

**MEMORANDUM**

TO: Brain Becker, Ohio Department of Natural Resources

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: December 28, 2018

RE: **CSI Review – Mine Safety (OAC 1501:10-1-01 through 1501:10-1-07)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules and four no-change rules proposed by the Ohio Department of Natural Resources (ODNR) for their statutorily-required five-year review. The rule package was submitted to the CSI Office on August 23, 2018 and the public comment period was held open through September 14, 2018. No comments were received during this time.

The rules in this package set forth safety requirements for mining operations. Ohio Administrative Code (OAC) 1501:10-1-01 through 1501:10-1-03, 1501:10-1-05, and 1501:10-1-07 establish definitions used throughout the Chapter, requirements for fire detection devices and other safety measures, and the federal regulations incorporated by reference. These rules are proposed without changes. OAC 1501:10-1-04 sets forth training, eligibility, and credential requirements for mine medical responders and is being amended to include individuals with paramedic certification as eligible for employment as mine medical responders. The rule also updates the language regarding the fund into which training fees are deposited. OAC 1501:10-1-06 establishes the requirements for accident reporting, fatality investigations, and the annual report prepared by the Division of

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Mineral Resources Management. The rule is being amended to update the telephone number for the ODNR Emergency Operations Center.

During early stakeholder outreach, ODNR sent the rules to stakeholders, including mining industry associations and industry medical instructors. One comment was received during this time, which suggested amending OAC 1501:10-1-04 to explicitly include paramedics within the language. ODNR amended the rule accordingly. No comments were received during the CSI public comment period.

The business community impacted by these rules includes all mining operators, mining employees, and medical responders employed by mining operators. The adverse costs created by the rules include the cost of implementing safety devices, as well as the cost of training and certification of medical personnel and mine forepersons. Mine medical responders must complete 83 hours of training, pass an ODNR examination, and complete 16 hours of training every two years. Applying for initial mine medical responder training costs \$250 and the examination costs \$250. Retaking the examination costs \$50 and mine responders taking a refresher training course must pay \$100. Mine forepersons must pay \$25 to take a certification examination and must complete a training course. ODNR states in the BIA that several of the rules that regulate safety devices mirror the requirements of the federal Mine Safety and Health Administration. The rules in this package create a safe environment for mine operators and workers by requiring adequate safety measures and means to address potentially deadly occurrences.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Natural Resources should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.