

Energy & Mineral Law Foundation  
And US Department of Labor  
Mine Safety & Health Law Special Institute  
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## About the speakers . . .

### **Robert H. Beatty, Jr.**

Robert H. Beatty, Jr., is a former coal miner with ten years of underground mining experience. Mr. Beatty received his law degree from the West Virginia University College of Law in 1993. During his career in the mine safety and health area Mr. Beatty has served as General Counsel for the West Virginia Office of Miners' Health Safety and Training, and most recently served nearly seven years as a member of the Federal Mine Safety and Health Review Commission in Washington, D.C. Mr. Beatty is currently a Partner in the Morgantown, West Virginia office of Dinsmore & Shohl, LLP where his practice focuses on providing consulting and legal representation for mine operators in matters involving federal and state regulatory actions.

### **Laura E. Beverage**

Laura Beverage is a member of Jackson Kelly PLLC, and leads the firm's occupational safety and health practice group. She is a resident in the Denver office where she served as the administrative manager from 1993 to 2001. She joined the firm in 1980 after graduating from West Virginia University College of Law, where she was elected to the Order of the Barristers. Ms. Beverage represents general industry and mining clients in a variety of matters including compliance issues, policy, legislative and regulatory matters, and civil and criminal enforcement issues, accident investigation, and discrimination claims on both state and federal levels. She has extensive experience litigating cases under the Occupational Safety and Health Act, the Federal Mine Safety and Health Act and other state and federal safety and health statutes.

Ms. Beverage serves on a number of state and national industry trade association safety and health committees. She is active in a number of organizations including the American Society of Safety Engineers, National Safety Council, Colorado Safety Association, Colorado Rock Products and Ready Mixed Concrete Association, the National Stone Sand and Gravel Association, and the National Mining Association. Ms. Beverage co-chairs the Colorado Mining Association's safety and health committee. She is a member of the Rocky Mountain Mineral Law Foundation, and serves on the board of trustees of the Energy and Mineral Law Foundation. She is listed in the Who's Who of International Mining Lawyers and was selected for inclusion in the upcoming edition of *The Best Lawyers in America*.

Ms. Beverage has authored several published materials including, "Occupational Safety and Health Regulation in the United States: Is It Time for a Face Lift?" published in the 1996 Western Australia Minesafe Conference Papers; "OSHA Compliance in Colorado," published in 1994 and 1996 by the National Business Institute; and "Litigation Under the Federal Mine Safety and Health Act Today: A Practical Guide," which was published in 1992 by *The American Journal of Trial Advocacy*. She is a frequent writer and speaker on safety and health topics, and has developed innovative training for supervisory employees under the Occupational Safety and

Health Act and the Federal Mine Safety and Health Act. Ms. Beverage has been admitted to practice in Colorado, West Virginia, the D.C. Circuit and the Fourth, Sixth, and Tenth Circuit Courts of Appeals.

### **Jurgen F. Brune**

Dr. Jürgen F. Brune is Chief of the Disaster Prevention and Response Branch at the National Institute for Occupational Safety and Health (NIOSH), Pittsburgh Research Laboratory. He is responsible for research in mine ventilation, mine rescue and response and on the prevention of mine fires and mine explosions.

Before joining NIOSH in May of 2004, Dr. Brune had worked at Consol Energy for 12 years, where he was Assistant Mine Superintendent, Manager Engineering Services, Manager of Information Systems & Technology and Manager, Business Process Improvement. From 1999 to 2002, he led the implementation of SAP, an enterprise-wide computer system supporting accounting, materials management, maintenance, HR/payroll and sales.

Before coming to Consol, Dr. Brune spent 9 years with RWE-Rheinbraun, a large German electric utility, where he worked in their lignite surface mining operations management, in slope stability engineering and consulting and in mine planning and permitting management. Dr. Brune holds a mining engineering diploma from the Technical University of Clausthal in Germany and a Master of Science in Mining Engineering from the Colorado School of Mines. He holds a Doctorate in Mining Engineering from the Technical University of Clausthal. He has a wide spectrum of professional experience in the mining industry that includes underground and surface mining, reclamation, rock mechanics, slope engineering, mine ventilation and information technology. He is a registered professional engineer in Germany and Europe (EUR-ING) and a certified mine foreman in West Virginia.

He is a 25-year member of the Society for Mining, Metallurgy and Exploration, Inc. (SME), Past Chairman and a Distinguished Member of SME Pittsburgh Section and serves on several SME committees at the national and local level.

### **David C. Chirdon**

David C. Chirdon received a Bachelor of Science in Engineering of Mines in 1981 from West Virginia University, Morgantown, West Virginia.

Mr. Chirdon has worked for the Mine Safety and Health Administration (MSHA), Approval and Certification Center since 1983. He spent the first 10 years of his career performing approval evaluations of explosion-proof enclosures, underground mining machines, and longwall mining systems. He has investigated electrical equipment accidents and mine explosions, conducted field studies of electrical mining equipment, provided litigation assistance and provided technical support to federal and state agencies, equipment manufacturers, and mine operators. From 1994 through 1997 he supervised the Intrinsic Safety and Instrumentation Branch. He has been he Chief of the Electrical Safety Division at the Approval and Certification Center since 1998. He is currently working in a temporary capacity at MSHA Technical Support's National Headquarters.

Mr. Chirdon is a member of the Society of Mining Engineers (SME) and is recognized as a Certified Mine Safety Professional by the International Society of Mine Safety Professionals.

**Edward P. Clair**

Ed Clair is Associate Solicitor for Mine Safety and Health in the U.S. Department of Labor, a position he has held since 1987. Prior to that time he held positions as Deputy Associate Solicitor and Counsel for Coal Mine Standards and Legal Advice. Mr. Clair is a 1972 graduate of Georgetown University Law Center and a 1968 graduate of Rutgers University.

**William K. Doran**

William K. Doran is a Shareholder at Ogletree Deakins' Washington, D.C. office, where he practices in the areas of labor and employment, litigation, workplace safety and health. Mr. Doran represents and advises companies with respect to issues arising under Federal and State Safety and Health Statutes. Mr. Doran represents companies in accident investigations, special investigations, audits and discrimination investigations conducted by OSHA, MSHA, and state agencies. He represents companies in litigation before the Occupational Safety and Health Review Commission, the Federal Mine Safety and Health Review Commission and the federal courts. He also represents companies and trade associations on local and national issues within the purview of federal agency administrators.

Mr. Doran also advises companies on a broad range of labor and employment issues. He has represented companies in organizing campaigns and on a variety of matters arising under the National Labor Relations Act and the Railway Labor Act. Mr. Doran has conducted management seminars regarding employer obligations and employee rights under the National Labor Relations Act and other statutes. He also counsels companies regarding employment discrimination matters arising under federal and state laws, including the Americans With Disabilities Act.

Mr. Doran speaks and writes frequently on a variety of human resources topics. Most recently, he co-authored the "Inspections and Investigations" chapters of *Workplace Safety & Health*, published by Clark Boardman Callaghan. He also authored an article entitled, "Vicarious Liability of Mine Operators for Independent Contractors' Violations" for the University of Kentucky's *Journal of Natural Resources and Environmental Law*. He received a B.A. from the University of Virginia and a J.D. from Catholic University in 1988. He is admitted to practice in Virginia and the District of Columbia.

**Edward M. Green**

Edward M. Green is Counsel with the Washington, DC law firm of Crowell & Moring LLP where he specializes in regulatory and legislative matters affecting the mining and natural resources industries. Mr. Green's practice focuses on safety and health matters arising out of the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970. He is especially expert on complex occupational health issues relating to respirable dust, diesel particulate matter, silica, other airborne contaminants, occupational noise exposure, and the approval and certification of respirators and mining machinery and equipment.

Mr. Green also advises mining industry and other clients on compliance issues relating to the regulation of explosive materials by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). He also advises a variety of clients on compliance issues concerning the National Firearms Act and the Gun Control Act, and the complex regulations which implement those statutes. In addition to his regulatory and legislative practice, Mr. Green counsels non-profit organizations and trade associations. He is general outside counsel to such diverse organizations as the International Cyanide Management Institute and the U.S. Council for Landcare Initiative, Inc.

Before joining Crowell & Moring in 1993, beginning in 1970 Mr. Green was an attorney at the U.S. Department of the Interior specializing in mining issues. He drafted many of the mine safety and health regulations still in force today. From 1973 to 1975, he served as a special counsel to the Secretary of the Interior, charged with focusing on legal issues relating to the controversial bills being considered by the Congress that were ultimately enacted as the Surface Mining and Control and Reclamation Act of 1977. He received personal recognition for his efforts from President Richard Nixon. He then served as Special Assistant and Chief of Staff to the Administrator of the Mining Enforcement and Safety Administration (predecessor of MSHA), receiving a citation for meritorious service from Interior Secretary Cecil Andrews for that work.

Mr. Green left government service in 1977 to join the American Mining Congress (a predecessor organization to the National Mining Association). At AMC he served as general counsel and secretary. Among his primary responsibilities at AMC were oversight of the Association’s work on Executive Branch regulatory matters and management of AMC’s extensive litigation program.

Mr. Green has spoken and written extensively on mining topics. He is a past president of the Energy & Mineral Law Foundation, and continues as a trustee of that organization. He received both his BA degree and his JD degree from Boston University under the University’s Accelerated Combined Degree Program. Mr. Green is admitted to practice before several U.S. Courts of Appeals and in the District of Columbia.

### **Mark E. Heath**

Mark is a member of Spilman Thomas & Battle PLLC and a native of Stephensburg, Kentucky. His primary areas of practice are safety issues (OSHA and MSHA), labor and employment law, litigation, and environmental law. He served as a captain in the U.S. Judge Advocate General’s Corps, where he concentrated on labor and administrative law and military justice. Mark is an experienced speaker and presenter for energy and safety law issues. He received his B.A. from Western Kentucky University in 1983. He earned his J.D. from the University of Kentucky in 1986. Mark is a member of the West Virginia State Bar and the Kentucky State Bar. He is admitted to the West Virginia Supreme Court of Appeals, Supreme Court of Kentucky, U.S. District Courts for the Northern and Southern Districts of West Virginia and the Eastern District of Kentucky, U.S. Court of Appeals for the Fourth and Sixth Circuits, and the United States Supreme Court.

**Melanie J. Kilpatrick**

Melanie Kilpatrick is a partner in the law firm of Rajkovich, Williams, Kilpatrick & True, PLLC in Lexington, Kentucky. She practices in the areas of mineral and energy, employment law, and commercial litigation. She has authored articles and given presentations on topics of interest in the mineral and energy and employment law fields. She is experienced in arguing appellate cases before the United States Court of Appeals, the Kentucky Court of Appeals and the Federal Mine Safety and Health Review Commission. Ms. Kilpatrick has been admitted to practice before the Kentucky Supreme Court, the United States District Court for the Eastern District of Kentucky, and the United States Court of Appeals for the Fifth, Sixth and D.C. Circuits. She is a member of the Lexington Chamber of Commerce's 2005-06 class of Leadership Lexington. She is a member of the Fayette County, Kentucky, Federal and American Bar Associations. Ms. Kilpatrick has served on the Scholarship Committee of the Energy & Mineral Law Foundation.

Ms. Kilpatrick served as Articles Editor (1995-96) and Staff Member (1994-95) for the *Kentucky Law Journal*. She served as law clerk to the Honorable Eugene E. Siler, Jr. on the United States Sixth Circuit Court of Appeals from 1996-97. Ms. Kilpatrick received her B.A. degree with High Honors in 1992 from the University of Virginia and her J.D. degree (valedictorian) from the University of Kentucky in 1996.

**Jeffery H. Kravitz**

Dr. Kravitz is the Chief, Mine Emergency Operations and Special Projects for MSHA Technical Support. He is responsible for the coordination and supervision of the MSHA Mine Emergency Operations program. This includes the operation and maintenance of MSHA's Mine Emergency Operations equipment and resources. He is also the manager of MSHA's Mine Emergency Unit (MEU).

Dr. Kravitz is responsible for all MSHA respirator approvals (MSHA authorized official) as part of the Joint NIOSH/MSHA approval program, for all emergency breathing devices used in mining. He is also responsible for the MSHA portion of NIOSH/MSHA investigations of problems involving emergency respirators.

His other responsibilities include the development and implementation of the Mine Emergency Response Development (MERD) training programs for MSHA, State, Labor and mining companies. Dr. Kravitz is responsible for the development and implementation of other Special Projects, including the Mine Fire Preparedness Program and the development of permissible robots for mine rescue/recovery operations.

Dr. Kravitz holds an MBA and Ph.D. from the University of Pittsburgh and a BSEE degree from the Illinois Institute of Technology. He is a member of the board of directors for several mining related organizations including the PCMIA, National Mine Rescue Association (President), and Veterans of Mine Rescue (Past President). Dr. Kravitz is a member of the board of directors for the International Society for Respiratory Protection (ISRP). He is also a registered Professional Engineer (PE) in Pennsylvania and a Certified Mine Safety Professional (CMSP).

Dr. Kravitz has published and presented many papers involving Mine Emergency Operations Program and emergency respirators throughout the world.

**John F. Langton**

John Langton is currently the Deputy Administrator for Coal Mine Safety and Health/MSHA. He began his career with Pocahontas Fuel Co., a division of Consolidation Coal Company in southern WV as an underground laborer. Mr. Langton worked in various supervisory capacities including mine superintendent before joining the Bureau of Mines as a coal mine inspector. Has performed in a number of capacities in the Bureau, later MESA and now MSHA including field office supervisor, deputy chief of the Divisions of Safety and Health and the Coal Management Officer. He has authored or co-authored papers and publications on underground fire protection, coal mine health and safety management and inspection procedures for slurry impoundments. He has earned undergraduate degrees in Economics and Business Administration from the University of Maryland and Concord University, respectively. He earned his graduate degree in Public Administration from the University of Southern California. Married with two children, he is an avid sailor on the Chesapeake Bay, golfer and enjoys traveling. After 40 years in the mining industry, he will be retiring this January.

**Robert J. Lesnick**

Judge Robert J. Lesnick has served as the Chief Judge of the Federal Mine Safety and Health Review Commission since August 25, 2003.

Judge Lesnick was born in Uniontown, Pennsylvania, and graduated from All Saints School and Kolb Memorial High School in Masontown, Pennsylvania. He earned a B.A. in economics from St. Vincent College in Latrobe, graduating *summa cum laude* in 1974. He received his Juris Doctorate from the University of Virginia School of Law in 1977.

Judge Lesnick began private law practice as a corporate tax attorney with the firm of Smith, Gill, Fisher & Butts in Kansas City, Missouri, representing such clients as H & R Block and Universal Press Syndicate. Beginning his Federal service in 1979, he served with the Department of Labor Office of the Solicitor, in Kansas City, Denver, and Washington, DC, representing the Department on various issues including discrimination, labor, and mine safety and health matters. From 1990-94 he was a Special Trial Counsel with the Treasury Department during the Savings and Loan Crisis.

Judge Lesnick was first appointed as a United States Administrative Law Judge in 1994. Judge Lesnick served for four years as Chief Judge of the Pittsburgh Hearing Office for the Social Security Administration. From 1999 to 2003 he served with the U.S. Department of Labor's Pittsburgh, Pennsylvania hearing office.

**Mark A. Malecki**

Since 2002, Mark Malecki has been Counsel for Trial Litigation at the U.S. Department of Labor, Office of the Solicitor, Division of Mine Safety and Health since 2002. Mark Malecki started working in the Arlington Associate Regional Solicitor's office in 1982 and remained there until 1990. In 1991 and 1992 and from 1994 to 2002, he worked as a trial lawyer in that Division of Mine Safety and Health handling many important safety, health and discrimination cases as well as investigative matters. Mark Malecki graduated from Georgetown University Law Center in 1981 and received a B.A. from the University of Wisconsin Milwaukee in 1978. He is a member of the Illinois, Maryland and District of Columbia Bars.

**Richard W. Manning**

Richard W. Manning is an administrative law judge with the Federal Mine Safety & Health Review Commission in Denver, Colorado. He received his Bachelor of Arts degree in Economics from the University of North Carolina at Chapel Hill and his Juris Doctorate from the University of Maryland School of Law in Baltimore.

Judge Manning's legal career has involved mining issues since 1974. He first worked as a law clerk with an administrative law judge at the Office of Hearings and Appeals of the Department of the Interior under the Coal Mine Health and Safety Act of 1969. After a short stint at the U.S. Department of Energy, Mr. Manning became an attorney with the Climax Molybdenum Company, which at that time was a division of AMAX Inc., in Golden, Colorado. He oversaw the company's legal response to the Mine Safety and Health Act of 1977 and he litigated a number of cases before Commission administrative law judges. He subsequently became a senior attorney with AMAX at the company's headquarters in Greenwich, Connecticut, where he handled a wide range of legal issues. Mr. Manning began working for the Federal Mine Safety & Health Review Commission in 1987, first as counsel to former Commissioner Lastowka and then as Deputy General Counsel. He has served as an administrative law judge with the Commission since 1994.

Judge Manning is admitted to practice law in Maryland, Colorado, and the District of Columbia. He is an active member of the Federal Administrative Law Judges' Conference and the Forum of Administrative Law Judges. He has given presentations at numerous programs on mine safety and health issues.

**Thomas A. Mascolino**

Until June 2006, Tom Mascolino served as the Deputy Associate Solicitor in the Division of Mine Health and Safety – one of 12 national office divisions in the Labor Department's Office of the Solicitor. He has been involved in legal issues concerning mine safety and health legislation for 35 years. He became Deputy Associate Solicitor in 1989 and prior to that time served as Trial Counsel for 15 years (beginning when the program was in the Interior Department).

In 1971 he joined the Interior Department serving as Special Assistant to the Director, Office of Hearings and Appeals. He began his federal legal career as law clerk to the Honorable Edward S. Northrop of the District Court in Maryland and also as law clerk to the Honorable E. Barrett Prettyman. He is a 1968 graduate of Georgetown University Law Center (J.D.) and a 1965 graduate of the University of Steubenville (Ohio). He is married to the former Anne Bliss and has one grown son, Andrew who lives in Memphis.

Mr. Mascolino has been involved in virtually every major mine safety accident investigation since 1971, including the Sunshine Silver Mine accident in 1972 and the Wilberg Mine Fire accident in 1984 until his retirement. In addition, as Trial Litigation Counsel he supervised all significant litigation and personally was involved in virtually all major accident litigation. He served as liaison to the Congressional committees drafting what was to become the Mine Safety and Health Act of 1977 and he provided technical assistance to committees drafting the 2006 MINER Act. He has provided legal guidance regarding mine safety regulation to delegations from foreign governments including the People's Republic of China. He has also assisted

several major federal criminal prosecutions for willful violations of the Mine Act safety and health standards.

Since his retirement he has been working as a part-time federal contractor to MSHA and in that capacity has been assisting the agency in processing the large backlog of FOIA requests generated by the major accidents that occurred in 2006.

### **Michael A. McCord**

Michael A. McCord became General Counsel for the Federal Mine Safety and Health Review Commission on October 1, 2006. Prior to that time, he served as the Counsel to Commission Chairman Michael Duffy. He previously was Of Counsel in the Washington, D.C., office of Morgan, Lewis & Bockius LLP; was Assistant Chief of the Environmental Defense Section of the Environment and Natural Resources Division of the U.S. Department of Justice; and was an attorney in the Appellate Section of that Division. From 1981 to 1985, he served as Counsel for Appellate Litigation in the Mine Safety and Health Division of the Solicitor's Office, Department of Labor.

Michael received an A.B. degree in Physics from Indiana University and a J.D. degree from Harvard Law School.

### **Thomas C. Means**

Thomas C. ("Tim") Means joined Crowell & Moring LLP (Washington, D.C., Irvine, Ca., London and Brussels) in 1978 and is a partner in the firm's Natural Resources & Environmental Group. Mr. Means received an AB cum laude with High Honors in Government from Dartmouth College in 1969, where he was elected to Phi Beta Kappa. He received a Masters in Public Administration from the University of Colorado in 1975 and attended Princeton Theological Seminary on a fellowship. In 1978, he earned his law degree with Highest Honors from George Washington University, where he was a member of the Law Review and Order of the Coif, graduating third in his class.

Mr. Means practices in the area of judicial review of agency action, focusing primarily on issues involving federal regulation of the mining industry, principally under the Federal Mine Safety and Health Act of 1977 (MSHA), the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and other environmental laws. Mr. Means has extensive experience in representing mine operators, mine supervisors, and trade associations in MSHA and SMCRA matters, including MSHA special investigations seeking to impose civil and criminal liability, MSHA discrimination complaints, and MSHA and SMCRA enforcement defense litigation, as well as in litigation challenging unlawful MSHA and OSM regulations and related regulatory actions. He has often defended mine operators against citations and orders for alleged Mine Act training violations.

Mr. Means is a Trustee and Past President of the Energy & Mineral Law Foundation and serves on the Foundation's Editorial Board. Mr. Means is a member of the Bar of the District of Columbia. He is admitted to practice before most of the United States Courts of Appeals and the United States Supreme Court. Prior to joining Crowell & Moring LLP, Mr. Means was a lobbyist and governmental affairs representative for Colorado Counties, Inc., a non-profit

association of all of the county governments in Colorado, where he gained extensive knowledge in the areas of legislation, agency rulemaking, inter-governmental relations, and federalism.

**R. Henry Moore**

R. Henry (“Hank”) Moore is a Member of Jackson Kelly PLLC and is resident in the firm’s Pittsburgh, Pennsylvania office.

Mr. Moore is a member of Jackson Kelly’s wide Occupational Safety and Health Practice Group. His practice is primarily concentrated in the areas of compliance counseling, litigation of civil and criminal enforcement matters, accident investigation and discrimination claims under both state and federal statutory provisions. His career in occupational safety and health law commenced in 1978, and he has counseled clients in a variety of industries including coal mining, metal and nonmetal mining, stone, sand and gravel operations, construction, heavy industry such as steel production and foundries, airlines and other service industries.

**Dennis O’Dell**

Dennis O’Dell is Administrator of Occupational Health and Safety, United Mine Workers of America.

**Howard M. Radzely**

Howard M. Radzely was confirmed as Solicitor of the U.S. Department of Labor on December 9, 2003. Mr. Radzely had been serving as the Acting Solicitor since January 7, 2003.

The Solicitor is the principal legal officer for the Department of Labor. He is responsible for overseeing the Department’s litigation and for providing legal advice to the Secretary and other senior officials concerning all of the over 180 laws the Department administers. These laws include the Fair Labor Standards Act, the Occupational Safety and Health Act, the Federal Mine Safety and Health Act, the Employee Retirement Income Security Act, Executive Order 11246, the Uniformed Services Employment and Reemployment Rights Act, the Labor-Management Reporting and Disclosure Act, and the Energy Employees Occupational Illness Compensation Program Act.

Mr. Radzely joined the Department on June 4, 2001, as the Deputy Solicitor of Labor. He served as both the Deputy Solicitor and Acting Solicitor from June of 2001 until January of 2002. He also served as Acting Solicitor from January of 2003 until his confirmation. Prior to joining the Department, Mr. Radzely was in private practice in Washington, D.C. concentrating in labor and employment law. He graduated summa cum laude from the University of Pennsylvania’s Wharton School of Business and magna cum laude from the Harvard Law School, where he served on the *Harvard Law Review*. Prior to entering private practice, Mr. Radzely clerked for the Honorable J. Michael Luttig, United States Court of Appeals for the Fourth Circuit, and for the Honorable Antonin Scalia, Supreme Court of the United States. Mr. Radzely and his wife Lisa have two children.

**Marco M. Rajkovich, Jr.**

Marco Rajkovich is a member of the Lexington, Kentucky law firm of Rajkovich, Williams, Kilpatrick & True, PLLC and concentrates his practice in the areas of mine safety and health,

mineral and energy and administrative law. He is a Licensed Professional Engineer – Mining, a Licensed Professional Land Surveyor and Certified Underground Mine Foreman in Kentucky. Prior to his law career, he was with U.S. Steel Mining Company, Inc. serving in various positions in engineering as well as production.

Marco is a 1977 graduate of the University of Kentucky College of Engineering where he earned a Bachelor of Science degree in Civil Engineering with the Mining Option and was a member of Chi Epsilon Civil Engineering Honorary. He is a 1987 graduate of the University of Kentucky College of Law where he was a member of the *Journal of Mineral Law & Policy*.

Marco is an author and frequent speaker at various mining industry conventions, meetings and seminars and a guest lecturer at the University of Kentucky College of Engineering, College of Law and the Chase Law School of Northern Kentucky. He is a contributor to *The Coal Mining Reference Book* (1997) and co-author of *The Kentucky Environmental Law Handbook, Government Institutes* (1991, 1993). Marco is authorized by the Kentucky Board of Licensure of Professional Engineers and Land Surveyors as an instructor on ethics and minimum technical standards and has given national presentations on ethics for the National Society of Professional Engineers.

Throughout his career, Marco has been involved in representation of mining and land-holding companies in several mine explosions, disasters, major accident litigation and mineral law issues in both federal and Kentucky state courts, and administrative tribunals, some of which have gained national prominence. He has argued cases in front of the Federal Mine Safety and Health Review Commission and the Court of Appeals of Kentucky.

Marco has served as an officer and director of the Kentucky Engineering Foundation, a member of the Executive Committee and Trustee of the Energy & Mineral Law Foundation, Co-Chair of the Justice Committee of the Kentucky Appalachian Advisory Council, Chair of the Governance Committee and member of the Financial Council for the Catholic Diocese of Lexington, a lifetime appointee as Defender of the Bond for the Tribunal of the Catholic Diocese of Lexington, Kentucky, Assistant Section Director of Regnum Christi, Emeritus Member of Legatus, director of Thy Kingdom Come Network, six-time recipient of the President's Award for the Kentucky Society of Professional Engineers, Chair of the Professional Engineers in Mining Practice Group of KSPE, named in *Best Lawyers in America*, member of the Kentucky Geological Survey Advisory Board, the NRCC Business Advisory Council 2005 Honorary Chairman for Kentucky, the NRCC 2005 Business Man of the Year, a Kentucky Bar Association Lifetime Fellow, and a member of several national, state and local mining industry organizations.

### **Sterling J. Rideout, Jr.**

Sterling Rideout is Assistant Director of Program Support at the Office of Surface Mining (OSM), U. S. Department of the Interior. He is responsible for developing and implementing national policies, guidelines, and technical guidance for active and abandoned mine land reclamation in order to implement the Surface Mining Control and Reclamation Act. In addition, he oversees policy direction on State, Federal and Indian Regulatory and AML programs, Grants Administration, reclamation technology programs, bonding and the Applicator Violator Systems (AVS) and technical training program.

During Mr Rideout's career, he has previously served in a variety of environmental project, program and technical management positions that involve waste management, regulatory compliance, waste minimization and pollution prevention, environmental permitting, environmental auditing, environmental due diligence as well as marketing and economic analysis of bioenergy industry. In addition, Mr Rideout was responsible for establishing program and policy direction, program plan development, establishing guidelines and procedures, strategic planning, finance management, and IT management.

Mr. Rideout previously served as Program Officer for the Non-stockpile program for the National Academies providing program direction to senior level and technical private and policy experts for committees that generate studies for the Department of Defense Chemical Demilitarization program.

Mr. Rideout was also part of the senior management environmental team at USEC Inc., a global nuclear energy company, which developed, restructured, implemented and streamlined the environmental programs and operations as the company restructured the uranium enrichment operation from a government entity to a private-sector corporation.

In addition, Mr. Rideout has worked in a variety of management and technical positions in a variety of functions such as environmental engineering, technology evaluations, process engineering, regulatory analysis & development, waste management, system analysis, configuration management, IT management, and knowledge management

Mr. Rideout received a B.S. degree in Chemistry from Morehouse College in Atlanta, Georgia, an M.S. in Technology Management and an M.B.A from University of Maryland University College in College Park, Maryland.

### **Judith Rivlin**

Judith Rivlin is the Associate General Counsel of the United Mine Workers of America. She has served in that capacity since 1994. At the UMWA, Ms. Rivlin is responsible for the Union's legal work involving mine safety and health and occupational safety and health. In addition to health and safety law, her practice focuses on a wide range of issues arising from labor-management relations, as well as internal union affairs. Ms. Rivlin also serves as a court-appointed mediator for the Federal District Court in Washington, D.C.; she was awarded the highest AAV rating through Martindale-Hubbell.

Before joining the United Mine Workers, Ms. Rivlin served as House Counsel to the Sheet Metal Workers International Union. She previously worked as an Attorney Advisor at the National Labor Relations Board, and within the Office of the General Counsel of the Occupational Safety & Health Review Commission. Ms. Rivlin received a B.A. with Honors, from Grinnell College in Grinnell, Iowa, and her law degree from Washington University School of Law in St. Louis, Missouri. Ms. Rivlin's practice regularly involves administrative matters, as well as litigation in state and federal courts.

**W. Christian Schumann**

Mr. Schumann has been Counsel for Appellate Litigation in the Mine Safety and Health Division, Office of the Solicitor of Labor, since 1991. In that role, he supervises appellate litigation under the Federal Mine Safety and Health Act before the Federal Mine Safety and Health Review Commission and the United States Courts of Appeals. Before that, he practiced appellate litigation at the National Labor Relations Board for thirteen years and environmental law at the Justice Department for three years. He has a Juris Doctorate degree from Harvard Law School and a Bachelor of Arts degree from Harvard College.

**Mark E. Skiles**

Mark E. Skiles has been the Director of Technical Support in the U.S. Department of Labor's Mine Safety and Health Administration (MSHA) since June 1999. He has 30 years of experience in mine management with a special emphasis on safety and health. Prior to his appointment to MSHA, he held several high-level private industry positions including Safety Director for Zeigler Coal Company; Health and Safety Director at Peabody Eastern Coal Company; and General Superintendent at Cumberland Coal Company and Harris Mines.

He holds a degree in mining from Penn State and completed studies at the Wharton School of Business. He is also qualified as a coal mine inspector and completed the course for that certification at MSHA's National Mine Health and Safety Academy in Beckley, West Virginia.

He has written health and safety training manuals, produced safety training videos and has been consulted on critical safety and ventilation problems in the mining industry within the United States and overseas. He is the recipient of several awards for various safety innovations through the years, including the 1997 National Safety and Training Innovator of the Year and the Holmes Safety Association Coal Safety Leader in 1998.

While at MSHA, he was instrumental in the research and testing of high strength glass to protect dozer operators who become entrapped in a surge pile. This endeavor resulted in voluntary compliance by many large coal operators. For example, in 2002, there were three lives saved as a result of this effort. Mark authored an article about the importance of added safety features and encouraging mine operators to be proactive in preventing accidents while working in and around surge piles. The article, "MSHA's Triangle of Success Helps Save Lives" was published in *Coal People Magazine's* March issue. In July 2002, Mark was instrumental in the rescue effort at the Quecreek Mine in Pennsylvania, which resulted in nine miners coming out alive.

**Kevin G. Stricklin**

Kevin Stricklin is acting Administrator for Coal Mine Safety and Health. He is a graduate of the University of Pittsburgh with a degree in mining engineering. He has worked for MSHA for 26 and half years. He is currently the District Manager of Coal Mine Safety and Health District 3 in Morgantown, WV. Previously, Kevin was with the Administrator in both Technical Services and Enforcement in District 2 in New Stanton, PA, and the Health Supervisor in New Stanton prior to the Administrative positions and has acted in numerous headquarters positions. Kevin began his career in Technical Support's ventilation division and has been involved in many mine emergencies in his career.

**Heidi W. Strassler**

Heidi Strassler graduated with a Bachelor of Arts Degree with Honors from the University of Maryland, and received a Juris Doctor degree from Temple University School of Law. She has been admitted to practice law in West Virginia, Pennsylvania and Maryland.

Mrs. Strassler came to the U. S. Department of Labor after working with the West Virginia Legal Services Plan, Inc. as a managing attorney in the Plan's Litigation Unit where she did trial and appellate work in Huntington and Charleston, West Virginia.

She has done trial litigation and regulatory work while working for the Office of the Solicitor, Mine Safety and Health Division, Department of Labor. In addition to working on rulemaking projects for the Mine Safety and Health Administration, she was the legal advisor to an advisory committee chartered by the Secretary of Labor to provide recommendations concerning the use of diesel powered equipment in underground coal mines. She also provided legal support during the Agency's investigation of several coal mine accidents. Mrs. Strassler was the Mine Safety and Health Division Counsel for Standards and Legal Advice from 1999 to 2006, and now serves as the Deputy Associate Solicitor for the Division.

**Bruce Watzman**

Bruce Watzman is National Mining Association's vice president for safety, health and human resources where he is responsible for developing NMA's policy positions on these matters when pending both before the Congress and the respective governmental agencies.

Bruce joined the National Coal Association (NMA's predecessor) in 1980 and has held a variety of positions including Legislative Representative, Director of Leasing and Regulatory Affairs and Director of Safety and Health. He was promoted to the position of vice president in March 1989.

Bruce serves on the Executive Committee of the Mining Section of the national Safety Council, on various planning and advisory committees for the Mine Safety and Health Administration and the National Institute of Occupational Safety and Health. From 1975 to 1980, Bruce was the legislative assistant to Representative Nick Rahall (D-WV) where he served as the Congressman's principal liaison with the energy industry. Additionally, Bruce directed the activities of the Congressional Coal Group. Bruce holds undergraduate degrees in economics and psychology and a postgraduate degree in Environmental Health Management.

**Michael J. Wright**

Mike Wright is the Director of Health, Safety and Environment for the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW).

The USW represents 900,000 members in the United States, Canada, and the Caribbean. Their members include most workers in the integrated steel industry, and about half the workers in steel mini-mills. But steel workers only account for about a quarter of the union's membership. The USWA also represents workers in paper and forest products, aluminum and other non-

ferrous metals, metal and non-metal mining, the rubber industry, chemicals, the oil and other energy industries, containers, shipbuilding, electronics, the defense industries, general manufacturing, health care, and even state and local government.

Mike was trained as an industrial engineer at Cornell, and an industrial hygienist at the Harvard School of Public Health. He joined the USWA in 1977, and became department head in 1984. He has also served as the head of the union's education department, where he directed the training for participants in the joint union-management partnership programs in the steel industry. Mike is a former member of the Department of Labor's National Advisory Committee on Occupational Safety and Health, and a current member of EPA's Clean Air Act Advisory Committee and NIOSH's Mine Health Research Advisory Committee.

Mike has worked extensively on international health, safety and environment issues with the International Labour Organization (ILO) and the International Confederation of Free Trade Unions. He has taught safety and health in Zimbabwe, India, Brazil, Poland, and Russia. He was a member of an international team that investigated the Bhopal disaster. He is a member of the Program Advisory Committee of the International Program on Chemical Safety, set up under the ILO, the World Health Organization, and the United Nations Environment Program. He also served on the international coordinating group overseeing the effort to harmonize chemical classification and labeling systems throughout the world, whose work was completed in 2003.

#### **Michael G. Young**

Michael G. Young was appointed to the Mine Safety and Health Review Commission by President Bush in August of 2003. He previously served as Director of Regulatory Affairs for the Pennsylvania Coal Association; as a trial lawyer for McElwee and McElwee of North Wilkesboro, NC, and Buchanan Ingersoll, P.C. of Pittsburgh; and as an Air Force Public Affairs Officer. Commissioner Young holds a B.S. from West Virginia University and a J.D. from Wake Forest University.

#### **Michael E. Zielinski**

Administrative Law Judge Michael E. Zielinski has been with the Federal Mine Safety and Health Review Commission since August of 1999. He was appointed an ALJ in 1977 and worked for the Social Security Administration in Long Beach, California. A native of Michigan, he obtained a bachelor's degree in Mechanical Engineering from Purdue University and his J.D. from Georgetown University. Following a year's clerkship for a judge on the D.C. Court of Appeals, he joined the District of Columbia's Office of the Corporation Counsel, where he served in various capacities, primarily as a civil litigator and managed the Office's Special Litigation Division.