



Special Institute on Mine Safety and Health Law

November 14-15, 2006 • Washington, DC



ENERGY & MINERAL LAW FOUNDATION

**Sponsored by the
U.S. Department of Labor
Held at the USDOL Auditorium
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC**

Program Schedule

Tuesday, November 14, 2006

- 8:45 a.m. **Welcome to the US Department of Labor and Introductions**
- Edward P. Clair, Program Co-Chairman, Assistant Solicitor for Mine Safety & Health, *US Department of Labor*, Arlington, VA
 - Marco M. Rajkovich, Program Co-Chairman, *Rajkovich, Williams, Kilpatrick & True, PLLC*, Lexington, KY
- 8:50-9:15 a.m. **Legal and Policy Developments in Mine Safety & Health Law in 2006**
- Howard M. Radzely, Solicitor of Labor, *US Department of Labor*, Washington, DC
- 9:15-10:15 a.m. **Overview of the Mine Improvement and New Emergency Response Act of 2006 – the “MINER Act”**
- Edward M. Green, Crowell & Moring LLP, Washington, DC
 - Michael J. Wright, Director of Health, Safety & Environment, *United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union* (Steel Workers), Pittsburgh, PA
- 10:15-10:30 a.m. **Break**
- 10:30-11:30 a.m. **MINER Act Emergency Response Plan and Plan Approval Process**
- Moderator: Robert H. Beatty, Jr., *Dinsmore & Shohl, PLLC*, Morgantown, WV
 - John Langton, Deputy Administrator, Coal Mine Safety and Health, *MSHA*, Arlington, VA
 - Kenneth Murray, District Manager, *Mine Safety & Health Administration*, Pikeville, KY
 - Bruce Watzman, VP – Safety, Health and Human Resources, *National Mining Association*, Washington, DC
 - Dennis O’Dell, Director of Health & Safety, *United Mine Workers of America*, Fairfax, VA
- :30-Noon **A Look Ahead for Mine Safety & Health Law**
- David G. Dye, Acting Assistant Secretary for Mine Safety & Health, *USDOL*, Arlington, VA
- Noon-1:15 p.m. **Lunch Break – On Your Own**
- 1:15-1:45 p.m. **Federal Mine Safety & Health Review Commission Interim Final Rules on Emergency Plan Disputes**
- Michael A. McCord, General Counsel, *Federal Mine Safety & Health Review Commission*, Washington, DC
- 1:45-3:15 p.m. **Mine Safety & Rescue Technology–Meeting the Mandates of the MINER Act**
- Mark E. Heath, *Spilman Thomas & Battle, PLLC*, Charleston, WV
 - Jeffery H. Kravitz, Technical Support Division, *Mine Safety & Health Administration*, Arlington, VA
 - Mark E. Skiles, Director, Technical Support Division, *Mine Safety & Health Administration*, Arlington, VA
 - Dr. Jürgen F. Brune, Chief, Disaster Prevention and Response Branch, *National Institute for Occupational Safety and Health (NIOSH)*, Pittsburgh Research Laboratory, Pittsburgh, PA
- 3:15 p.m. **Break**
- 3:30-5:00 p.m. **Practice and Procedure for Issues Relating to the MINER Act Administrative Law Judge (ALJ) Panel –**
- Moderator: Thomas A. Mascolino
 - The Hon. Robert J. Lesnick, Chief Judge, *Federal Mine Safety & Health Review Commission*, Washington, DC
 - The Hon. Richard W. Manning, ALJ, *Federal Mine Safety & Health Review Commission*, Denver, CO
 - The Hon. Michael E. Zielinski, ALJ, *Federal Mine Safety & Health Review Commission*, Washington, DC
- 5:00-6:30 p.m. **Reception – USDOL Mezzanine**

Wednesday, November 15, 2006

- 9:00 a.m. **Welcome & Introductions: Marco M. Rajkovich, Jr., Program Co-Chairman**
- 9:00 a.m. **Coal Mine Mapping**
ProjectUpdate on the project to collect and develop a repository for all know mine maps on a state-by-state basis, undertaken following the Quecreek Mine accident.
- Melanie J. Kilpatrick, *Rajkovich, Williams, Kilpatrick & True, PLLC*, Lexington, KY
 - Sterling J. Rideout, Jr., Assistant Director, Program Support, *US Department of the Interior, Office of Surface Mining*, Washington, DC
 - Mark E. Skiles, Director, Technical Support Division, *Mine Safety & Health Administration*, Arlington, VA
- 9:30-10:45 a.m. **MSHA Accident Investigations – Recent Practice and Development**
- Moderator: Thomas C. Means, *Crowell & Moring LLP*, Washington, DC
 - Mark A. Malecki, Trial Counsel, Solicitor’s Office, *USDOL*, Arlington, VA
 - R. Henry Moore, *Jackson Kelly PLLC*, Pittsburgh, PA
 - Judith Rivlin, Associate General Counsel, *United Mine Workers of America*, Fairfax, VA
- 10:45 a.m. **Break**
- 11:00 -12:15 p.m. **Update on Recent Judicial Decisions, State Enactment of Safety Legislation, and Regulatory Developments**
- Moderator: Laura E. Beverage, *Jackson Kelly PLLC*, Denver, CO
 - Commissioner Michael G. Young, *Federal Mine Safety & Health Review Commission*, Washington, DC
 - Heidi W. Strassler, Deputy Associate Solicitor, Solicitor’s Office, *USDOL*, Arlington, VA
 - W. Christian Schumann, Appellate Counsel, Solicitor’s Office, *USDOL*, Arlington, VA
 - William K. Doran, *Ogletree, Deakins, Nash, Smoak & Stewart*, Washington, DC
- 12:15 p.m. **Lunch Break On Your Own**
- ### **Afternoon Session**
- 2:00-3:30 p.m. **Tentative: Oral Argument Before the Federal Mine Safety & Health Review Commission**
Jim Walter Resources, Inc., SE 2005-51
Sitting in special session at the US Department of Labor
- 3:30 p.m. **Adjourn**

Program Committee

- Edward P. Clair, Program Co-Chairman, Assistant Solicitor for Mine Safety & Health, *US Department of Labor*, Arlington, VA
- Marco M. Rajkovich, Jr., Co-Chairman, *Rajkovich, Williams, Kilpatrick & True, PLLC*, Lexington, KY
- Laura E. Beverage, *Jackson Kelly PLLC*, Denver, CO
- Michael T. Heenan, *Ogletree, Deakins, Nash, Smoak & Stewart*, Washington, DC
- Thomas C. Means, *Crowell & Moring LLP*, Washington, DC
- Judith Rivlin, Associate General Counsel, *UMWA*, Fairfax, VA
- Stuart A. Sanderson, President, *Colorado Mining Association*, Denver, CO
- Thomas A. Stock, General Counsel, *Federal Mine Safety & Health Review Commission*, Washington, DC
- Bruce Watzman, VP of Safety, Health & Human Resources, *National Mining Association*, Washington, DC
- Michael J. Wright, Director of Health, Safety & Environment, *United Steel Workers*, Pittsburgh, PA

Registration fees

Mine Safety & Health Special Institute registration fee includes meeting materials, refreshment breaks, hosted reception Tuesday evening. Lunch on both days is on your own.

General registration fee.....\$400
EMLF member fee.....\$350
Government/NPO\$150

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