



Occupational Licensing Review

Board Questionnaire

Board Name ODNR - Division of Mineral Resources Management

Point of Contact Dani Vandegriff, Director of Legislative Affairs

Describe the board's primary purpose and its various goals and objectives

* There is no Board that oversees the certifications. The ODNR, Mine Safety Program trains, examines, and issues the certifications.

ODNR ensures a balance between wise use and protection of our natural resources for the benefit of all. The mission of the Division of Mineral Resources Management is to provide for the safe and environmentally sound development and restoration of mineral and fossil fuel extraction sites. Diverse and comprehensive programs address the environmental and safety aspects of the coal and mineral mining industries while maintaining high standards of regulatory effectiveness. The division also restores abandoned mine land, enforces mining safety laws, and ensures the protection of citizens, land and water resources. Its priority is to strike a balance between environmental conservation, protection of the public health and safety, and Ohio's need for reliable, affordable energy and mineral resources.

The Permitting, Hydrology and Bonding section reviews all permit applications to mine industrial minerals and coal; it verifies all bonding and surety requirements; and manages permit records, databases, and permit related information.

The Field Inspection and Enforcement program enforces the laws regulating active mining activities to ensure the protection of citizens and conservation of environmental resources; and oversees land reclamation requirements to assure operators restore mine lands and waters to productive uses.

The Abandoned Mine Land program eliminates health and safety hazards and cleans up lands and waters damaged by coal mining that occurred prior to today's stricter reclamation laws; including reclamation of underground mine openings, dangerous highwalls, dangerous mine subsidence, and cleanup of hazardous and/or polluted water impoundments, acid mine drainage, burning coal refuse, and others.

The Mine Safety program promotes safe mining practices for the protection of miners through services that include inspections at surface and underground mines, focused on accident prevention; examination and certification testing; mine rescue support; and safety training.

Describe and identify the board's past and anticipated workload, number of staff required to complete workload, and total number of staff

The Division of Mineral Resources employs around 100 staff total, which includes 2 regulatory staff who certify coal and industrial minerals blasters and 16 mine safety staff.

Describe and identify the board's past and anticipated budgets and its sources of funding

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The Mine Safety Program works from a budget of approximately \$ 2.8 million GRF and an MSHA training grant of approximately \$272,000 per year.

Identify the number of members of its governing board or other governing entity and their compensation, if any

N/A

Is the preservation of the board necessary to protect the public's health, safety, or welfare? If so, is the authority of the board narrowly tailored to protect the public's health against present, recognizable, and significant harms to the public's health safety and welfare?

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The preservation of the Mine Safety program is necessary to protect the public's health, safety and welfare, and the safety of Ohio's mining workforce. Mine Safety authority is narrowly tailored to deal with the mining industry and mine safety in Ohio.

The Mine Safety program administers the following certifications:

Blaster certificate

Mine foreperson certificate

Qualified person in lieu of a certified mine foreperson

Clay mine foreperson certificate

Mine electrician certificate

Mine foreperson of gaseous mines certificate

Mine foreperson of nongaseous mines certificate

Foreperson of surface maintenance facilities of underground or surface mines certificate

Mine foreperson of surface mines certificate

Surface mine blaster certificate

Shot firer certificate

Fire boss certificate

Mine medical responder

Of these certifications, only the mine medical responder is a state only requirement. The rest are federally required for mine operations and administered by the state.

Could the public be protected or served in an alternate or less restrictive manner?

No, the certifications are mandated by state and federal law to allow for the mining of coal and industrial minerals here in Ohio.

Does the board serve a specific private interest?

No.

Are the board's rules consistent with the legislative mandate expressed in the statutes that created and empowered the board?

Yes.

If applicable, please identify any licenses or functions of the board that could be eliminated or consolidated

There are no certificates issued for:

Qualified person in lieu of a certified mine foreperson

Shot Firer Certificate

Fire Boss Certificate

These certificates are now included in the testing and qualifications to receive in all mine foreperson certificates, and not issued separately.

Describe the extent to which the board's jurisdiction and programs overlap or duplicate those of other boards, the extent to which the board coordinates with those other boards, and the extent to which the board's programs could be consolidated with the programs of other state departments or boards.

There are no overlaps with other boards or state departments.

How many other states regulate the occupation or occupations under the board's jurisdiction? Is a license required to engage in that occupation or those occupations in other states? Are the initial licensing and license renewal requirements for the occupation or occupations substantially equivalent in every state? How does the amount of regulation exercised by the board compare to the regulation of the occupation or occupations, if any, in other states?

All other states with mining operations regulate these occupations. The regulations come from federal government standards and are administered by the individual states.

Would significant changes in the board's rules prevent an individual licensed in Ohio from practicing, or allow an individual licensed in Ohio to practice, the same occupation in another jurisdiction without obtaining an occupational license for that occupation in that other jurisdiction?

All persons acting as forepersons must be certified in the state of the mining location. Currently, Ohio has an MOU (Memorandum of Understanding) with West Virginia which allows miners to become certified through reciprocity between the two states.

All surface mine blasters must be certified or licensed in the state where blasting will be conducted. However, some states, including Ohio, offer partial reciprocity to exam applicants, accepting some or all of the training and work experience acquired in another state where they possess a valid certificate or license to conduct blasting.

Does the board recognize national uniform licensure requirements for one or more occupations under the board's jurisdiction?

Yes.

Could private contractors be used, in an effective and efficient manner, either to assist the board in the performance of its duties or to perform these duties instead of the board?

No.

Has the operation of the board inhibited economic growth, reduced efficiency, or increased the cost of government?

No.

Describe the authority of the board regarding fees, inspections, enforcement, and penalties.

Mine Safety has the authority to charge a small fee for the certifications.

The Chief of DMRM has the authority to suspend or revoke a person's certification for due cause, and the Chief's decision may be appealed to the Ohio Reclamation Commission.

Describe the extent to which the board has permitted qualified applicants to serve the public.

N/A

Describe the extent to which the board has permitted individuals to practice elements of the occupation without a license.

By federal and state regulations, individuals who do not receive a certificate are not permitted to become forepersons of mining operations.

Assess the cost-effectiveness of the board in terms of number of employees, services rendered, and administrative costs incurred, both past and present.

N/A

Has the board's operation been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices?

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Has the board recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the board, if any, and have those recommendations and other policies been adopted and implemented?

No

Has the board required any persons it regulates to report to it the impact of board rules and decisions on the public as they affect service costs and service delivery?

No

Are persons regulated by the board, if any, required to assess problems in their business operations that affect the public?

No, generally speaking, the certifications serve the mining industries.

Has the board encouraged public participation in its rule-making and decision-making?

Yes. The Mine Safety program works with industry partners and stakeholders to encourage feedback on rule-making and decision making processes. The Mine Safety program also utilizes the ODNR public website to solicit public comment on proposed new rules, rule changes and permits.

Assess the efficiency with which formal public complaints filed with the board have been processed to completion.

The DMRM Mine Safety program has a formal process relative to processing of complaints.

Has the purpose for which the board was created been fulfilled? Has it changed? Does it still exist?

The Mine Safety program still exists. The program inspects mining permits to ensure a safe working condition, and provides the training, examinations, and certifications for Ohio's workforce.

Does federal law require that the board be renewed in some form?

No. Federal law does not affect the certification authority of the DMRM Mine Safety Program.

Assess the administrative hearing process of a board if the board has an administrative hearing process, and whether or not the hearing process is consistent with due process rights.

Any action by DMRM to reject an applicant for examination and certification would be considered a decision by the Chief of DMRM and can be appealed to the Ohio Reclamation Commission per ORC 1513.05 and 1513.13.

Is the requirement for the occupational license or licenses under the board's jurisdiction consistent with the policies expressed in section 4798.02 of the Revised Code? Does the license serve a meaningful, defined public interest? Does it provide the least restrictive form of regulation that adequately protects the public interest?

Yes. Without these certifications the mining industry could not exist here in Ohio; additionally, the public is protected as a result of the individuals obtaining these certifications.

Assess the extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten public health, safety, or welfare, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession.

The public is protected as a result of the individuals obtaining these certifications. There is no meaningful criteria that would impact low income individuals or families.

Assess the extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services.

These certifications are mandated by state and federal law to ensure the protection and safety of the general public and the mining workforce.

Are changes needed in the enabling laws of the board in order for it to comply with the criteria suggested by the considerations listed in this questionnaire?

No

Additional Notes