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Attached are the comments for the Illinois Department of Natural Resources, Office of Mines and Minerals.

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Bruce Rauner, Governor

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MSHA

Docket Number MSHA-2014-0029

Request for Information To Improve the Health and Safety of Miners and To Prevent Accidents in Underground Coal Mines

41. What criteria and procedures does the State use for certifying persons to perform mine examinations?

The Illinois Department of Natural Resources, Office of Mines and Minerals (OMM) conduct semi-annual examinations that certify persons to perform mine examinations as a mine examiner. Qualified individuals desiring to obtain certification as a mine examiner must complete and submit a notarized application to OMM at least 30 days prior to the date of the examination. Candidates for mine examiner certification must complete a written examination and ventilate an underground map; a passing grade must be received on both components. The procedure for conducting semi-annual examinations is found in 62 Ill. Adm. Code 230.10 Procedure for Holding Semi-Annual Mining Board Examinations.

42. If the State requires that certified persons renew their certifications, what procedures are used for a renewal of a certification? Does the State recognize or accept other State certifications? Please provide examples.

Illinois does not have a program for renewing mine examiner certification.

43. If the State also has a decertification program, what criteria and procedures are used to suspend or decertify a person's certification? What procedures are used to recertify a person after a suspension or decertification?

OMM's State Mine Inspectors have the authority, as provided in the Illinois Coal Mining Act, 225 ILCS 705/, and through authority granted by the Illinois State Mining Board, to suspend the certificate of a mine examiner if a State Mine Inspector finds, during the performance of his duties, that Illinois mining laws and/or regulations have been violated. Upon receipt by OMM of the State Mine Inspector's action to suspend certification, the Illinois State Mining Board will be

notified and an adjudicatory hearing scheduled. A Notice of Hearing is sent to the individual indicating the time and place for the adjudicatory hearing. The State Mining Board will formally hear the complaint with evidence and determine what additional disciplinary action, beyond the temporary suspension, is required. The State Mining Board's action will be provided to not only the individual's employer but sent to representatives within the Illinois coal industry. 62 Ill. Adm. Code 100 Procedure in Administrative Proceedings outlines the "Rules of Procedure" for conducting adjudicatory proceedings.

44. How does the State notify mine operators and other States that it has decertified or recertified a person to conduct mine examinations? What types of actions are taken by other States based on your State's decertification?

Initial notification of suspension is made by the resident State Mine Inspector to the operator for whom the individual is employed. The State Mine Inspector will provide the operator the reason(s) for the suspension and what state mining laws and/or regulations were violated. Following the adjudicatory hearing on the charges brought against the individual, the decision of the State Mining Board will be provided to the individual's employer and distributed to all the state's coal operators if the decision results in revocation or the suspension of mine examiner certification is extended beyond the hearing. This notification will also include what is required for re-instatement of certification.

No action is taken to notify other states.

45. What criteria should a miner meet to be a certified person to conduct mine examinations under 30 CFR 75.100, e.g., minimum age, years of experience, education, knowledge, training, and other skills?

The Illinois Coal Mining Act states that individuals desiring to obtain a certificate as mine examiner meet the following requirements; must be a citizen of the United States, be at least 21 years of age, has been issued a First Class Certificate of Competency by OMM, has at least 4 years practical underground experience, and has successfully completed a course of training in first aid and mine rescue methods. Persons who have graduated and hold an engineering degree in a mining related field or a degree from an approved four year program in coal mining technology are required to have only 2 years practical underground experience. Persons who have graduated and hold a two-year Associate in Applied Science degree in Coal Mining Technology are required to have only three years practical underground experience. It is the agency's belief this criteria meets all the necessary requirements for a person seeking certification as mine examiner.

46. What criteria and procedures would you recommend for the suspension or decertification (revocation) of a person's certification? What criteria and procedures would you recommend for recertification? Please, include time frames for recertification.

OMM recommends the agency's current criteria and procedures for suspension and/or decertification. The time frame for recertification is left to the discretion of the State Mining Board and its decision on recertification is based on the circumstances and evidence provided pursuant to the violations of the Act. This could not work with a nationwide certification program unless there was as similar governing board in place.

47. What are the advantages, disadvantages, and administrative costs of having uniform criteria and procedures for the certification, decertification, and recertification of persons to conduct mine examinations in underground coal mines?

OMM does not see any advantage to establishing a set of uniform procedures and criteria for certification, decertification and recertification unless this set of procedures and criteria incorporates individual state's requirements. Illinois is one of several states that have additional requirements for individuals who conduct pre-shift and on-shift examinations beyond what is required in 30 CFR Part 75. Obviously it would not be possible to incorporate individual states' certification requirements under one uniform set of criteria nor would it be probable to achieve a common ground that would satisfy the intent of each state's certification program.

An additional problem in establishing a uniform set of procedures and criteria is MSHA's policy of allowing each district manager leeway in interpreting regulations. OMM has seen this policy create significant differences in how regulations are interpreted from one district to another and feel this practice would ultimately hamper a nationwide certification program.

OMM would welcome a central database system established through MSHA for decertification. Currently, the only method available to the agency is to contact individual states concerning an individual's certification status.