NEW MEXICO

MINING SAFETY BOARD

John Purcell, Chair



DRAFT MINUTES

New Mexico Mining Safety Board Meeting
101 East Road | Socorro NM 87801
April 2nd, 2026 at 13:00

Present:

Board Members:
John Purcell Howard Bartoo

Ex Officio Members:
Chris Hefner, State Mine Inspector.
Erin Taylor (DJ Ennis, for this meeting alone), Director Mining and Mineral Division.

MSB & BMS Counsel:
Rebecca Guay (Lance Whetman), Counsel for the Mining Safety Board and SMI.

BMS Staff:
Bethany Carolus, Bureau of Mine Safety Administrative Specialist, and Zoom facilitator.

Zoom: Mike Runner, Donald Bush, Katharine Fishman, Michael Ackman, and Roy Newman.
Guests: Aurelia Vargas
Absent: Jeff Cook, Jerry Higginbotham, and John Swagzdis. (no longer on the board).

1. **The meeting commenced** at 13:05 pm. The meeting proceeded with a quorum.
2. **Chair- Attendance, introductions, and safety share.**

➔ **Safety Shares:**
- John Purcell - Wildfire season, Lincoln National Forest and BLM have started restrictions. There was a wild fire at Fort Sumner at a Gravel Pit. It is considered a reportable accident to the SMI and to MSHA.
- Chris Hefner -
- Michael Ackman - Signs at mines really need to be considered. An employee being complacent going across the tracks, there was no one working in the yard and it was not announced that a train was coming. And had to contact someone to have the train stopped. Could have caused a major accident or fatality.

3. **Approval of agenda.**

   - ➔ **A motion** to approve the agenda by Howard Bartoo.
   - ➔ **Seconded** by Michael Ackman.
   - ➔ All in favor/carried.

4. **Approval of minutes from November 13th meeting.**

   - ➔ **Motion** to accept the minutes with the suggested edits from the last meeting minutes as written was made by Donald Bush.
   - ➔ **Seconded** by Katharine Fishman.
   - ➔ All in favor/carried.

5. **SMI Report: Salls Brothers Construction Inc, accident notification. United Salt Salt Fatality.**

   - ➔ Salls Brothers Construction has agreed to pay the lowered fine of $5,000. It will be sent to the State Mine Inspector Office and will be guided on where those funds will be allocated to.
   - ➔ United Salt Incorporated was sent a letter, and is still waiting for a response. After speaking with their attorney, it was mentioned that there was no excuse for not calling in the incident, so the $65,000 fine will most likely stay in place.
   - ➔ Chris answered Donald's question if the BMS office had found the additional funding that was needed, which the BMS office was unable to acquire additional funding that was needed.
   - ➔ Chris gave an update on a incident. Update on an accident and it was ruled that it was unlikely to cause a fatality. So, no further action was taken.-MSHA called it a non-fatal accident and no further investigation is needed. Katharine suggested that it be investigated further, Chris will be speaking to our attorney to see what further steps need to be further taken.

6. **Approval of OMA (Open Meeting Act)**

   - ➔ John went over and read the OMA document.
   - ➔ **A motion** to accept the OMA was made by Howard Bartoo.
   - ➔ **Seconded** by Katharine Fishman.
   - ➔ All in favor/carried.

7. **Chair Report: MSHA Silica Rules enforcement pause. MSHA Information Hub; Welcome to the MSHA Information Hub! | Mine Safety and Health Administration (MSHA) . Kennecott Mine Fatality on March 4th.**

   - ➔ John went over the new silica rules and paused the rules due to litigation. So they will not be enforced until the litigation have concluded.
   - ➔ Kennecott mine had a fatality in March.

8. **Proposed adding section to NMAC Title 19, Chapter 6 – Mine Safety; Adoption of Mine Safety and Health Rules and Regulations.**

   - ➔ John went over the Title 19 document from the last meeting and asked the board if we should pursue this or find another solution.

- ➔ Katharine suggested the following verbiage, “The State Mine Inspector may consider various sources in adopting the rules and regulations, including but not limited to the following:” The board will continue this discussion in the next meeting, and meet with Lance to discuss more for suggestions.
- ➔ Mike Runner went over the basic information over the Mine Rescue Contest that will be held June 8th-11th. The National Contest will be held August 24th-27th in Goathburg, TN. Mike will try to give an update at the next meeting on how the contest went.

9. **New Member status**

   Still looking for three more members. We need people from the mine side, as well as the management side.

10. **New Business and action items to be discussed at the next meeting.**

    - ➔ Come up with ideas on what can be done about getting notifications out about state regulations about mandatory accident reporting.
    - ➔ NMAC Title 9 will be discussed more after speaking with Lance.

11. **Next meeting:**

    The next meeting will be tentatively on Thursday, September, 6th, 2026 at 1:00 PM, tentatively hosted by Chevron Questa Mine. Donald Bush will give an update as soon as possible. If that does not follow through, it will be at the NM BMS Office.

    - ➔ **A motion was made by** Howard Bartoo
    - ➔ **Seconded by** Roy Newman
    - ➔ All in favor/carried. June 8th-11th

12. **Meeting Adjourned.**
    - ➔ **A motion was made** by Howard Bartoo, at 14:31 pm.
    - ➔ **Seconded** by Donald Bush.
    - ➔ All in favor/carried.

Bethany Carolus, Recording BMS Administrative Specialist.

Darlene Martinez, redacted and edited BMS Administrative Specialist.

Minutes Approved with changes.