

## Mine Health and Safety Issues Being Discussed

- 1) **Supervision of Apprentice Miners Underground – experienced miner (black hat) with two or more years experience allowed to supervise up to two apprentices**

### Relevant References:

**§22A-2-12. Instruction of employees and supervision of apprentices; annual examination of persons using approved methane-detecting devices; records of examination; maintenance of methane detectors, etc.**

(a) The Office of Miners' Health, Safety, and Training shall prescribe and establish a course of instruction in mine safety and particularly in dangers incident to employment in mines and in mining laws and rules, which course of instruction shall be successfully completed within 12 weeks after any person is first employed as a miner. It is further the duty and responsibility of the Office of Miners' Health, Safety, and Training to see that the course is given to all persons as above provided after their first being employed in any mine in this state.

In addition to other enforcement actions available to the director, upon a finding by the director of the existence of a pattern of conduct creating a hazardous condition at a mine, the director shall notify the Board of Coal Mine Health and Safety, which shall cause additional training to occur at the mine addressing such safety issue or issues identified by the director, pursuant to §22A-7-1 et seq. of this code. The Director of the Office of

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Miners' Health, Safety, and Training is authorized to promulgate emergency and legislative rules in consultation with the Board of Coal Mine Health and Safety establishing a course of instruction.

(b) It is the duty of the mine foreman or the assistant mine foreman of every coal mine in this state to see that every person employed to work in the mine is, before beginning work therein, instructed in the particular danger incident to his or her work in the mine, and furnished a copy of the mining laws and rules of the mine.

It is the duty of every mine operator who employs apprentices, as that term is used in §22A-8-3 and §22A-8-4 of this code to ensure that the apprentices are effectively supervised with regard to safety practices and to instruct apprentices in safe mining practices. Every apprentice shall work under the direction of the mine foreman or his or her assistant mine foreman and they are responsible for his or her safety. The mine foreman or assistant mine foreman may delegate the supervision of an apprentice to an experienced miner, but the foreman and his or her assistant mine foreman remain responsible for the apprentice. During the first 120 days of employment in a mine, the apprentice shall work within sight and sound of the mine foreman, assistant mine foreman, or an experienced miner, and in a location that the mine foreman, assistant mine foreman, or experienced miner can effectively respond to cries for help of the apprentice: Provided, That if the apprentice has completed an approved training program as approved by the Board of Coal Mine Health and Safety, this period may be

reduced by an amount not to exceed 30 days. The location shall be on the same side of any belt, conveyor, or mining equipment.

**§22A-2-25. Roof control programs and plans; refusal to work under unsupported roof.**

(a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revisions thereof suitable to the roof conditions and mining systems of each coal mine and approved by the director shall be adopted and set out in printed form before new operations. The safety committee of the miners of each mine where such committee exists shall be afforded the opportunity to review and submit comments and recommendations to the director and operator concerning the development, modification, or revision of such roof control plans.

The plan shall show the type of support and spacing approved by the director. Such plan shall be reviewed periodically, at least every six months by the director, taking into consideration any falls of roof or rib or inadequacy of support of roof or ribs. A copy of the plan shall be furnished to the director or his or her authorized representative and shall be available to the miners and their representatives. The MSHA-approved roof control plan shall serve as the state-approved plan: *Provided*, That the MSHA-approved plan shall comply with all provisions of state mining law as set forth in this code or code of state rules.

(b) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the coal mine, as the director may prescribe, an ample supply of suitable materials

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of proper size with which to secure the roof thereof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof bolt holes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. When overhangs or brows occur along rib lines they shall be promptly removed. All sections shall be maintained as near as possible on center. Except in the case of recovery work, supports knocked out shall be replaced promptly. Apprentice miners shall not be permitted to set temporary supports on a working section without the direct immediate supervision of a certified miner.

**§22A-8-5. Supervision of apprentices.**

Each holder of a permit of apprenticeship shall be known as an apprentice. Any miner holding a certificate of competency and qualification may have one person working with him or her, and under his or her supervision and direction, as an apprentice, for the

purpose of learning and being instructed in the duties and calling of mining. Any mine foreman or fire boss, or assistant mine foreman or fire boss, may have three persons working with him or her under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining: Provided, That a mine foreman, assistant mine foreman, or fire boss supervising apprentices in an area where no coal is being produced or which is outby the working section may have as many as five apprentices under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining or where the operator is using a production section under program for training of apprentice miners, approved by the Board of Coal Mine Health and Safety.

Every apprentice working at a surface mine shall be at all times under the supervision and control of at least one person who holds a certificate of competency and qualification.

In all cases, it is the duty of every mine operator who employs apprentices to ensure that such persons are effectively supervised and to instruct such persons in safe mining practices. Each apprentice shall wear a red hat which identifies the apprentice as such while employed at or near a mine. No person shall be employed as an apprentice for a period in excess of eight months, except that in the event of illness or injury, time extensions shall be permitted as established by the Director of the Office of Miners' Health, Safety, and Training.

**§48-7-2.4. Direct Supervision**—The term “direct supervision” means the supervision of an apprentice electrician by a certified electrician in the work area where electrical work is being performed.

**§48-7-2.5. Immediate Supervision**—The term “immediate supervision” means the physical presence of a certified electrician with the apprentice electrician.

**§48-8-2.10. Immediate Supervision**—The term “immediate supervision” means the physical presence of a certified electrician with the apprentice electrician.

**§56-3-3.56. Superintendent.** -- The term “superintendent” means the person who shall have, on behalf of the operator, immediate supervision of one (1) or more mines.

- 2) Belt examiner duties – expanding the area that a belt examiner may examine to include outby intake entries in addition to the belt entry**

**Relevant References:**

**§22A-2-39. Belt conveyor; installation; maintenance; examination of belt conveyors and belt entries.**

(a) On or after the first day of July, one thousand nine hundred seventy-one, all conveyor belts acquired for use underground shall be flame-resistant conveyor belts.

(b) A clear travelway at least twenty-four inches wide shall be provided on both sides of all belt conveyors installed after the first day of July, one thousand nine hundred seventy-one. Where roof supports are installed within twenty-four inches of a belt conveyor, a clear travelway at least twenty-four inches wide shall be provided on the side of such support farthest from the conveyor.

(c) On belt conveyors that do not transport men, stop and start controls shall be installed at intervals not to exceed one thousand feet. Such controls shall be properly installed and positioned so as to be readily accessible.

(d) Persons shall not cross moving belt conveyors, except where suitable crossing facilities are provided.

(e) All belt conveyors shall be inspected by a certified belt examiner, mine foreman-fireboss or assistant mine foreman-fireboss for frozen rollers and fire hazards following the last production shift each week, also before holidays, vacation periods, as hereinafter provided, with records kept of daily inspection.

(f)(1) Belt conveyors on which coal is transported on any shift shall be examined during each coal producing shift. Such examination shall be made of belt conveyors and belt conveyor entries for unsafe conditions including, but not limited to, mine gases, frozen rollers, hazardous roof or rib conditions and fires.

(2) Whenever an on-shift examination of a belt conveyor and belt conveyor entry has not been made during the preceding shift, an examination shall be made of the belt conveyor and belt conveyor entry prior to the conveyor being started; or if any miner is going to enter the belt conveyor entry, then the area where such miner will be working shall be examined. Such examination shall be made by a certified mine foreman-fireboss, assistant mine foreman-fireboss, or a certified belt examiner.

Thereafter, on-shift examinations by a certified belt examiner, mine foreman-fireboss or assistant mine foreman-fireboss shall be made as herein required.

(g) In the conduct of the examination, the belt examiner, mine foreman-fireboss or assistant mine foreman-fireboss shall travel the full extent of the belt conveyor or belt conveyor entry assigned and shall place his initials and the date and time of his examination at or near each belt head and along each belt conveyor he examines. Should the belt examiner, mine foreman-fireboss or assistant mine foreman-fireboss find a condition which he considers dangerous to persons entering such area, he shall erect a danger sign to prevent other persons from entering the area and notify his immediate supervisor of the condition. Only state or federal inspectors or authorized representatives of the miners, and persons authorized by mine management to correct the condition, may enter such area while the danger sign is posted. At the conclusion of each shift, belt examiners, mine foreman-firebosses or assistant mine foreman-firebosses shall record in a book provided for that purpose the results of their examination, including comments concerning the physical condition of the belt conveyor and the area where the belt conveyor is located. Such book shall be examined and countersigned by the mine foreman or his assistant and by the person conducting such examination on the next oncoming shift.

(h) The examinations set forth in this section shall be the only examinations required of belt conveyors and belt conveyor entries, notwithstanding any provision of sections fourteen, twenty or any other section of this chapter relating to the examination of belt conveyors and belt conveyor entries.

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(i) The board of miner training, education and certification shall establish criteria and standards for the training, examination and certification of "belt examiners." Persons seeking to be certified as a "belt examiner" must hold a miner's certificate and have at

least two years practical underground mining experience. Such training, examination and certification program shall, as a minimum, require a demonstration of knowledge of belt conveyors roof control, ventilation and gases.

(j) Deluge-type water sprays, water sprinklers, dry chemical sprinkler system or foam generators (designed to be automatically activated in the event of a fire or rise in the temperature at or near the belt drive) shall be installed at each main and secondary conveyor drive that are located underground.

(k) All underground belt conveyors shall be equipped with slippage and sequence switches.

(l) Telephones or other suitable communications shall be provided at points where supplies are regularly loaded or unloaded from the belt conveyors.

(m) After supplies have been transported on belt conveyors, such belts shall be examined by a belt examiner, mine foreman-fireboss or assistant mine foreman-fireboss for unsafe conditions prior to the transportation of men.

**TITLE 48, SERIES 1**  
**BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION**  
**STANDARDS FOR CERTIFICATION OF UNDERGROUND**  
**BELT EXAMINERS FOR UNDERGROUND COAL MINES**

**§48-1-1. General.**

1.1. Scope. -- This rule pertains to the certification of belt examiners for underground coal mines pursuant to W. Va. Code §22A-2-39(i).

1.2. Authority. -- W. Va. Code §§22A-6-4, 22A-6-5 and 22A-3-39(i).

1.3. Filing Date. -- July 28, 2021.

1.4. Effective Date. -- August 27, 2021.

**§48-1-2. Definitions.**

2.1. Certified Belt Examiner. -- A certified belt examiner shall mean any person who meets the criteria outlined in Section 3.1. of this rule, and is issued a belt examiner certification from the West Virginia Office of Miners' Health, Safety and Training.

2.2. Practical Underground Mining Experience. -- Practical underground mining experience means experience obtained while working as an underground miner, to include any required period of apprenticeship.

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2.3. All terms used in this rule, not defined herein, shall have the meanings set forth in W. Va. Code §22A-1-2.

**§48-1-3. Criteria for Belt Examiner's Certification.**

3.1. Prior to any person being issued a belt examiner's certification, such applicant must:

3.1.1. Possess a miner's certification (see 48 CSR 2-2.9., "Guidelines for Issuing Underground Miner's Certificate");

3.1.2. Have a total of two (2) years of practical underground mining experience; and

3.1.3. Successfully complete the certification examination prescribed in Section 4.1. of this rule.

3.2. The experience requirements set out in Section 3.1.2. are intended to ensure that such individual possesses a basic and general knowledge of the mine environment and related hazards.

**§48-1-4. Examination Components.**

4.1. Examinations for belt examiner certification shall consist of the following two parts:

4.1.1. Written.

4.1.1.a. Belt conveyor legal requirements.

4.1.1.b. Roof control practices.

4.1.1.c. Mine ventilation.

4.1.1.d. Mine gases and instruments.

4.1.1.e. Fire hazards.

4.1.1.f. Inspection and reporting procedures.

4.1.2. Practical.

4.1.2.a. Anemometer.

4.1.2.b. Approved multi-gas detector.

**§48-1-5. Application for Certification and Testing Procedures.**

5.1. Any person desiring to become certified as a belt examiner must complete an application for certification and submit the same to the West Virginia Office of Miners' Health, Safety and Training. The applicant will be notified by the nearest regional office of the time and place of the next regularly scheduled examination.

5.2. A score of eighty percent (80%) on the written part, and passage of the practical part, is required for successful passage of the exam. The practical portion of the exam and subparts thereof will be scored on a pass/fail basis.

5.3. Upon taking the examination, any person who fails to achieve a score of eighty percent (80%) on the written part, or fails the practical part, shall be required to retake the entire examination in order to receive a certificate.

5.4. The Director of the Office of Miners' Health, Safety and Training, in conjunction with the Board of Coal Mine Health and Safety, shall develop the application form and guidelines for processing applications and administering examinations.



*State of West Virginia*

Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training  
C. A. Phillips, Director  
1615 Washington Street East • Charleston, West Virginia • 25311-2126  
Telephone 304-558-1425 • Fax 304-558-1282  
[www.wvminesafety.org](http://www.wvminesafety.org)

MEMORANDUM

TO: All West Virginia Operations and Interested Parties

FROM: C. A. Phillips, Director *C.A. Phillips*

DATE: December 28, 2011

RE: Policy Clarification – Duties of Belt Examiner

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This memorandum is to clarify and address questions from an earlier memorandum dated July 13, 2011 regarding the duties of a belt examiner.

Attached to this correspondence is a map/sketch outlining the areas of responsibility as it pertains to a belt examiner. The areas of responsibility are highlighted in yellow.

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CAP:ks  
Attachment

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• Region One • 14 Commerce Dr. Ste 1 - Westover, West Virginia 26501 • Telephone 304-285-3268 • Fax 304-285-3275  
• Region Two • 891 Stewart St. - Welch, West Virginia 24801-2311 • Telephone 304-436-8421 • Fax 304-436-2100  
• Region Three • 137 Peach Court, Suite 2 - Danville, West Virginia 25053 • Telephone 304-369-7823 • Fax 304-369-7826  
• Region Four • 550 Industrial Dr. - Oak Hill, West Virginia 25901-9714 • Telephone 304-469-8100 • Fax 304-469-4059

### **3) Age 50 requirement for Initial Mine Rescue Training**

Material previously provided (see side-by-side)

### **4) Compensation of Agency Mine Rescue Team Members**

#### **§36-44-4. Agency Mine Rescue Team Members Compensation; Worker's Compensation.**

4.1. Agency mine rescue team members are to be paid a minimum of \$300 per month, with the rate thereafter to be determined annually by the Director.

4.2. When engaged in rescue work required by an explosion, fire or other emergency at a mine, all members of the agency's mine rescue teams assigned to rescue operations shall, during the period of their rescue work, be employees of the operator of the mine where the emergency exists, and shall be compensated by the operator at the rate established in the area for such work. In no case shall this rate be less than the prevailing wage rate in the industry for the most skilled class of inside mine labor and paid according to the following criteria:

4.2.1. Time and half – when on standby at hotel/home.

4.2.2. Double time – when available on the surface.

4.2.3. Triple time – when under apparatus underground.

4.3. The Director will invoice the operator and ensure proper distribution to the individual agency mine rescue team members.

4.4. During the period of their emergency employment, members of mine rescue teams shall be protected by the workers' compensation subscription of such emergency employer.

#### **Potential Solution?:**

4.2. When presenting themselves at an active or non-active mine site(s) after notification from the Director of Miners' Health, Safety and Training or an authorized representative of the director of any occurrence which might require their services at a mine. All members of mine rescue teams assigned to operations, during the period of their required work, be employees of the operator of the mine where the emergency exists, and shall be compensated by the operator at the rate established in the area for such work. In no case shall this rate be less than the prevailing wage rate in the industry for the most skilled class of inside mine labor and paid according to the following criteria:

**Need additional input from WV Department of Commerce and OMHST**