



NEW MEXICO TECH
BUREAU OF MINE SAFETY



2016 REPORT TO THE GOVERNOR
NEW MEXICO
BUREAU OF MINE SAFETY

The State Mine Inspector's 2016 Report to the Governor

Cover Photo by Michael Runner of
Intrepid Potash-New Mexico, Inc.:

**The Intrepid Potash-New Mexico Mine
Rescue Team is shown engaged in
underground practice at Intrepid's East
Mine near Carlsbad, NM. The Bureau of
Mine Safety takes an active role in
judging mine rescue contests that help
prepare such teams who are called upon
to respond to mine emergencies.**

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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 federal-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.

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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 2016 the U.S. mining industry recorded the lowest number of fatalities on record. Coal mining deaths were again at the lowest level ever recorded. New Mexico's 4,000 miners worked fatality free. In fact, New Mexico has not experienced a mine fatality since May of 2013.

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 fosters 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 if there is 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 with BMS participation.

Training is the Keystone of Safety



Regional BMS classes for the mining industry

The Bureau of Mine Safety exists to actively promote the safety of the miners of New Mexico. BMS trained 1,870 miners during CY 2016. This includes over 133 miners trained in Spanish language classes. BMS training and initiatives have contributed to a superb safety record, including accident rates below the national average.

2016 Accomplishments

Mine Emergency Management

The major initiative in 2016 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. Major efforts have been made on Mine Emergency Response Development (MERD) exercises at our State's underground and surface mining operations. These exercises involve the mine's rescue team, state, federal, local EMS and mining industry groups.

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. He also prepares the first aid scenario for the annual SW Regional Mine Rescue Competition.



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

Legislative Issues

The SMI and the Mining Safety Board (MSB) worked with the legislature during 2015 to revise the emergency notification statute. Requirements for surface mines that did not enhance miner safety were recommended to be removed. That action and subsequent rulemaking and guidance in 2016 by the MSB relieved an unproductive reporting requirement for surface mining operations so that attention could be directed to more urgent needs. In addition, the SMI continued his engagement with safety issues at the national level through participation in the Interstate Mining Compact Commission (IMCC).

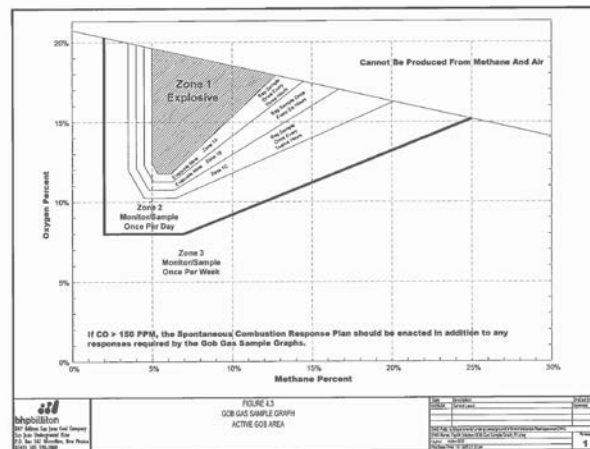
Compliance Assessment

NM Statutes impose strict requirements on the mining industry that must be assessed for compliance by the SMI. Actions completed in 2016 included:

- Review Emergency Notification Plans from mining operations throughout the state. Current status indicates that over 80% 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 2016.



One potential "accident" was investigated by the SMI during 2016. Determination was made by the SMI that the incident did not qualify as an "Accident" as defined in the New Mexico statutes. The incident did, however, demonstrate how effective emergency planning and monitoring can and will



Westmoreland, San Juan mine chart depicts methodology for monitoring gas accumulations in active gob areas

serve to mitigate the effects sudden atmospheric changes in underground mines.

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, diesel particulate matter and noise abatement, 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. In uncertain economic times, the mining industry in New Mexico has increased the number

of miners and contractors seeking training from BMS.

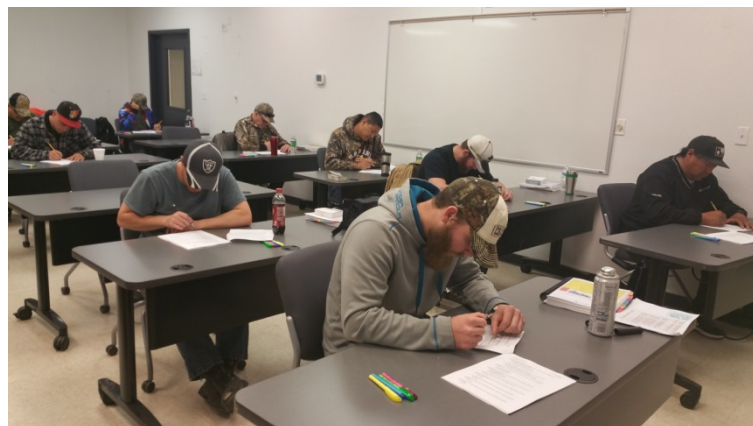
This trend is expected to continue into the future and be intensified as industry contracts more activities. Safety & health training was delivered to 1,870 miners, contractors and other personnel from diverse mining environments in 2016. BMS is particularly proud of its miner training program delivered in Spanish. 133 of those miners were trained in Spanish language classes.

As our mines continue to suffer from economic uncertainty, we have enjoyed a period of extremely safe operations, evidenced by fatality statistics. Nationally, 2016 was the safest year on record for mining fatalities. There were no fatal mine-related injuries in New Mexico for the past three years. BMS training and programs were a significant contributor to this success must be recertified. The SMI has worked with organizations most affected to ensure that site-specific recertification programs regularly refresh officials on the skills and knowledge required to maintain safe operations. The SMI recertified 24 coal mine officials in 2016.

Coal Mine Officials Certification Program

BMS also provided testing and new certification for 30 miners and recertified 24 coal mine officials in 2016.

During 2016, a review of recertification requirements and testing criteria for coal mining officials was continued. 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.



Candidates for Underground Coal Mine Certification during testing at San Juan Coal Company

BMS has been working with coal mining companies in New Mexico on the recertification process. Certified mine officials are subject to recertification after five years. This is accomplished through either retesting or confirmed completion of an SMI approved recertification program.

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 150 attendees at this convention, including representatives of mining companies, contractors, legislators, Governor’s cabinet and government agencies. Awards were presented for:

- Safe operator of the year award was presented to four operations representing different mine categories. One 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.
- 77 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.

2016 Safe Operator Of the Year		
Category	Company Name	Mine Name
Surface Coal	Peabody New Mexico Services, LLC	El Segundo Mine
UG Metal and Non-Metal	Intrepid Potash - New Mexico LLC	Intrepid Potash West
Surface M/NM Mining	Freeport McMoRan	Tyrone Mine
Non-Producing	Freeport McMoRan Cobre Mining Co	Continental Mill Complex

We continue to recognize groups and individuals who perform emergency response activities through our Emergency 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 two individuals and the mining organizations that employ and train them. The Emergency 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.

Two such awards were presented in 2016. One to a Peabody employee and one to a Dacaperl employee—both for emergency response to highway incidents off-the-job.

Allen Norris has been the plant manager at Dicaparl Minerals in Socorro for the past 17 years. On February 8, 2016 Allen was working at home with his circular saw when he had a mishap causing him to cut his fingers. Allen realized that these cuts were going to require some stitches so headed into town to the emergency room. On his way to the emergency room, approximately half a mile from his home, Allen was the first to come upon a roll over vehicle accident involving five adults and two children.

Allen’s years of first aid, CPR and first responder training was crucial in his dealing with the situation before him. He was the first to report the accident to 911 and then immediately began the assessment of the victims. Five of the seven were thrown from the vehicle due to not using

seatbelts. Four died at the accident site, one of those being a two-year-old boy. Allen treated each individual with the resources available until other emergency personnel arrived on the scene. Allen did not think about his own finger injury until all of the victims at the accident scene had been properly treated. Only then did he proceed to the emergency room to have his own injury treated.

Allen Norris truly excelled in dealing with this accident through application of his knowledge of treatment, his professionalism at the scene and finally through the empathy he demonstrated in connecting with the victim's families.

On the Lee Ranch mine site, Roy Jones has always utilized his training to the fullest and has been the backbone to several response calls, however in this instance, he showcased his skills, off the mine site, in a heroic way that demonstrates how fortunate we are in the mining community to call him one of ours.

Roy witnessed a traffic accident that would make most people shield their eyes, cringe and drive right past. At an on-ramp on I-40, in Albuquerque, a semi driver failed to see a smaller truck, in the lane he was intending to occupy. The driver of the smaller truck had to quickly evade the semi, but in doing so, met the shoulder and over corrected. The smaller truck rolled in response to the over correction. This resulted in one passenger being ejected and another passenger being partially ejected.

In response to this accident Roy advised the person he was traveling with to call 911, while he himself sprang into action. After he initially determined that the ejected passenger was OK he turned his focus to the partially ejected individual, who was unconscious. Putting his own safety aside, Roy entered the overturned vehicle and determined that the individual was breathing. After Roy assessed the patient she regained consciousness. While waiting for the paramedics to arrive, Roy maintained the C-spine and kept the patient calm. When the paramedics did arrive, Roy passed on crucial information that he discovered during his own assessment: The patient had a large lump in the upper back/lower neck. Paramedics used that information to make adjustments on how they would transport the individual.

Roy went above and beyond when he placed himself at risk. But in doing so he was able to prevent permanent damage by maintaining the C-spine.

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.

The website address is: www.bmi.state.nm.us.

During 2016, 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 the NMT community.

New Mexico Mine Health and Safety Conference

During 2016 BMS personnel, along with the NM mining industry contributed to bring the ninth annual New Mexico Mine Health and Safety Conference to our State. This event is well attended by representatives 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 100 attendees along with product exhibitors. These are some of the images of the 2015 event.



Andrew Gabrysiac, NMT student receives the 2016 NMMHSC Scholarship from Morris Whorley



Kevin Cummins, Mosaic Potash, Receives the 2016 Outstanding Contribution to Safety (OCS) Award from SMI Terence Foreback



Terence Foreback (& Ruth) receives honorary plaque for his years of service to the NMMHSC and to the miners of New Mexico as State Mine Inspector from Randy Logsdon, President of the NMMHSC.



2016 New Mexico Mine Health and Safety Conference



Jacy Good speaks to conference attendees in the keynote address about her experience—*Deadly Conversations: Hand Up and Drive*.



Keynote Speaker Vince (Bluto) Saporito (*Check 6*) speaks to conference attendees on *Taking the Mining Industry to a Higher Level of Excellence*



Elwood (Mac) Burriss (MSHA) addresses a breakout session on Fatal Injury Mitigation Initiatives



Dr. Thomas E (Ted) Boyce leading one of three break-out sessions in 2016



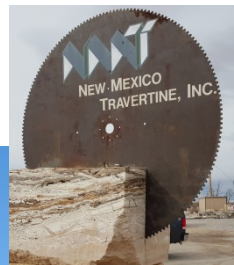
Conference attendee tests Arc Flash Gear in Electrical Safety Program provided by MSHA & Mike Pruitt

Mining Safety Board (MSB)

The New Mexico Mining Safety Board continues to be a vibrant organization working to ensure the safety of our State's miners. The SMI worked closely with the MSB during 2016 and 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.

- January, Belen, NM Travertine
- March, Socorro, NMT Geology
- September, Santa Fe, EMNRD

During 2016, MSB members' attendance at our meetings was excellent. The MSB lost the services of long time member and Chair, Randy Logsdon (Intrepid Potash) who will continue with the Board in 2017 in the role of SMI. David Trujillo (Chevron) resigned, having been displaced from the mining industry. There are currently two MSB seats available for appointment.



MSB members at Bartoo Sand and Gravel, Inc. during January meeting

Federal Grants

The BMS again worked on its major grant application during 2016. This application was for renewing the FY 2016 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 process for funding continues to be delayed due to Federal budget issues. We received the Federal FY 2016 grant well into the fiscal year. MSHA continues to offer grants well into the fiscal year making budgeting a complex process. State allocation has helped with managing our commitments to New Mexico's miners and

our small businesses that rely on the BMS training to meet their MSHA regulatory requirements.

The MSHA grant is vital to BMS who would otherwise have to increase fees for training by a factor of 5 presenting a major expense to the operators of small mining operations. It should be noted that BMS does not charge county and state organizations for training. If our grant funding were cut, we would be unable to train these groups. In 2016, the BMS was awarded \$153,084 from MSHA State Grants. New Mexico's 20% match added \$ 38,271 to the BMS training budget.

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.

Succession 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 - 2016	18 th	9 yrs
Randy Logsdon	2017 -	19 th	New

SMI Retirement

In July, 2016, State Mine Inspector Terrence Foreback retired.

2017 Goals

Note: On January 4, 2017, Randy Logsdon was appointed and assumed the post of State Mine Inspector.

Mine Emergency Management

During 2017, 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 2017 goal is to help coordinate 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.

BMS will continue our efforts on mine rescue competitions in conjunction with industry and MSHA. Staff will be provided for the Southwestern Regional Mine Rescue Competition and (upon request) for other regional competitions.

Legislative Issues

The SMI will continue to act as a contact and informational source regarding any mining legislation involving mining safety. During 2017, the SMI will cooperate with legislators, unions and industry representatives to implement changes in statutes that will enhance mining safety.

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 plans active involvement with the Interstate Mining Compact Commission on the IMCC safety committee giving New Mexico a voice on national mining safety issues.

Compliance Assessment

During 2017 compliance assessment will continue to be a priority for BMS. Compliance assessment consists of reviewing mine operations on a yearly basis. The emergency notification plans for all mine operators will be reviewed 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 more than 1,600 miners in 2017.



BMS trains contractors such as this drill crew from Daniel B. Stephens that work on large mining operations drilling for hydrologic monitoring

It is anticipated that cut backs in the mining industry will produce a need for greater training capabilities from the BMS due to mining companies utilizing more contractors. 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. At current funding levels the BMS training program will continue to meet current demand into 2016 and can be modified for the needs of contractor expansion.

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 continuing implementation of that process. The BMS expects a surge in re-certifications in 2017 because many officials were grandfathered for an additional 5-years in 2012. It is anticipated, however, that a cost offset will be realized without sacrificing miner safety due to the revised requirements for recertification from "testing" to a program of annual retraining and continuing education requiring SMI approval and monitoring. BMS will continue to recertify officials before yearly expiration dates 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

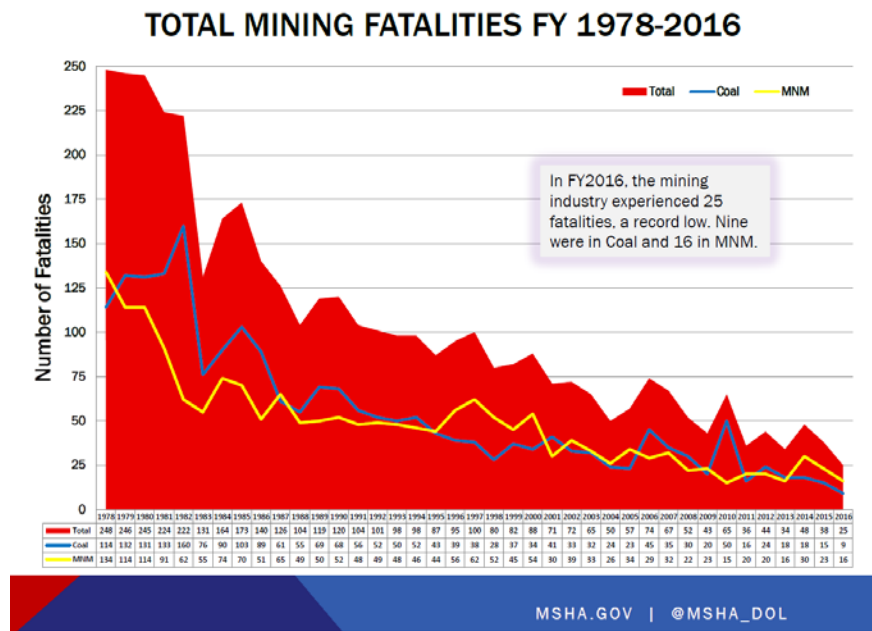
availability of the program to encourage participation by more of the New Mexico mining industry.

Communications

The BMS plans several initiatives in 2017 to improve our communications with the public and the mining industry. Our goal for 2017 is to utilize a revamped website as an essential communication tool. The site is the primary resource for training schedules, monthly newsletters, BMS reports, emergency mine notification and other mine safety issues. Effective communications with stakeholders will continue to be a major goal of 2017. As in 2016, on-site 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 MSB.



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Mine Accident Prevention

New Mexico's 4,000 miners worked 2016 fatality free. We are proud that every miner in our state returned home every day of the year to their families.

Across the nation in 2016, mining fatalities were at their lowest level ever reported (see figure 1). Twenty-five (25) fatal mine injuries occurred in the United States in 2016 vs. 38 in 2015. New Mexico completed the year again without experiencing a mine fatality.

However, the total reportable incident (TRIR) rate for all our mines in New Mexico exceeded the 2016 national average in 2016. The incident rate is a calculation that measures the number of injury and illness incidents against exposure levels— incidents per 200,000 man-hours. Miners at mine operators in New Mexico (Coal &

Metal/Non-metal) Mining were injured at a rate of 2.76 per 200,000 man-hours. Nationally, miners were injured at a rate of 2.57 per 200,000 man-hours.

At the close of the 2016 calendar year, the SMI gathered and analyzed New Mexico mine injury data to identify various sources of mine injury in the state. This exercise proved to be valuable in directing the focus of the SMI in assisting operators' efforts to mitigate those conditions and practices that have led to serious injury. The SMI will continue such analysis on a quarterly basis, report findings to the mining community and take actions necessary to reverse negative trends. The BMS will continue to focus on improved training of our miners, including improved approaches to risk management by mining companies, technical advances in equipment and systems and laws and regulations.

Afterword

The state mine inspector is privileged to work closely with the New Mexico Mine Health and Safety Conference (NMMHSC) and to facilitate the organization's mission to reduce mine injuries through education. (Page 9 & 10) Through generous donations and volunteer help from the New Mexico mining industry and allied contractors, the NMMHSC has been able to produce an outstanding safety and health agenda over the last 9 years. Looking forward to the 10th annual Conference, May 8-10, 2017 at Socorro, an outstanding conference will once again inspire and educate New Mexico's miners, operators, contractors, and regulators.

It's also the individual commitment to one another that often defines the difference between returning home safe at the end of a shift or being transported for medical treatment.



The 2017 Conference theme Everyone Matters emphasizes the fact that we are not alone.

One of the most common descriptors in modern safety and health leadership is "Value". And when we apply values, we first must consider people. We value people whether they are employees, contractors, customers or vendors.

We value people whether they are young, old, male or female, regardless of race, color, religious preference, or political inclination. We recognize that when someone is injured or ill, there is a compounding effect on coworkers and especially family.

We are a community and as a community we recognize that every individual has value—everyone matters. We each exercise a role starting with our own safety, but we also have an obligation to protect others—starting with family and coworkers and extending to strangers who may not recognize the risk that they are about to take. Everyone does matter.

A new series of hard-hat decals was produced for distribution by the Bureau of Mine Safety. The decal continually asks any nearby coworker to watch out for the miner's safety—*Got my back?*



Addendum:

Finally, we are reminded of the real-life consequences that face us all when we fail to apply sound safety and health practices. Steve Justice, an operator at Black Rock Service's Bonito Pit (East of Los Lunas) was crushed between an unsecured truck and a generator trailer at the mine site on March 24, 2017. That incident marks the first New Mexico Mine death since May 17, 2013. We must all renew our dedication to mine safety and practice constant vigilance.