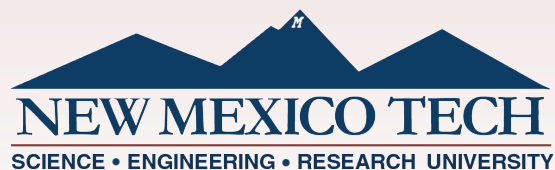




2011 Report to the Governor



**New Mexico
Bureau of Mine Safety**

The State Mine Inspector's 2011 Report to the Governor

Cover Photo:

The cover photo is courtesy of Intrepid Potash New Mexico, LLC. The North Plant crew worked 5 years with no lost time accidents and 1 year with no MSHA reportable injuries. The 53 employees that are currently working at the North plant have 405 years on the job.

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New Mexico Tech

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Overview

Introduction

The New Mexico Bureau of Mine Safety (BMS) is a department of the New Mexico Institute of Mining & Technology (NMT).

Directed by the State Mine Inspector, the department is a state and federally funded organization providing services to New Mexico and its miners in numerous areas that include:

Mine Rescue and Emergency Response - Coordination of incident response, equipment and human resources.

Legislative Issues Relative to Miner Safety-

Includes being the point of contact for the Governor's office on mine safety related issues and legislation.

Safety and Health Training -

Providing safety and health training to mine workers, contractors, as well as federal and state organizations involved in mine-related activities.

The Bureau of Mine Safety and the State Mine Inspector are the representatives of New Mexico responsible for the safety of the State's miners, and accountable at state and federal levels including:

- The Mine Safety and Health Training Program and Coal Mine Official's Certification Program are mandated, certified and audited by the U.S. Department of Labor, Mine Safety & Health Administration.
- Activities including emergency response coordination and compliance with state mining law are State of New Mexico statutory duties of the State Mine Inspector.

Excellent Miner Safety in New Mexico

Due to the concerted leadership of the governor, legislators, the mining industry, and state and federal officials at many levels, New Mexico has not only demonstrated a commitment to miner safety, but also fostered the necessary environment that upholds excellent mine safety standards.

In 2011 the U.S. mining industry recorded the second lowest number of fatalities on record. Additionally, **New Mexico continues to have lower accidents per man hour worked than the national average.** One fatality occurred at a mine site in New Mexico during 2011 that was unrelated to mining.

In the last year significant accomplishments have contributed to miner safety in New Mexico:

Emergency Preparedness

The New Mexico State Mine Inspector (SMI), in conjunction with the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), continues the process of initiating underground mine operators to the incident command system (ICS) and statewide response capabilities of NMDHSEM and other state, local and industry organizations.

This process will foster a relationship

between NMDHSEM, the State Mine Inspector, and the mining operators of New Mexico, so in the future we will be able to collaborate and operate in a seamless fashion during an emergency.

Immediate Application of New Information

Mining safety is an ever-evolving science. Regulatory and technological changes are tracked by the BMS in order to educate the NM mining industry. Educational methods include classroom instruction, newsletters, special bulletins, and conferences sponsored by BMS in partnership with other organizations.

Training is the Keystone of Safety

The Bureau of Mine Safety exists to actively promote the safety of the miners of New Mexico. BMS trained over 2300 miners during 2011. This includes over 200 miners trained in Spanish language classes.



BMS classes for the mining industry include classes in large tire safety for tires used on mining equipment

2011 Accomplishments

Mine Emergency Management

The major initiative in 2011 continued to be establishing an incident command system in response to the following statutory requirement of 69-5-7.A(2) NMSA 1978:

Upon notification of any explosion or other catastrophic event at a mine in which the lives of mine workers are jeopardized or in which fatalities have occurred, the State Mine Inspector shall allocate available resources within a twenty-four-hour time period to assist the mine operator in the rescue of persons and the subsequent accident investigation;

To meet this requirement, the State Mine Inspector has brought together industry, BMS and the Department of Homeland Security and Emergency Management (DHSEM) to create an incident command system. The major effort this year was working with Peabody Energy, on their Mine Emergency Response Development (MERD) exercise. This exercise involved the mine's rescue team, state, federal, local EMS and mining industry groups.

The exercise scenario was a haul road accident involving a pick-up truck and a mine haul truck. It requiring extrication of "victims" and transport. The mine ambulance then was involved in

an "accident" when approaching the local hospital, requiring response and interaction with local EMS. This scenario allowed the organizations involved to test multiple resources at many different levels. The exercise was very successful and a great deal was learned.

BHPBilliton's San Juan #1 underground mine experienced an underground mine ignition in September. All workers safely evacuated the mine. Experience gained from past MERD exercises played a major role in the safe evacuation of the miners.

BMS also supports mine rescue competitions that hone teams' skills in emergency response. BMS's Chris Hefner has judged competitions at regional levels as well as the MSHA national competition.



Chris Hefner of BMS judges miners competing in the Southwest Regional Mine Rescue Competition

Legislative Issues

There were no legislative issues involving mining safety during the 2011 session. The SMI did monitor other legislation involving mining in New Mexico and testified at hearings on these issues. In addition, the SMI was involved with safety issues at the national level through participation in the Interstate Mining Compact Commission (IMCC).

Compliance Assessment

NM Statutes impose strict requirements on the mining industry that must be assessed for compliance by the BMS. Actions completed in 2011 included:

- Review Emergency Notification Plans from approximately 200 mining operations throughout the state. Current status indicates that over 89% of the operators have complied with this requirement. We continue to request information from the remaining operators, although there are no statutory criteria, either through notice of violation or cease-and-desist orders, to require compliance.
- Review underground mine operators' implementation plans to ensure compliance with mining regulations. Review and approval by the State Mine Inspector included constant communications and frequent site visits during 2011.

No violations were issued by the SMI during 2011. A violation was issued in 2010 that was brought to hearing in 2011 that involved a fire at an underground gold mine. The operator failed to notify the SMI of the fire as required by regulation. The Mining Safety Board (MSB) upheld the violation.



Compliance assistance was given to Bartoo Sand And Gravel, Inc. during 2011 at their T or C operation

Compliance assistance continues to be a major responsibility for BMS. The Statutes require the State Mine Inspector (SMI) to provide compliance assistance including on-site audits to any mine requesting such service. This service is particularly valuable to small mining businesses in NM. As the economy improves and aggregate operations begin to recover from the recession, this service will be utilized to a greater degree. Also, as MSHA requires greater compliance on health issues such as dust sampling, more effort will be required assisting operators in health related areas.

Safety and Health Training

Engaging miners, through safety training is one of the primary missions of the BMS. The upswing in the mining industry in New Mexico has increased the number of miners and contractors seeking training from BMS. This trend is expected to continue into the future and be intensified by a predicted economic recovery.

Safety & health training was delivered to over 2,300 miners, contractors and other personnel from diverse mining environments. BMS is particularly proud of its miner training program delivered in Spanish.

grams were a significant contributor to this success.

Coal Mine Officials Certification Program

During 2011, a review of re-certification requirements and testing criteria for coal mining officials was conducted. This has been a collaborative process with the coal mining industry in New Mexico. The data base of questions continues to be reviewed by the BMS to keep testing relevant. BMS has been working with coal mining companies in New Mexico on the re-certification process for certified coal mine officials in the State. Certifications are valid



Candidates for Underground Coal Mine Certification during testing

As the number of mines and miners increases in New Mexico, we have enjoyed a period of extremely safe operations, evidenced by accident and fatality statistics. 2011 was the second safest year on record for mining fatalities. New Mexico continues to have lower accidents per man hour worked than the national average. BMS training and pro-

grams were a significant contributor to this success. The SMI has been working with the organizations most affected on a manageable and timely process.

BMS will provide testing and certification for 88 miners in 2011 and has been working with mining organizations on the process to recertify over 200 more.

Mine Safety Awards

BMS was instrumental in arranging the mine safety awards at the annual New Mexico Mining Association meeting in September. There were over 200 attendees at this convention, including representatives of mining companies, contractors, legislators, Governor's cabinet and government agencies. Awards were presented for:

- Safety and Health Innovator Award. This award was given to operators who best implemented innovative safety processes. In 2011, awards were presented to BHPBilliton's San Juan Coal Company, Mosaic Potash Carlsbad Inc. and Peabody New Mexico Services, LLC.
- Safe operator of the year award was presented to eight operators representing different mine categories. Three of these operators worked for a year with no reportable accidents. These operations prove that "zero" accidents at mines is a very obtainable goal. The other award winners are listed in the table below.

- 135 zero-frequency certificates were awarded to mining organizations throughout New Mexico. These certificates were given to individual organizations or different departments within larger companies that were accident-free for a year.

We continue to recognize groups and individuals who perform emergency response activities through our Lifesaving Response Award. The mining industry invests many hours in first aid training and mine rescue training. These individuals and groups not only respond at the mines where they work, but also within their communities. Many volunteer as EMTs, first responders, and firefighters where they live, and are often leaders within these organizations. Recognition was given to individuals and the mining organizations that employ and train them. The Lifesaving Response Award was given to an individual or group who responded to a lifesaving situation, either at the mine where they work, or within the community.

Three awards were given in 2011 to Intrepid Potash and Mosaic Potash. Employ-

Safe Operator of the Year

Category	Company Name	Mine Name
Winner UG Coal	BHPBilliton-SJCC	San Jaun Mine 1
Winner Surface Coal	Peabody Energy	Lee Ranch Mine
Winner UG MNM	Intrepid Potash New Mexico	East
Winner Aggregate Producer	Four Corners Materials	Aztec Crusher
Winner Surface MNM Mining Small Producers	Freeport-McMoRan Cobre Mining Co.	Open Pit and Continental Surface w/ Contractors
Winner Surface MNM Mining Large Producers	GCC Rio Grande	Tijeras Plant & Quarry
Winner Non-Producing Operations	Washington TRU Solutions	Waste Isolation Pilot Plant
Winner MNM Mills	Freeport-McMoRan-Cobre Mining Co.	Continental Mill Complex w/ contractors



Safety Innovator award is presented to members of the WIPP organization by Chris Hefner of BMS

ees from both companies helped with accidents on local highways that led to successful extraction and recovery of victims.

The awards were particularly gratifying because of the excellent safety record that New Mexico operations have registered during 2011. We have changed a generation of thinking that said zero accidents was not an obtainable goal, to one that says it is the only acceptable goal.

Communications

In an effort to communicate more effectively and cohesively with the mining industry, our website continues to expand and is updated to insure that information is readily available to the industry as well as the public at large.

The website address is:

www.bmi.state.nm.us.

During 2011, numerous meetings were held with mining operators throughout the state. These meetings informed industry of BMS's direction and addressed concerns of the operators. A significant effort was also extended to keep information flowing to the Office of the Governor, the NMMA, the Cabinet Secretary of the Energy Minerals and Natural Resources Department, the Director of the New Mexico Mining and Minerals Division and various groups within the NMT community.

New Mexico Mine Health and Safety Conference

During 2011 BMS personnel, along with the NM mining industry and MSHA, contributed to bring the fourth annual New Mexico Mine Health and Safety Conference to our State. This event is well attended by representative of labor, management, contractors, regulators and safety professionals. The event is one of the premier conferences in the country. New Mexico Tech again hosted the function with events held on the campus in Socorro. The conference is approaching 200 attendees along with product exhibitors. These are some of the images from the event.



Assistant Secretary of Labor for Mine Health and Safety Joe Main was a keynote speaker

Exhibitors showed their safety products



Safety breakout sessions included NM OSHA's Melissa Barker's on hand tool safety

NMT President Dr. Daniel López welcomed attendees

Subway spokesman Jared Fogel stopped by at the registration table before his lunchtime talk on his experiences and healthy eating.



NM Homeland Security and Emergency Management Secretary Duvall discussed his department's interaction with the mining industry



Nurses from the mining industry volunteered and conducted a free health screening for attendees that included free blood tests

Mining Safety Board (MSB)

During 2011, much effort was extended working with the Mining Safety Board to provide further definition to regulations in the New Mexico Administrative Code (NMAC) on emergency notification.

Also, the MSB continued a program to educate members on various aspects of mining. Meetings were held across the state so mining operations could be toured and experts in technical subject matter were invited to speak at meetings. This will contribute to better deci-

Federal Grants

The BMS worked on its major grant application during 2011. This application was for renewing the FY 2011 grant agreement between the Mine Safety and Health Administration (MSHA) and New Mexico Institute of Mining and Technology. The grant has been utilized by BMS to train New Mexico miners to meet the training requirements of MSHA as required in 30CFR parts 46 and 48. The grant application and award of the funding continues to be further delayed due to Federal budget issues. We did receive \$147,305



MSB members toured Freeport McMoRan Copper and Gold's Tyrone Mine

sion making by the MSB and better public policy.

During 2011, MSB members' attendance at our meetings and hearing was excellent. This is an indicator that MSB members consider the membership rewarding and worthwhile. Two new members joined the MSB in 2011.

in federal funding. The Mine Safety and Health Administration (MSHA) has recommended to Congressional Budget Committees that a 60% reduction in grant level funding be made and that MSHA instead use the money for enforcement. This would be unfortunate for the small businesses and county organizations that we serve.

If the grant were cut, BMS would have to increase fees for training by a factor of 5 causing a major expense to the operators of small mining operations.

Counsel from Attorney General

Counsel provided by the Attorney General's Office was utilized in hearings, rulemaking, consideration of violations and other areas of decision making. This service has been invaluable in support of such actions as violations, settlement agreements, statutory issues and other legal issues.

2012 Goals

Mine Emergency Management

During 2012, the Mine Emergency Management process will continue. Our goal of providing for a seamless incident command structure between the mining operation, state officials, federal inspectors and local emergency response organizations in the event of a mine emergency will be enhanced by performing extensive drills at mine sites.

The 2012 goal is to complete another functional exercise. The State Mine Inspector in conjunction with DHSEM personnel will work with local, county, state emergency managers, as well as federal and state mine safety personnel. Currently a

MERD (Mine Emergency Response Development) is planned in Carlsbad that will involve all these groups.

BMS will continue our efforts on mine rescue competitions in conjunction with industry and MSHA. Staff will be provided for the South West Regional Mine Rescue Competition and for the national competition.

Legislative Issues

The SMI will continue to act as a contact and informational source regarding any mining legislation involving mining safety. During 2012, the SMI will work with legislators, unions and industry representatives if any changes are proposed in the state mining safety statutes .

Mine Safety Inquiries from the Office of the Governor

The office of the New Mexico State Mine Inspector will continue to be the focus for the Office of the Governor for information and expert opinion regarding mine safety issues. Response to these inquiries will continue to be handled expeditiously. The SMI will also continue active involvement with the Interstate Mining Compact Commission on the IMCC safety committee. This will help give New Mexico a voice on national mining safety issues.

Compliance Assessment

During 2012 compliance assessment will continue to be a priority for BMS. Compliance assessment consists of reviewing

implementation plans for underground mine operators on a yearly basis. The emergency notification plans for all mine operators will be reviewed bi-annually as well. BMS works with the operators on any unresolved issues or gaps in the plans

Safety and Health Training

Safety and health training will continue as the keystone to continued accident reduction in New Mexico. We anticipate training 2,400 miners in 2012. It is anticipated that a resurgent uranium industry, along with the expansion of mining in New Mexico in general, will produce a need for greater training capabilities from the BMS. It is also anticipated that Spanish-language training will be a growing need in New Mexico. Currently this training is limited. The BMS is one of the few organizations with a trainer who is both fluent in Spanish and a MSHA certified instructor. However, if funding is not increased for the BMS, the training program will continue into 2012 with little change from 2011 and the inability to meet the expected demand.

Certification of Coal Mine Officials

The coal officials' certification program will continue to be updated to remain relevant. Review of material required for recertification continues with operators regarding the recertification of officials and the implementation of that process. It is anticipated that a cost savings can be realized by BMS without sacrificing

miner safety due to the changed requirements for recertification from "testing" to a program of retraining and continuing education requiring SMI approval and monitoring. BMS will recertify 300 officials before the July 1, 2012 expiration date of their certificates.

Mine Safety Awards

BMS will continue this critical tool to communicate successes of safety programs throughout New Mexico. In order to continue this program, it is important to maintain the partnership between BMS and NMMA. The BMS also plans to communicate the availability of the program to encourage participation by more of the New Mexico mining industry.

Communications

The BMS plans several initiatives in 2012 to increase our communications with the public and the mining industry. Our goal for 2012 is to utilize a revamped website as our primary communication tool. The site will be the primary source for training schedules, monthly newsletters, BMS reports, emergency mine notification and other mine safety issues.

Effective communications with customers will continue to be a major goal of 2012. As in 2011, interaction with the mining community, the Office of the Governor, NMT staff and other governmental entities will continue to be a communications focus.

Mining Safety Board

Education and regulatory policy will be a primary focus of the MSB. Contributing to the overall safety of NM miners and continuing our excellent safety performance will also be a priority of the MSB.

access road at dusk. Etsitty and a co-worker had been walking towards oncoming traffic on the access road, but crossed to the other side of the road when they saw an oncoming vehicle approaching them. They were unaware there was a pickup truck coming up from behind



Access Road to Navajo Mine that was the location of the only mine fatality during 2011 in New Mexico

2011 Fatality

On Thursday, July 21, 2011, at approximately 9:05 p.m., Jeri L. Etsitty (Victim), a 37-year old administrative technician at the BHP Navajo Coal Company, with over four years of mining experience, was killed when she was struck from behind by a pickup truck, while she was walking on the mine access road. The pickup truck was driven by a contractor employee traveling to the mine site with a delivery. The accident occurred as Etsitty and another female technician were walking with the direction of traffic on the paved mine

them. Immediately after the oncoming truck passed, they attempted to cross the road back to the other side when Etsitty was struck by the pickup truck. MSHA's report stated "The practice of employees walking on the mine access road for exercise was a contributing factor to the accident. Inadequate training also contributed to the accident."

Roster of State Mine Inspectors

NAME	DATES	ORDER	LENGTH OF SERVICE
Rees H. Beddow	1912 - 1916	1 st	4 yrs
W. W. Risdon	1916 - 1919	2 nd	3 yrs
Jo E. Sheridan	1919 - 1920	3 rd	<1 yr
W. W. Risdon	1920 - 1925	4 th	5 yrs
Warren Bracewell	1925 - 1927	5 th	2 yrs
W. W. Risdon	1927 - 1931	6 th	4 yrs
Warren Bracewell	1931 - 1947	7 th	16 yrs
John Anthony Garcia	1947 - 1959	8 th	12 yrs
John Grbac	1959	9 th	<1 yr
William H. Hays	1959 - 1973	10 th	14 yrs
Joe D. Longacre, Sr	1973 - 1981	11 th	8 yrs
Desi Apodaca	1981 - 1982	12 th	2 yrs
Manual Duran	1982 - 1986	13 th	4 yrs
Desi Apodaca	1986 - 1996	14 th	10 yrs
Gilbert Miera	1996 - 2002	15 th	6 yrs
Paul Pierce	2002 - 2005	16 th	3 yrs
Rebecca Boam	2005 - 2006	17 th	2 yrs
Terence Foreback	2007 -	18 th	5 yrs

AFTERWORD

The Bureau of Mine Safety is proud to represent the miners of New Mexico. New Mexico miners are our country's leading potash producers, third leading copper producers, 13th ranked in coal production and leaders in minerals such as molybdenum, zeolite and perlite. This year's Report to the Governor celebrates the miners of Intrepid Potash NM LLC

Cover Photo:

All photos are courtesy of Intrepid Potash New Mexico, LLC. The North Plant crew worked 5 years with no lost time accidents and 1 year with no MSHA reportable injuries. The 53 employees that are currently working at the North plant have 405 years on the job.



Brionne Chester has been employed with Intrepid Potash for 4 years in underground production running shuttle car, miner, stacker operator, lead-man and belt crew. She has no lost time accidents or incidents during her mining career.



Max Davis and Ralph Ramstetter worked many years in underground coal mining in Utah performing a variety of underground positions before coming to Carlsbad. Max has been with Intrepid as an underground supervisor for 2 years and Ralph has been there 4 years as Mine Superintendent. They share 50 years of working without a lost time accident.



Leroy Ross has over 30 years of potash mining experience with a perfect safety record (NO lost time, reportable or doctor visits). He has worked in a variety of underground positions including Serviceman, Miner-A, Foreman (face boss), Shift Foreman, Utility Shaft Supervisor and his current position of General Production Foreman