

**Opening Remarks for the Public Hearing on the Proposed Regulations: Certification  
Requirements For Mineral Miners, 4 VAC 25-35  
Thursday, September 25, 2003  
9:30 AM**

Welcome to the Department of Mines, Minerals and Energy public hearing to receive comments on the proposed amendments to the Certification Requirements For Mineral Miners, 4 VAC 25-35. My name is Conrad Spangler. This regulation is proposed to amend the existing rule. The Board of Mineral Mining Examiners promulgates the Certification Requirements For Mineral Miners.

The public comment period for the proposed amendments will conclude soon. The proposed changes were published in the Volume 19 Issue 23 of the Virginia Register of Regulations on July 28, 2003. The proposed text is available for review through the Virginia Regulatory Town Hall Internet site at [www.townhall.state.va.us](http://www.townhall.state.va.us). This public hearing has been called to allow for customer comments on the proposed certification regulations.

The purposes of the proposed regulation changes are the result of periodic review. During this review, the Board of Mineral Mining Examiners, with input from industry representatives as well as the DMME found that minor edits were needed to bring the regulation up to date with the Code of Virginia. Changes made to the regulation include:

- Administrative changes that will allow additional forms of payment for certification.
- Adding a requirement that applicants for certification as an electrician who do not now hold a journeyman's card must take a written examination for certification.
- Clarifying that old certificates issued by the Board of Examiners (BOE) are no longer acceptable. These certificates, issued prior to 1994, were to be valid until replacement with Board of Mineral Mine Examiners certificates. This transition has now been completed so references to certificates issued by the Board of Examiners are no longer needed.
- Lastly, surface blasters will be required to possess a valid record of three hours of first aid training from an organization using nationally recognized standards or as part of training that meets federal 30 CFR Part 48 requirements. Presently, a certificate holder is only required to possess a valid MSHA 5000-23 form.

The 60-day public comment period on this regulation will conclude on September 28, 2003. Proceeding this comment period, the Department will review any comments received during this period, including today's public hearing comments, and the Board will make any needed final changes to the regulation. The approved final regulation will become effective 30 days after printing in the Virginia Register of Regulations.

Today we are here to take your comments, but not to respond to them. The Department will develop a response to every comment we receive and we will send out a summary of all the comments and the Department's response to those comments to anyone who provided comments on the regulation during the comment period and anyone that would like a copy. Please be sure to print your address on the sign-in sheet if you would like a copy of the response document. Comments and responses also will be provided in the agency's summary document that will be part of the final regulation package. This document will be available to the public through the Department of Planning and Budget's Regulatory Town Hall when the final regulation is printed. The web address for this site is [www.townhall.state.va.us](http://www.townhall.state.va.us). Go to the Department of Mines, Minerals and Energy under the agency tab and select the final stage for this regulation.

In addition to taking comments today, you may submit written comments directly to the department or through the regulatory town hall web site until the end of the comment period on September 28.

We placed a sign-in sheet at the entrance to this room for people wishing to speak today. I will call on speakers in the order in which you appear on the sign-in sheet. After each of those speakers have had the opportunity to present comments, I will ask if there is anyone else that wishes to comment. When I acknowledge you, please come to the table, state your name and the name of the organization you represent before beginning your comments. If you have written comments you may summarize them orally and submit the full written text.

At this time there are no commenters who have indicated on the sign-up sheet that they wish to speak. What I would like to do now is to temporarily adjourn this meeting at 9:38 a.m. and we will come back at 10:00 a.m. and re-convene the meeting at that time in case there are any commenters who come and who wish to speak. At this time the public hearing is adjourned.

This public hearing is re-opened at 10:02 a.m. No one has indicated they wish to offer comments.

If there are no more comments, I would like to thank you for coming to this public hearing on the proposed Certification Requirements for Mineral Miners.

At this time there are no speakers, and we will go off the record at 10:02 a.m.