

Kevin Stricklin Addresses the WVCA Symposium

Kevin Stricklin, Administrator for Coal Mine Health and Safety-MSHA addressed the WVCA Symposium giving an update of MSHA activities. I really appreciate the opportunity to be here. MSHA typically comes down and participates, and this is always a nice Symposium to come too. It's kind of sad to see the numbers decrease as the mining industry decreases.

We're probably going to get into some sad numbers as well, but before I do that I want to get into the best number that we could have, and this is a compliment to all of you. It's the record we set last year for the lowest number of fatalities ever in the coal mining industry. That's a reflection on the work we already do. Last year, we ended up with eleven fatalities. That's less than one a month. It's a cliché to say, but one is too many. To get to the point where we are averaging less than one a month is an overwhelming number from where we used to be at. Chris mentioned that I started in 1980. In 1980, there were 161 deaths in the coal mining industry. So we've decreased the number of fatalities by 150 per year. There were so many fatalities at the time when I started, that there were positions (bid by MSHA inspectors) that paid full-time employees to do fatal investigations. That's all they did. So we've come a long way. We're at eleven. Actually that's not good enough, but I think everybody needs to take a step back and think we've come a long way to get to that point.

Out of the eleven, there were two in West Virginia. An excellent year in the state of West Virginia as well. We had a miner killed in the northern part of the state on a longwall face, and we had a truck driver at a surface mine in the central part of the state that was killed last year.

For the first three weeks of January, we had to take a step back because as you all know there have been three fatalities that have occurred throughout the United States so far in 2016. The first one being in West Virginia, where a miner got tangled up in a belt in the southern part of the state. The second one was a rib fatal in Southwest Pennsylvania and we had a miner get pinned in Kentucky last week. So you just can't let your guard down. The mining environment is unforgiving. It's not like you're working on the roof of your house and you hit yourself with a hammer. You get stuck between tons and tons of machinery or a piece of roof falls on you, there is no second chance. So we all need to keep our guard up. I realize that the mining industry may be in a depressed state, and that it's very difficult for everybody to keep their heads up and constantly focus on safety and health, but that's something that we are all going to have to continue to do.

We've also seen less violations. Now you may say that's because the number of mines have gone down, and to a certain extent that's probably true. In the mine heyday, in say 2009 or 2010, MSHA was issuing over 100,000 and about 3,200 orders, so that's a good bit of paperwork. Last year, we issued 52,000 citations and 1,300 orders. So those numbers have come down dramatically over where we were at just a few years ago. I'd like to think a lot of it has to do with the way all of you are doing business, and I think we do have people in mining who are very conscientious and they care about doing things right. But things do happen. I always say if we had the camera on at every one of the miners that was underground and we watched them, there would be something we did that would be embarrassing to you as an operator. Same way with me. If I had a camera on all my MSHA inspectors, I would probably be embarrassed. Those are the folks we bring in to make sure they continue to do stuff the right way.

Joe Main always talks about POVs and where we are at. When we started running POV in 2012, the first list I saw that looked at potential POV mines had 51 mines on it. The last run had 0. There are 0 mines that are going to make the list to be a POV mine. So that's also a reflection on the things that are going right. So as bad as the industry is in as far as numbers and mining, the safety and violations numbers have really improved and have been very much a positive in my mind.

We have three districts in West Virginia. The northern part of West Virginia is where we got the big longwall mines. They have more longwall mines out in the Morgantown District Office than anywhere else in the country. I know people mentioned Bob Murray speaking earlier. Bob has a lot of those mines up there. I had an opportunity to speak to Bob. Bob's heart is always in the right place. I always tell Bob he will never hear me say anything negative about him. I respect everything that he's done in the coal industry, so he runs a lot of the longwall mines in the central part of the state, District 4. It's a lot of steam coal. Out of our Mt. Hope office and in the southern part in Pineville is where we see the metallurgical coal. So we have three different variations in the state of West Virginia. As you're downsizing, I'm doing the same thing too, not in West Virginia; but I'm closing a district office in Pikeville, Kentucky. A few years ago, Pikeville was the second biggest district I had in the country. Now they're one of the smallest. So we're consolidating just as you are and splitting up District 6 with part to go to District 5 and part to go to District 7. We want to see coal turn around too. We want as many mines to be out there as can be. As Chris said about my history, I came from a coal mining family. Both my grandfathers were coal miners. My father was a coal miner, and my cousins. It's just sad to see the state that we are in, and you hope that things can be turned around.

Now I'm going to give you some negative numbers. In the past year, we have seen a drop of over 200 MMU mechanized mining units in the United States. We are down to about 511 MMUs. In 2010, we had over 1,000. So the number of MMUs in operation has been cut to about half. Three years ago I remember coming down here and speaking. At that time we had 822 MMUs, so the numbers continue to go down from 2009 to 2010. Surface mines don't seem to be hit as hard as the underground mines. We still a lot of surface mines. You see a decrease, but we don't see the significant decrease in surface mining that we see in underground mining.

You know the big thing that we are pushing right now in MSHA is ending Black Lung. I want to go back to the story in the beginning of 2009, when Joe took the job with MSHA—the way it works is you get nominated to be the Assistant Secretary, but you can't come over and do your job until you're confirmed. So Joe worked over at the DOL and we would go over and visit him. I remember sitting down—I knew Joe well before he became the nominee. My first question to Joe was: why do you want to do this? We had just been through Sago, Aracoma, and Darby. But if I can pick out one thing that Joe Main would want to do, he would tell you he would want to end Black Lung, and that was his focus when he came in in 2009. He started a program going around the country—End Black Lung Now and Forever. It started gaining some traction, and we all know on April 5, 2010, UBB set everyone back, including MSHA. You know, we were in reactive mode more so than a proactive mode. While a number of us were working on UBB, there were still a lot of people working on the dust regulations and we all know what came to fruition a couple years ago. In August of 2014, we went into the first phase of that dust rule. There were single samples. Extended shifts were sampled for the entire shifts. Surface samples, something we hadn't done before and the recertification of samplers is something that had to be done every three years. There was a lot of consternation by a lot of people thinking that this was going to ruin the coal industry, but we thought that we had a shot to maintain compliance and end Black

Lung. I think if we asked anybody in the room would you like to see Black Lung ended, I think everybody is going to say yea. Everybody wants to do it. Maybe we have a different approach at MSHA than you have, but it's something that we all want to do. Well we went around the country and tried to promote what we thought everybody could do to end Black Lung based on the numbers, based on how mining plans were in place, and you know we're very happy with the results of it.

Today operators have taken over 44,000 samples, and only 1.6 percent of the samples have been above the ECV (Equivalent Concentration Value). That's excellent. I remember coming to West Virginia probably 10 years ago, and probably 25 percent of the samples were above 2 milligrams. So there has been a major decrease. On MSHA samples, we've taken over 41,000 and 0.6 percent have been above the ECV. So that's quite an accomplishment to get to that point. The one number that I always promote and throw out there that people really don't look at as closely is the core samples. One of the big problems we've all been having in West Virginia is cutting into rock and the quartz that goes with it. There's been a ton of MMUs in Southern West Virginia that have been on reduced standards. Some of them as low as 0.3 or 0.4. Of the 41,000 samples that we've taken, only 162 samples have had >100 micrograms recorded. That's telling us that very few of the mining sections are now on reduced standards. Very few. Again, that's a compliment that we are all working together to find ways to decrease the amount of quartz in samples and silica.

Another thing we'll agree on is silica is ten times worse than Black Lung. If you worked in silica, you could quit work and it's going to continue to get worse, whereas Black Lung sometimes you get a break from it and it won't get any worse. So it's great that we're seeing the silica concentrations come down and not affect a whole lot of the samples. So next week on February 1, we're implementing our Phase 2 and you are well aware, it's the use of the CPDM. That's the piece of equipment that's going to measure the dust and give the readout. Every person will be able to see exactly how much dust they've been in for the entire shift. Again, there's a lot of consternation about that and how it's going to affect the mining industry. To date, MSHA has issued one B Order and one D Order of any violation that we've issued, so our intent isn't to shut mines down. Our intent is to end Black Lung, and that's our goal in all of this. I tell my folks to be reasonable, and I always say jump in with both feet, but do it one toe at a time. It's not like we have to change the world. We just have to end Black Lung. That's something that's as good as we want to feel about our record of eleven fatalities in this past year. I think it will feel good to everybody to be in the generation of mine operators, miners, that ended Black Lung, and I ask all of you to take it seriously, and I'm sure all of you do.

Make sure all of your people at the mine do the same thing. So it's going to require more sampling. There's going to be more occupations that need sampled, and you're all aware that we publicize that. The last part of this goes into effect in August 2016. If you're on a 2 milligram standard, you'll go to a 1.5 standard. So it will decrease the standard, and if we look at all the samples that we've taken, it's 8,000 samples that we've had. If we add the operator and the MSHA samples together, we have about 2.7 percent of the samples that are above 1.5 milligrams. So that's a small percentage. Is it good enough? No. I mean we live in an industry that anything above zero is unacceptable. Zero fatalities, zero violations, zero assessments, zero dust. But we have to have a starting point that we go from. Looking back in time, it isn't that long ago that a lot more than 2.7 percent of the samples were above the 2.0 standard before any changes had been made. So significant changes have been made that have made the numbers a whole lot better, but I hope we can get better than the 2.7 percent and the 1.5 milligrams.

We offer our services to all of you. We have a big meeting next week with a number of coal operators in Western Pennsylvania to do just that. Chris has invited us to come down sometime, me and the managers, sometime in the spring. We are more than happy to come down and talk about any subject you have. We're just a little piece of this. You folks are the big component of it. You're there every day. You're in control of everything that goes on at your mine and we just want to be part of that to make that work. We want to get to zero fatalities. I don't know that I'll see zero fatalities in my career, but I hope to see it in my lifetime. Again, I appreciate the opportunity to speak today, and thank you very much.