

COMMONWEALTH OF VIRGINIA

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OPERATORS MEMORANDUM DM-23-02

TO: All Coal Mine Operators

From: M Randy Moore

M. Randy Moore
Director of Mining Programs, Virginia Energy

SUBJECT: ***Tree Cutting on Surface Mine Site***

Date: January 30, 2023

Two recent incidents that resulted in serious injuries have occurred on Virginia surface coal mines involving tree cutting in preparation for mining. One incident involved a major delay while a road was constructed to evacuate the seriously injured party. Multiple fatalities or serious injuries have occurred on surface coal mining sites throughout the nation during the past few years. Clearly, tree cutting in advance of mining poses a major risk to persons involved.

The Coal Mine Safety Program (CMS) of Virginia Energy views tree cutting that is undertaken within 500 feet of any location at the surface mine site where mining activity is taking place and within the approved permit boundary as being in the "work area." The work area is defined as "an area of a surface coal mine in production or being prepared for production and an area of the mine that may pose a danger to miners at such area."

Logging, for commercial purposes, that is conducted over 500 feet from mining activity and outside the work area is not considered to be directly involved in the production process even though it may be located within the permit boundary of the surface mine.

Since the potential of serious injuries involving tree cutting is high, tree cutting within the work area is deemed to be a "hazardous practice" as defined by the Coal Mine Safety Laws of Virginia. Section 45.2-507 paragraph E of the Coal Mine Safety Laws authorizes the Chief of the CMS to "require operators to submit for approval action plans to address hazardous conditions or practices." Any surface mine operator who wants to perform tree cutting in the work area must submit to the CMS an action plan addressing the following items:

- Supervisory responsibilities,

- Communication,
- Route of ingress and egress,
- Location of first aid supplies, and
- Record keeping.

Tree cutters in the work area will also be responsible for following all applicable mining laws and regulations.

Surface mine operators that believe they should be exempted from submitting an action plan may make a request for a field review by a CMS representative. Tree cutters or brush cutters temporarily employed (five consecutive days or less) at a surface mine site may also be exempted.

Mine operators that do not involve tree cutting within the work area of a surface mine site are not required to submit an action plan to the CMS. Mine operators who do perform tree cutting within the work area of a surface mine site must submit an action plan meeting the above noted requirements by Monday, May 1, 2023.

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Attachment