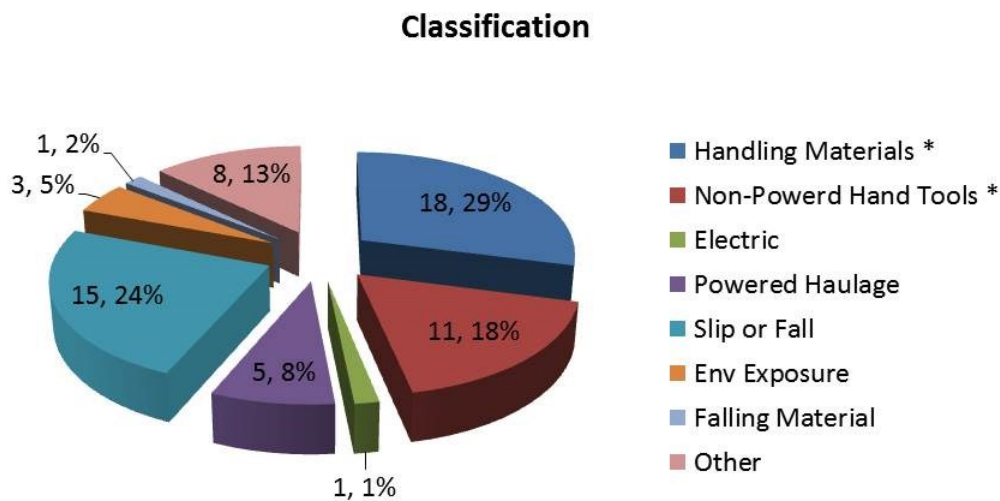
All donors will
have their name
on the plaque!

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NM Jan-Sept 2018 MSHA Reportable (62)



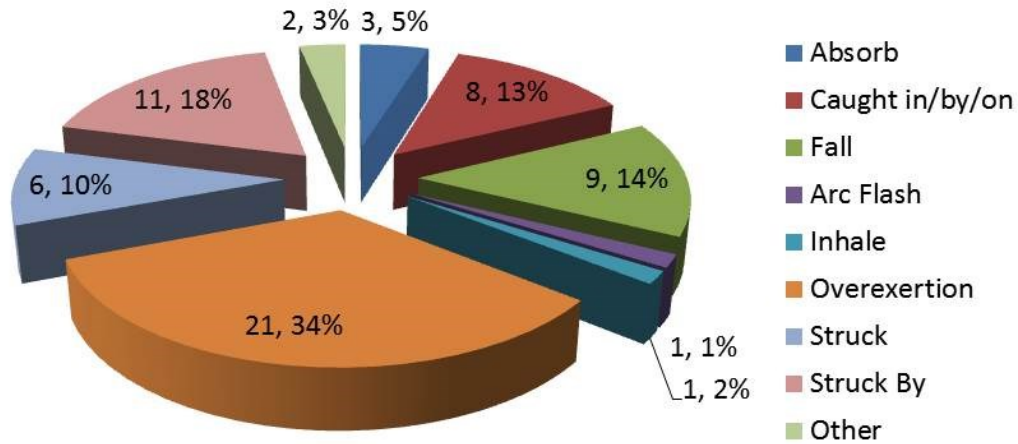
NM Jan-Sept 2018 MSHA Reportable (62)



NM Jan-Sep 2018 MSHA Reportable

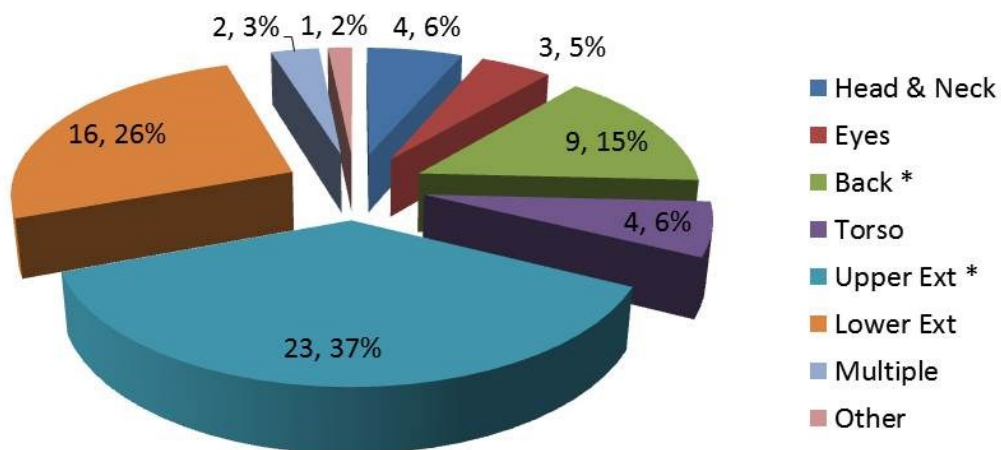
(62)

Mechanism of Injury



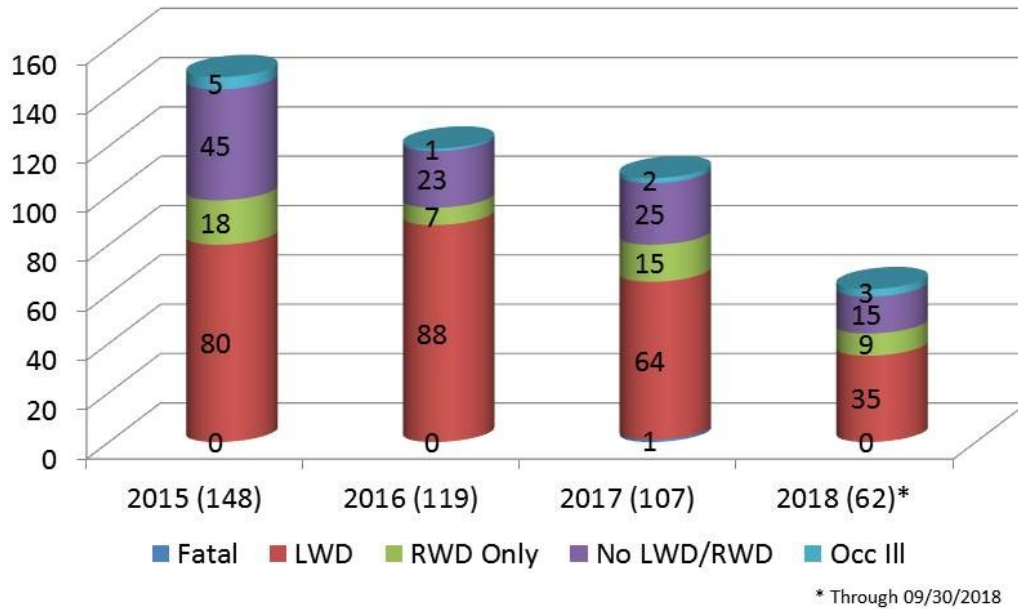
NM Jan-Sept 2018 MSHA Reportable (62)

Body Part



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NM CY 2016-18 MSHA Reportable Injuries and Illnesses



NM MSHA Reportable Incidents by Quarter 2018

MSHA Reportable

