NEW MEXICO

MINING SAFETY BOARD

John Purcell, Chair



DRAFT MINUTES

New Mexico Mining Safety Board Meeting
101 East Road | Socorro NM 87801
August 6th, 2026 at 13:00

Present:

Board Members:
John Purcell
Michael Ackman
Jerry Higginbotham
Howard Bartoo
Jeff Cook

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

BMS Staff:
Tim Apodaca, BMS Trainer
Darlene Martinez, Bureau of Mine Safety Administrative Specialist, and Zoom facilitator.

Zoom: Mike Runner, Donald Bush, Katharine Fishman, Todd Schuller, and Eduardo Ugarte.
Absent: Roy Newman, Mike Thompson.
Rebecca Guay (Lance Whetman), Counsel for the Mining Safety Board and SMI.

1. **The meeting commenced** at 13:13 pm. The meeting proceeded with a quorum.
2. **Introductions and Attendees backgrounds.** In person first, then zoom.
3. **Chair- Attendance, introductions, and safety share.**

Safety Shares: John Purcell asked for safety shares positive and negatives.

DRAFT

- Chris Hefner – Survey of abandoned mines on NM Tech property. Maternal bat colonies, abandoned mines and bats. Chris and a colleague went in and were hit in the face by bats. Which has resulted in getting a series of rabies shots. Discussion of history of the diseases of bats and the need to use PPE when entering abandoned mines.
- Drought and water situation- Lack of water in southern NM near T or C, NM and all over the state of NM.

Action Items

4. **Review and Approval of agenda.**
   - **A motion** to approve the agenda by Michael Ackman
   - **Seconded** by. Howard Bartoo
   - **All in favor/carried**.

5. **Approval of minutes from April 2nd meeting with revisions.**
   - **Motion** to accept the minutes with the suggested edits from the last meeting minutes as written was made by Jeff Cook
   - **Seconded** by Katharine Fishman.
   - **All in favor/carried**.

6. **SMI Report:** United Salts Bros. Fine money goes to State of NM General fund. Check shall be made payable to NMT-State of NM. United Salts Bros. wanted W-9 for tax purposes, the request for W-9 is currently under discussion. The fine is paid in full and was sent to the State of NM. United Salt case was resolved. United Salt actually shut the operation down and retrained everyone changed the equipment and welded the door shut so no one can access that area ever again. Fine was reduced to $30,000. (Thirty thousand dollars). The MSHA grant was turned in last week they reduced the amount of the grant Federal share to $172,394 which is 3 to 4,000 less than last year. We are currently advertising for the Deputy State Mine Inspector. SMI did not want to advertise until he was sure NMBMS was going to get a grant. He didn't want to hire someone and then immediately lay them off for lack of funding, there will be a hiring committee for that position. It will not be a singular decision. That is a NM Tech requirement. The Vice-President that Chris reports to will be on that committee. The Summit Mine is reopening down by Silver City/Lordsburg. Directions were given and also the history of that is an old gold mine. At the mine they are changing the ventilation system and working on the roads to get into the mine. (They are having a little difficulty with the roads) on what they think they are responsible for vs what MSHA wants them to do in regards to the roads. Water from the mine 450 level they have reach water table (SMI does not know situation on water rights). More specifics were given to NM Mine Safety Board in regards to its activity. Their mine rescue team is new and required and is arranged through Energy Fuels out of Arizona. They also bought a new IWT Communications system. NMBMS also has an IWT Communication systems just in case that is needed also. Non-reporting issue, and how do was help stop it. This was on last agenda. We have changed the position of requirement/notice on our website and the font type size, so if anybody looks at it, they should know that they should report and an email was sent out to all the mine operators that we have email addresses for reminding them that they have to be in compliance. Chris is open to suggestions on how to get this requirement out to the mining industry better or more effectively. Overall, mines seem to be very good at sending in their mine emergency notifications.

7. **Chair Report:** MSHA 2024 Silica rule is still in the courts so it is still suspended only older rules are being enforced. There is an April 9th update that they are still in courts. MSHA fatalities

DRAFT

19, last week in many mine categories, seemed that there are a lot of power haulage incidents at over 50%. MSHA may be coming out to mines to look and inspect the power haulage systems and training. MSHA has started to advertise for inspectors about 50 openings earlier this year. Local and district convey they are shorthanded. Not sure how many hired as of late. NM Mining Association 87th Annual Convention and Trade show will be on September 13-15, 2026 in Santa Fe, NM. Look on their website, if interested and sign up for it. Chair, Purcell hopes there is a good turnout of awards participation. Chris was asked to follow-up on awards or speech at convention by John Purcell. Chris agreed. 1 day and dinner at end. Chris said they are difficult to reach and does not know who is running it. Chair, Purcell said there is a lady with a face and name on their website that may give further information.

8. **SW and Regional Mine Rescue contest results in Carlsbad.** Mike Runner on zoom was asked by John Purcell to add to discussion stepping in or after Michael Ackmans in-person report. June 8th, Intrepid, IMC and WIPP participated. MSHA supported this year. Overall, good problems challenges and good training for the teams. Mike Ackman gave in depth standings and results in several different categories and placements in different contests/competitions. There were 5 teams. Mike Runner added that he is really happy with the local association WIPP, IMC and Intrepid for quite a few years they have had quarterly trainings together which is an outstanding event which has improved working relations between all the teams. If there was ever a local emergency a team could easily be fielded from any 3 of these companies. Everyone works together quite well. There is a lot of mutual respect and the trainings are outstanding. WIPP is a goliath in the mine rescue world so for the smaller IMC and Intrepid to compete Mike Runner was really impressed. WIPP puts together a good team every year. Both local communities as well as the mining operations benefits from this. Nationals is in Sevierville Tenn. Last week of August 26th. Challenges of Mine Rescue support near Duncan AZ and Shafter TX were brought up by Mike Runner. Discussion in Mine Rescue support in regards to other remote mines was brought up and discussed no action was taken will be brought up in next meeting as a discussion topic. Chair, Purcell volunteered to do research as to what "they" are up against.

9. **Action Item: Discussion on proposed rule change to NMAC Title 19, Chapter 6 (Mine Safety) to formally reference federal and industry standards.**
   Discussion regarding NMAC Title 19, Chapter 6, authorizing the State Mine Inspector to formally reference Federal Mine Safety and Health Administration (MSHA) regulations and other national safety standards. The conversation, initiated in coordination with the New Mexico Bureau of Mine Safety (NMBMS), noted that New Mexico miners are already actively following both state and federal regulations. The Board debated various hypothetical scenarios concerning whether this language should be added administratively by the NM Mine Safety Board.
   Draft Language Reviewed:
   TITLE 19 NATURAL RESOURCES AND WILDLIFE
   CHAPTER 6 MINE SAFETY
   PART 6 ADOPTION OF MINE SAFETY AND HEALTH RULES AND REGULATIONS
   19.6.6.1 ISSUING AGENCY: Mining Safety Board.
   19.6.6.2 SCOPE: All persons subject to Sections 69-5-1 et seq. and Sections 69-8-1 et seq. NMSA 1978, and all mines as defined in Subsection D of Section 69-8-2 NMSA 1978.
   19.6.6.3 STATUTORY AUTHORITY: Section 69-8-4 NMSA 1978.
   19.6.6.4 DURATION: Permanent.
   19.6.6.5 EFFECTIVE DATE: [Date]
   19.6.6.6 OBJECTIVE: The objective of 19.6.6 NMAC is to authorize the State Mine Inspector to adopt mine health and safety rules and regulations in addition to those established in the New Mexico Mining Safety Act (NMSA 1978, Chapter 69, Article 8), NMAC Title 19,

DRAFT

Chapter 6, and the Federal Mine Safety and Health Act (30 U.S.C. §§ 801 et seq., as amended) to fulfill statutory duties.

19.6.6.7 DEFINITIONS: [RESERVED]

19.6.6.8 ADOPTION OF MINE SAFETY AND HEALTH RULES AND REGULATIONS:

A. The State Mine Inspector shall adopt rules and regulations for mine health and safety as necessary to provide safe and healthful working conditions at mines. These rules and regulations shall supplement existing provisions in the New Mexico Mining Safety Act, NMAC Title 19, Chapter 6, and the Federal Mine Safety and Health Act, and must provide protection at least equal to the protections provided under those laws.

B. In adopting these rules and regulations, the State Mine Inspector may consider recognized industry and national consensus standards, including but not limited to:

(1) Common practices of the mining industry;
(2) The American National Standards Institute (ANSI);
(3) The American Society of Mechanical Engineers (ASME);
(4) ASTM International;
(5) Applicable provisions contained in the Code of Federal Regulations (CFR);
(6) The National Fire Protection Association (NFPA), including, without limitation, the National Electrical Code (NEC);
(7) Any national consensus standard; and
(8) Any safety order legally adopted by the State Mine Inspector.

[Legend: New Text – Underlined | New Revised Text – Underlined blue font | Deleted Text – Strikethrough]

- *Action Taken*: Outcome: At 2:30 pm a motion was made to continue researching the Mine Safety Board's authority to adopt the draft verbiage as presented. The intention is not trying to add more duties to the State Mine Inspectors job. The intent is to recognize that the State Mine Inspectors uses more than NM state rules. Mr. Purcell will ask NM Dept of Justice if this is this something that can be put into the Administrative Code by the Mine Safety Board. An email will be sent to Eduardo.

    - **A Motion** to further advance rule made by: Mike Ackman
    - **Seconded** by: Jerry Higginbotham
    - **All in favor/carried**.

10. **Announcement**: The search for new members for the MSB as well as the possibility of having to renew membership after the November election.
11. **New Business and action items to be discussed at the next meeting.** Mine Rescue Teams for remote mines.
12. **Next meeting:** Tentatively: November 19th, 2026 at 1:00 pm at MSB
    - **A motion was made** by Jeff Cook
    - **Seconded** by Katharine Fishman.
    - **All in favor/carried**.
13. **Meeting Adjourned.**
    - **A motion was made** by. Mike Runner
    - **Seconded** by. Katharine Fishman.
    - **All in favor/carried**.

Darlene Martinez Recording BMS Administrative Specialist.

DRAFT