

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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2006 JUL 28 P 2:19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Office of ^{Miners Training Education + Certification} Health, Safety and Training TITLE NUMBER: 48

CITE AUTHORITY: 22A-7-8

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing the Standards for
Certification of Coal Mine Electricians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

C. A. Phillip

Authorized Signature

TITLE 48
LEGISLATIVE RULE
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION

FILED

2006 JUL 28 P 2: 20

SERIES 7
RULES AND REGULATIONS GOVERNING THE STANDARDS
FOR CERTIFICATION OF COAL MINE ELECTRICIANS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§48-7-1. General.

1.1. Scope. -- This legislative rule establishes standards for certification of persons performing electrical work in coal mines.

1.2. Authority. -- W. Va. Code §22A-7-8.

1.3. Filing Date. -- ~~April 14, 2003.~~

1.4. Effective Date. -- ~~April 14, 2003.~~

(6) Any type of work performed inside transformers, power centers, rectifiers, switch boxes, switch houses, panels and other enclosures of electrical equipment or conductors; and

(7) Electrical troubleshooting and testing.

(b) Listed below are examples of work, which are not required to be performed by a certified electrician or apprentice electrician:

§48-7-2. Definitions.

2.1. Electrical work -- The term "electrical work" means work consisting primarily of electrical construction, installation, testing, inspection, maintenance and repair tasks on electrical coal mining equipment, apparatus, circuits, and/or distribution circuits used in or around a coal mine.

(a) Listed below are examples of work that are required to be performed by a certified electrician or apprentice electrician, under the supervision required by Section 4.1(d) of this rule:

(1) Locating faults in cables;

(2) Installation of couplers on the end of cables;

(3) Repair of electric components of electrically powered portable, mobile or stationary equipment;

(4) Installation of electric wiring (excluding mine trolley wire);

(5) Electrical maintenance of permissible equipment;

(1) Operation of electric equipment;

(2) Normal operation of control switches, switch boxes, or circuit breakers: Provided that no energized parts or conductors are exposed;

(3) Operation of cutout switches in trolley circuits;

(4) Hanging or removing fuse nips on or from trolley wires;

(5) Changing bits;

(6) Lubrication;

(7) Handling energized trailing cables;

(8) Inserting low and medium-voltage cable couplers from receptacles;

(9) Transportation of electric equipment and cables;

(10) Mechanical repairs on electrically powered equipment: Provided that

no energized parts or conductors are exposed;

(11) Installation and repair of equipment and circuits in which shock hazards do not exist (having a normal rating of 40 volts or less when energized): Provided that such equipment is not required to be permissible;

(12) Installation, repair and guarding of trolley feeder wires when deenergized;

(13) Reinsulating or taping cables when no conductors or bare wires are exposed; and,

(14) Replacing blown fuses on trolley poles and nips.

2.2. Work Area -- The term "work area" means within five-hundred (500) feet in any direction of the area in a mine where electrical work is being performed.

2.3. Certified Electrician -- The term "certified electrician" means any person who is:

(a) qualified as a mine electrician, and who has passed an examination administered by the Office of Miners' Health, Safety and Training and has satisfactorily completed a coal mine electrical training program approved by the MHST; or, any person who

(b) has at least three (3) years of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and who has passed a certification examination administered by the Office of Miners' Health, Safety and Training; or

(c) any person who is qualified as a mine electrician in any state that recognizes certified electricians licensed in West Virginia.

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.

2.5. Immediate Supervision -- The term "immediate supervision" means the physical presence of a certified electrician with the apprentice electrician.

2.6. Certified Person -- The term "certified person" when used to designate the kind of person to whom the performance of duty in connection with the operation of a mine shall be assigned, means a person who is qualified under the provisions of the law to perform such duty. (Refer to W. Va. Code §22A-1-2(d)(3)).

2.7. Qualified Person -- The term "qualified person" means a person who has completed an examination and is considered qualified on record by the Office of Miners' Health, Safety and Training. (Refer to W. Va. Code §22A-1-2(d)(6)).

2.8. Approved -- The term "approved" means in strict compliance with mining law, or in the absence of law, accepted by a recognized standardizing body or organization whose approval is generally recognized as authoritative on the subject. (Refer to W. Va. Code §22A-1-2(3)).

2.9. Apprentice Electrician -- The term "apprentice electrician" means an individual who is the holder of an apprentice electrician's card, and is in training to perform maintenance work on electrical circuits or electrically operated equipment.

2.10. Certification Examinations -- The term "certification examinations" means the examinations in specific categories within these regulations which have been approved by the Board of Miner Training, Education, and Certification, and which are administered by the Office of Miners' Health, Safety and Training.

§48-7-3. Classifications of Electrical Certification.

3.1. Classifications of Certification -- After the effective date of this rule, electrical certification shall be issued only for low,

medium and high voltage.

Apprentice electricians may become certified electricians by the methods of certification as provided in Section 4 of this rule.

§48-7-4. Qualifications.

4.1. Apprentice Electrician. A person becoming an apprentice electrician shall be issued an apprentice electrician's card by the Office of Miners' Health, Safety and Training upon verification by the employer that the person has attended an eight (8) hour classroom training course in the hazards of electricity, has been issued an experienced miner card, and is to be trained in accordance with this rule for the next twelve (12) months or an alternative electrical training program established and approved pursuant to Section 8.2.1.

(a) During the twelve (12) month training period the apprentice electrician shall complete an approved forty (40) hour classroom training program comprised of the following subjects:

- (1) State and Federal mining laws which apply to electricity;
- (2) Permissibility;
- (3) AC and DC theory;
- (4) Basic electricity;
- (5) Schematic reading;
- (6) Gas detection and fire prevention; and,
- (7) National Electric Code.

(b) Twenty percent (20%) of the twelve (12) month training shall be involved directly with electrical work.

(c) All of the apprentice electrician's training experience shall be logged and kept by the operator with the operator and apprentice both validating the experience by signatures. Records verifying an apprentice's electrical experience shall be presented prior to testing for

electrical certification.

(d) All electrical work performed by an apprentice electrician in the work area shall be examined by a certified electrician prior to any work being performed, and again prior to the circuits or equipment being energized and returned to service. Testing and/or troubleshooting electrical problems on energized electrical circuits may be performed by an apprentice electrician under the immediate supervision of a certified electrician.

4.2. Electrician (Low, medium and high voltage). A person may become certified as a low, medium, and high voltage electrician when the person has at least twelve (12) months of experience in performing electrical work as an apprentice electrician, has worked with low, medium, and high voltage, (at least twenty (20%) percent of the required electrical experience during the twelve (12) month training program shall be directly related to high voltage) and has satisfactorily passed the electrical certification examination. The low, medium and high voltage certified electrician is permitted to perform all types of electrical work at any mining operation.

4.3. If an apprentice electrician is unable to obtain the experience that is directly related to high voltage due to the lack of high voltage equipment that is available, the apprentice may at the discretion of the Director complete a high voltage training program prescribed by the Board of Miner Training Education and Certification and approved by the Director of the WV Office of Miners Health Safety and Training.

4.4. Degree in Electrical Engineering. A person who has a Bachelor's Degree or Associate Degree in electrical engineering from an accredited college or university, and has at least six (6) months of experience in performing electrical work under the supervision of a certified electrician may be permitted to become certified as an electrician when the person has satisfactorily passed the electrician certification examination.

4.5. Electrical Training Programs Already

in Effect. All persons training to become certified electricians prior to the effective date of these rules and regulations, shall be allowed to continue training and become certified as an electrician after the completion of one years experience in performing electrical work under the supervision of a certified electrician and after successful passage (at least eighty (80%) percent score) of the certification examination. Any person starting training to become a certified electrician on or after the effective date of these rules, shall comply with the applicable provisions of this rule.

4.6. Prior Certification. All valid electrical certifications issued by the Department of Mines or the Department of Energy prior to the effective date of this rule shall remain valid. Any person holding a prior certification and wishing to be certified in another category must:

- (1) document his experience;
- (2) successfully pass any other portion of the electrical certification examination not previously taken for low, medium, and high voltage as required in Section 5 this rule; and,
- (3) successfully pass the hands-on (skill) portion of the electrical certification examination.

§48-7-5. Examinations.

5.1. Electrician examination for low, medium, and high voltage. Examinations for low, medium, and high voltage electrician certification shall consist of eight (8) parts:

- (a) Direct current theory and application;
- (b) Alternating current theory and application;
- (c) Electric equipment and circuits;
- (d) Permissibility of electric equipment;
- (e) Legal requirements -- State and Federal laws;

- (f) National Electric Code;
- (g) Dangers of high voltage; and
- (h) Hands-on (skill).

In order to pass the electrical certification examination, the applicant must score at least eighty percent (80%) in parts (a) through (g), and must pass part (h). The hands-on (skill) part (h), is graded on a pass/fail basis.

An applicant who fails to pass the examination must reapply to take the examination within thirty (30) days after notification of a failing score. An applicant who fails the examination two (2) times must receive at least forty (40) hours of additional classroom training as provided in Section 4.1(a) of these rules prior to retaking the examination. An applicant who fails the examination the third time must repeat the twelve (12) month apprentice program as required in Section 4.1 of this rule.

§48-7-6. Certification Procedures.

6.1. Application for certification. Prior to taking an examination for certification an individual must submit an application to the Office of Miners' Health, Safety & Training to take the examination. The application must be submitted to the Office of Miners' Health, Safety and Training within thirty (30) days of completion of the apprentice training program.

Upon receipt of an application for examination, the Office of Miners' Health, Safety and Training shall provide for the applicant to be examined at the next available examination, which is at least fifteen days from receipt of the application, and shall inform the applicant of the time and place for examination. Within fifteen days after the completion of the examination, the Office of Miners' Health, Safety and Training shall inform the applicant of his or her score.

6.2. Certification. Upon determination that an applicant for certification has satisfactorily passed examination for certification, and has presented proper documented electrical

experience, the Office of Miners' Health, Safety and Training shall promptly issue electrical certification to the applicant.

6.3. Effect of certification. Except where otherwise provided in this rule, no person may perform electrical work:

(a) until such person has become a certified electrician to perform such work; or,

(b) unless such work is performed by an apprentice electrician under the direct supervision or immediate supervision of a certified electrician; or,

(c) unless such work is performed on circuits of forty (40) volts or less.

This provision does not prohibit a person already being trained prior to the effective date of these rules, to continue to perform electrical work under the direct supervision of a certified electrician until he has met the experience requirements.

§48-7-7. Exceptions.

7.1. Mining equipment manufacturer's service representatives are not required to be certified as mine electricians or apprentice electricians in order to perform work on equipment which is manufactured or serviced by the company they are representing. Such individuals are considered to be persons trained to perform electrical work and to maintain electrical equipment. When work is performed by manufacturer's service representatives who are not a certified electrician or an apprentice electrician, such work shall be performed under the direct supervision of a certified electrician and the completed work is to be examined by a certified electrician before the machine or equipment is placed in service.

7.2. Certification from other States. Any person holding a mine electrician certification issued by any other state may act in the capacity of electrician until the next available electrical certification examination is held by the Office of Miners' Health, Safety and Training, but for a period not to exceed a maximum of ninety (90) days.

§48-7-8. Criteria for Apprentice Electrical Training Program.

8.1. Apprentice electrician card. An apprentice electrician card shall be issued by the Office of Miners' Health, Safety and Training when applied for by the miner, with a statement from the mine operator stating that the applicant has attended an eight (8) hour classroom training course in the hazards of electricity, has been issued an experienced miner card, and will be in an approved electrical training program for the next twelve (12) months or in an alternative electrician training program established and approved pursuant to Section 8.2.1. The apprentice electrician card will be issued for twelve (12) months and may be extended for valid reasons by the Office of Miners' Health, Safety and Training.

8.2. Approved electrical training program. A minimum of forty (40) hours of classroom training is required, and shall cover the following subjects:

- (a) State and Federal laws which apply to electricity;
- (b) Permissibility;
- (c) AC and DC theory;
- (d) Basic electricity;
- (e) Schematic reading;
- (f) Gas detection.

The twelve (12) month training program shall include electrical and mechanically related work, with twenty percent (20%) of the twelve (12) months being involved directly with electrical work. The apprentice must attend at least eighty (80%) percent of all regularly scheduled days during the twelve (12) month training program.

8.2.1. Alternative electrical training programs. Alternative electrical training programs consisting of criteria and standards unanimously approved by the Board of Miner

Training, Education and Certification and the Director may be used for the training of apprentice electricians.

8.3. Failure to complete apprentice training. If for valid reasons accepted by the Director, an apprentice electrician is unable to complete the twelve (12) month apprentice training program within twelve (12) consecutive months, the Director may permit the individual a time extension to complete the required training: Provided, that the time period extension may not exceed two (2) years.

§48-7-9. Annual Training.

9.1. Electrical refresher training. In order to maintain electrical certification, an individual must complete annually an approved eight (8) hour refresher course. The course shall include but not be limited to permissibility, state and federal law, safety in job performance and training on equipment applicable to the card holders' work.

9.2. Failure to maintain electrical certification. An individual who fails to attend the required annual refresher training is required to retake the electrical certification examination and the hands-on (skill) portion of the examination. Upon scoring at least eighty percent (80%) on each subject of the initial examination, and successful passage of the hands-on portion of the examination, the individual will be issued a new electrical certification card.

This provision will not apply to an individual who was unable to take the annual electrical refresher training for valid reasons accepted by the Director. The individual must, however, complete eight (8) hours of refresher training within ninety (90) days after returning to work.



State of West Virginia
Joe Manchin III, Governor

WV Office Of Miners' Health, Safety & Training
James M. Dean, Acting Director
1615 Washington Street East • Charleston, West Virginia • 25311-2126
Telephone 304-558-1425 • Fax 304-558-1282
www.wyminesafety.org

FACTS AND CIRCUMSTANCES
TITLE 48 SERIES 7

Alternate apprentice electrician training programs have been brought before the Board of Miner Training Education and Certification for approval. Current regulations do not provide authority for the Board of Miner Training Education and Certification and the Director of the Office of Miners' Health, Safety and Training to approve such programs.

Language is being proposed to give authority to the Board of Miner Training, Education and Certification and the Director of the Office of Miners' Health, Safety and Training to approve alternate apprentice electrician training programs.

Language is added that requires an applicant for apprentice electrician to also possess an experienced miner card prior to enrolling in an alternate apprentice electrician training program.



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BRIEF SUMMARY
TITLE 48 SERIES 7

Language is added in 8.1 to give authority to the Board of Miner Training, Education and Certification and the Director of the Office of Miners' Health Safety and Training to approve alternate apprentice electrical training programs.

Language is added in 4.1 to require verification that an apprentice electrician has been issued an experienced miner card as a part of the requirements prior to enrolling in an alternate apprentice electrician training program.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 48 Series 7

Type of Rule: Legislative Interpretive Procedural

Agency: WV Office of Miners Health Safety and Training

Address: 1615 Wasington Street East
Charleston, WV 25311-2126

Phone Number: 304-558-1425 Email: James.Dean@mines.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No costs associated with the implementation of the proposed added language in Section 4.1 and 8.1

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Title 48, Series 7

Rule Title:

Title 48 Series 7

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

n/a

MEMORANDUM

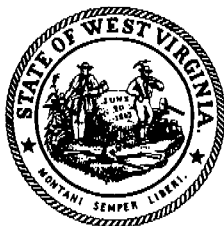
Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

It allows for the approval of alternate apprentice electrician training program only, there are no fees or costs associated.

Date: 6-19-06

Signature of Agency Head or Authorized Representative

C.A. Phillips



L. Thomas Bulla, Secretary
Department of Commerce
State Capitol
Building 6, Room 525
Charleston, WV 25305-0311

State of West Virginia
Joe Manchin III
Governor

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July 26, 2006

Mr. James Mitchell Dean
Acting Director
Office of Miners' Health, Safety
and Training
1615 Washington Street East
Charleston, West Virginia 25311-2126

Dear Mr. Dean:

Upon review of your request to file the agency approval of a proposed rule under Title 48, Series 7, which governs the standards for certification of coal mine electricians in the State of West Virginia, I find the rule satisfactory and approve your filing of this rule.

Sincerely,

A handwritten signature in black ink that reads "L. Thomas Bulla".

L. Thomas Bulla
Cabinet Secretary

TB/db

**WV OFFICE OF MHST
RESPONSE TO ORAL AND WRITTEN COMMENTS
TITLE 48 SERIES 7
RULES GOVERNING THE STANDARDS FOR CERTIFICATION
OF COAL MINE ELECTRICIANS**

**PUBLIC HEARING
JULY 20, 2006
COMFORT INN & SUITES
CHARLESTON, WEST VIRGINIA**

COMMENTS:

- **Alternative apprentice electrician training programs must be approved by unanimous consent of the training board and Director**
- **Support alternative apprentice electrician programs providing criteria and minimum standards established by training board, more hands-on, lab trouble shooting, panel boards, etc. Several persons provided a copy of a proposal they endorsed for apprentice electrician training programs when considering alternative programs "Appalachia Training Group Program"**
- **Implement a process to monitor certified electrician to assure receiving necessary exposure to electrical situations underground**
- **Apprentice electricians must be a certified miner prior to beginning an apprentice electrician program.**
- **Keep / Approve six month alternative apprentice electrician training programs**
- **Safety would be reduced if alternative apprentice electrician training programs were less than 12 months. Need to increase training; all programs should be 12 months.**

ACTION TAKEN

- **Language added in Section 8.2.1 to require alternative programs be unanimously approved by the training board and the Director**
- **Language added to Sections 4.1, that all alternative training programs established and approved in accordance with 8.2.1 which requires the criteria and standards be approved by the training board and the director.**
- **In Section 8.2.1 provides for the training board to approve the criteria and standards of alternative apprentice electrician training programs.**
- **Language provided in 4.1 that requires verification that an apprentice electrician has been issued an experienced miner card.**
- **Language in 8.2.1 gives authority to the training board and director to approve by unanimous vote to approve alternative apprentice electrician training programs.**
- **Language 8.2.1 allows training board to approve criteria and standards**

ORIGINAL

**RULES AND REGULATIONS GOVERNING THE STANDARDS FOR CERTIFICATION
OF COAL MINE ELECTRICIANS**

IN RE:

**PUBLIC HEARING
July 20, 2006**

Transcript of hearing held before C. A. Phillips, Hearing Examiner, for the West Virginia Miners' Health and Safety Training Offices on the 20th day of July, 2006, beginning at 9:08 a.m. at the Comfort Inn and Suites, 107 Alex Lane, Charleston, Kanawha County, West Virginia, before Whitney R. Evers, Court Reporter.

**Whitney R. Evers, Attending Reporter
Jviden Court Reporting
Post Office Box 306
Poca, West Virginia 25159
(304) 755-1520**

APPEARANCES:

**West Virginia Office
of Miners' Health and Safety Training:**

**C. A. Phillips, Deputy Director
1615 Washington Street, East
Charleston, West Virginia 25311-2126**

Public Attendance: (See attached)

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Reporter's Certificate, 37

1 in this morning. I must remind you that we are not here
2 today to respond to questions pertaining to the
3 regulations. However, all written and oral comments
4 pertaining to Title 48, Series 7, are welcomed and will
5 be accepted.

6 I have a list of people who have requested the
7 opportunity to speak, and when I call your name please
8 come forward to the podium or the table that we have set
9 up here with a microphone.

10 At that time I would ask you to state your name,
11 please identify your company or organization that you may
12 represent.

13 And those folks making oral comments, please provide
14 me with a written copy of your comments. Those persons
15 who only wish to submit written comments, I will call for
16 you to provide me the comments at the end of the session
17 today.

18 The first person on the list to speak today is Joe
19 Carter. Joe, if you would come forward, please.

20 **MR. CARTER:** Thank you, Mr. Phillips. Can
21 you hear me okay?

22 **MR. PHILLIPS:** Can everybody hear Joe
23 okay?

24 **THE PUBLIC:** No.

1 **MR. PHILLIPS:** No.

2 **MR. CARTER:** First, I would like to thank
3 you, Mr. Phillips, for allowing us to be here today and
4 have an opportunity to make comments about this proposed
5 rule.

6 First, I'd like to introduce myself. I'm Joe
7 Carter, I currently serve as International Vice President
8 of United Mine Workers of America, District 17. I am a
9 certified electrician for underground and surface mines
10 here in the State of West Virginia, certificate number
11 NR3858. And that certificate was issued to me in May --
12 on May the 20th, 1983.

13 Also, I have a master electrician license for
14 commercial and surface work, number M07751. Also, I am a
15 certified instructor with the Mine Safety and Health
16 Administration. And I can provide electrical retraining
17 for both surface and underground for coal miners.

18 Today, as we were discussing the proposed rules and
19 regulations governing the standards for certification of
20 coal mine electricians, you know, they're going to try to
21 decide whether to allow alternate apprentice electrical
22 training programs. You know, in my opinion as an
23 electrician I believe that we would be taking a step back
24 and reducing our safety standards here by allowing

1 alternate training programs that would reduce the
2 training from 12 months to six months or less if they
3 were approved.

4 And I truly believe that electricians, it takes a
5 lot longer than the year, than the 12 months to actually
6 train and have an electrician to become a safe and really
7 a good, productive electrician because there's a lot more
8 to being an electrician than just classroom training,
9 sitting in a classroom and learning AC and DC theory and
10 various things is one part of becoming an electrician,
11 but the actual hands-on experience of working in the
12 mines or around the mines is actually where the people
13 learn and where they encounter a lot of different
14 conditions.

15 I've always enjoyed working as an electrician myself
16 because it was always a challenge, there was something
17 different everyday. And equipment didn't break down in
18 the same place. It might be in a big mud hole or it
19 might be in a very bad situation, but when the equipment
20 does break down, the electrician is the person that
21 they're looking to, to get it fixed and get it back
22 running and into the coal.

23 I'd like to read from the proposed rule just a
24 minute if I could from page three, part 48-7-4,

1 Qualifications.

2 It says, *Apprentice electrician, a person becoming*
3 *an apprentice electrician shall be issued an apprentice*
4 *electrician card by the office of Miners' Health Safety*
5 *and Training upon verification by the employer that the*
6 *person has attended an eight hour classroom training*
7 *course in the hazards of electricity; has been issued an*
8 *experienced miner card and is to be trained in accordance*
9 *with the rule for the next twelve (12) months, or in an*
10 *approved alternate apprentice electrical training program*
11 *set forth in Section 8.1.*

12 This is the part that I would oppose and would like
13 to let my comments reflect such because it's not -- you
14 know, currently the 12 months training I believe has
15 served us very well. And currently right here in the
16 State of West Virginia this year alone we've had 19
17 fatales have occurred. And I just don't believe that we
18 should lower our standards here in the State of West
19 Virginia.

20 The federal law, if I'm not mistaken, the federal
21 registry requires 12 months training for electricians.
22 And you know, these regulations have served us very well
23 over the years in protecting apprentice electricians from
24 hazards in their profession, and allowing them to be

1 supervised by veterans of the trade, is what it's all
2 about. And 12 months is not too long for a person to
3 train for such a job and a career as an electrician,
4 either underground or surface.

5 But like I said, it is great to have the classroom
6 training, but it is vital that we have the hands-on
7 experience to prepare apprentices for their careers.

8 Electrical accidents that occur in the industry are
9 most times serious. The injuries or fatals that result
10 from electrical accidents, normally it doesn't give you a
11 second chance if you make a mistake and have -- come in
12 contact with electrical current. It doesn't take that
13 much to actually stop your heart and kill a person.

14 You know it's -- a person has to be very cautious
15 when working with electrical components and electrical
16 equipment. So, you know, there's not -- there's never
17 too much training that can take place.

18 And as I understand this new proposed rule would
19 allow for the board of Miners' Training and Education and
20 Certification to vote in a majority if there was an
21 alternate plan. And I believe that if they did agree
22 that they could do that, it needs to be done by a board
23 of -- a group of people, Board of Miners' Safety and
24 Miners' Training and Education because I don't think that

1 approving an alternate plan should rest with one person.
2 I believe that it should be a decision that would be made
3 by a group of people. Those plans would need to be
4 reviewed in their entirety and make sure that they supply
5 the necessary training for these trainee or apprentice
6 miners.

7 But you know, if I remember correctly, I went
8 through a training program, and I believe they even had
9 to extend the time frame to allow us to get enough
10 electrical training to qualify to take the test. And,
11 you know, with six months I just don't believe that it
12 would be possible to get enough electrical training in
13 that period of time as a apprentice electrician would
14 need to provide for them to meet the qualifications and
15 the criteria of the regulation.

16 And I would just like to say that we oppose one
17 individual being able to make that decision. We would --
18 I would like to make sure that at least a board of
19 several people would review any claim that would be
20 alternate to the current law.

21 I think the code now provides that such programs
22 would be a 12 month program, and I think that it should
23 remain that way.

24 And basically that's my comments. And again, I

1 would like to thank you and Miners' Health Safety and
2 Training for allowing us to be here today.

3 **HEARING EXAMINER:** Thank you, Mr. Carter.
4 The next speaker on the agenda will be Terry Hudson from
5 Peabody.

6 **MR. HUDSON:** Good Morning.

7 **HEARING EXAMINER:** Good morning, Terry.

8 **MR. HUDSON:** My name is Terry Hudson, I'm
9 Director of Safety and Training for Peabody Energy who
10 operates coal mines in West Virginia.

11 I basically support the regulations submitted for
12 alternative training provided they are structured and
13 meet a minimum standard that the training board would
14 review, accept, and approve.

15 Within that alternate program I would suggest that
16 the requirements be rigorous, and that not just study for
17 the test, but to actually involve their self in the
18 activities needed to be a good electrician. That would
19 include hands-on training, and not just studying
20 questions, answers, and et cetera.

21 I also suggest within these regulations that we
22 implement a process where these certified electricians
23 are monitored over a period and assured that they are
24 receiving the necessary exposure to electrical situations

1 underground, so when this electrician finishes his time
2 period, 12 month period or whatever, that he, in fact,
3 has been exposed and has worked around electrical
4 equipment and continues to develop as an electrician.

5 I think the program can be a combination of
6 classroom, what we call laboratory and hands-on, where
7 they actually work on panel, circuits, et cetera.

8 Once it's finished I feel like then we can certify
9 this individual, but he continues to be monitored and
10 watched until such time that he becomes at ease and can
11 apply what he's learned.

12 Other suggestions I have within these regulations is
13 that we allow this alternative proposal for a minimum
14 time period to be voted on by the training board, and
15 upon unanimous approval of that training board, that is
16 considered to be the accepted minimum so that they can
17 assure that these miners are receiving the necessary
18 training they need to be good, safe, electricians.

19 And once that minimum is met, the criteria for their
20 future as far as how long they're monitored, et cetera,
21 needs to be dictated in that plan and the training board
22 needs to be in concert with that.

23 I appreciate the opportunity to be able to speak to
24 you today. I thank you for the opportunity to make

1 comments on this regard.

2 **HEARING EXAMINER:** Thank you, Mr. Hudson.
3 The next person on the agenda, Blaine Jarrell from
4 Peabody. Blaine, if you would come forward.

5 **MR. JARRELL:** Good morning. I'd like to
6 thank you for the opportunity to be here today. There's
7 a few comments I'd like to make. My name is Blaine
8 Jarrell, I've worked for Peabody Energy for about 36
9 years now. And I'm lucky enough to be involved in the
10 training department as a manager of maintenance training
11 and that's what I've been doing for about the last 20
12 years.

13 What we would like to do, we -- I've worked as a
14 miner, I've worked as an electrician, I worked
15 underground for years, I've worked in training programs
16 for years, okay. And so I'd like to support the director
17 today and his proposal and regulation to the following;
18 an electrician; what we believe at our place is that an
19 electrician should have more than just training for the
20 test, okay? We believe that he should be brought in, all
21 right, explained to how everything works. We believe
22 that as much as we possibly can everything should be
23 hands-on; should be worked as far as, you know, him
24 actually working on panels, him working in electrical

1 systems, okay. That way he knows what happens when he
2 goes into the mines.

3 This can be a combination of classroom training; be
4 a combination of laboratory training; be a combination of
5 work underground. I believe that --

6 **THE PUBLIC:** Excuse me. Could you speak
7 up a little bit? I can't hear back here.

8 **MR. JARRELL:** Okay. Is this better?

9 **THE PUBLIC:** That's better.

10 **MR. JARRELL:** Okay. What, I believe is
11 that we can come up with an alternate training program
12 that would meet the criteria of the law and also meet the
13 criteria we're looking for to making us a qualified,
14 certified electrician, to perform the work safely, all
15 right, in the ways -- the way it was designed to be set
16 up.

17 The alternate training programs, we can actually set
18 up a minimum standard; and I think what we need to do is
19 purpose a minimum standard, all right, and make everybody
20 try -- everybody meet that standard.

21 I would like to submit a proposal today in writing,
22 on the type of minimum standards that we can use, okay,
23 for your alls approval.

24 The training board, I would like to support their

1 decision. What I'd like to do is, I believe that
2 anything you do as far as training, as far as
3 electricians, as far as approving an alternative program,
4 should be unanimous through the training board, okay.

5 And I also believe that once we get an electrician
6 underground, after a period of six -- underground working
7 after a period of six months he can take his electrical
8 test, if he's met the criteria, the minimum requirements.

9 I also believe that he can go in as a provisional
10 electrician and at the end of the 12 month period, if
11 we've actually kept up and he's done exactly what he's
12 supposed to do as far as underground work, then he can
13 actually receive a card as a certified electrician, okay.

14 And so this is what we would like to propose today.
15 But I would like to thank you for the opportunity to come
16 here and make these comments. Thank you.

17 **HEARING EXAMINER:** Thank you, Mr. Jarrell.
18 The next person on the agenda is Roger D. Horton.

19 **MR. HORTON:** Good morning. Thank you for
20 the opportunity to participate this morning. My name is
21 Roger Horton for Magnum Coal, and my comments will be
22 brief.

23 And I feel that a reduction of time spent in the
24 apprenticeship role of an electrician would only serve to

1 allow those who are trying to become an electrician be
2 placed in harm's way.

3 Electricians in the coal industry perform not only
4 electrical work, but some mechanical work. They make
5 decisions that can affect the health and safety of
6 others.

7 Therefore, I feel the standard proposed is
8 ill-conceived and serves only to -- excuse me -- and
9 serves only to place our people in harm's way again,
10 lessening the protection of the miners.

11 If anything is done to change any reg. pertaining to
12 the way that we train that it is less than what we
13 currently have, I oppose it.

14 Yes, we do have a shortage of qualified electricians
15 as well as miners, but to change these regs to meet these
16 numbers is not a wise decision, and I thank you.

17 **HEARING EXAMINER:** Thank you, Mr. Horton.
18 The next person on the agenda is Carl Egnor.

19 **MR. EGNOR:** Good morning.

20 **HEARING EXAMINER:** Good morning, Carl.

21 **MR. EGNOR:** My name is Carl Egnor, I am
22 with the UMWA, I'm President of Local 1503, I also serve
23 on the Board of Coal Miners' Health and Safety for the
24 State of West Virginia.

1 I believe that the regulations submitted are
2 acceptable with the following requests: alternate program
3 meet the minimum standards --

4 **HEARING EXAMINER:** Excuse me. Carl, come
5 a little closer to the mic. The guys in the back said
6 they couldn't hear you.

7 **MR. EGNOR:** -- to be allowed to last for a
8 total of 12 months. An alternate program must be
9 unanimously approved by the training board. That's very
10 important; to be unanimously approved by the training
11 board.

12 At this time I would like to thank you again, and
13 submit a copy of this suggested training program.

14 **HEARING EXAMINER:** Thank you Mr. Egnor.
15 The next person is Gary Trout.

16 **MR. TROUT:** My name is Gary Trout, I'm
17 from Local Union 1335 from United Mine Workers of
18 America. I'd like to first take this opportunity to
19 thank the Miners' Health Safety and Training and you, Mr.
20 Phillips, for allowing us to make comments on this
21 proposed rule.

22 You know, we feel very strongly that all programs
23 should be at least 12 months. I think that there is a
24 need out there for electricians as some of the other

1 gentlemen have stated.

2 I think that under the code and the standard that we
3 need to increase training. If you look back at the past
4 fatalities that we've had, we've had one in each year in
5 2005, '04, '03 and '02. You know, I think that clearly
6 shows that we need a better program with more classroom
7 training; more laboratory training; more hands-on
8 training for these people.

9 Again, as we take a look at the proposed rule, I
10 think as Mr. Egnor stated and some of the other
11 gentlemen, that we need to take this proposed rule and
12 any changes that's made toward any certifications or
13 anything must be approved by the training board and that
14 should be by a unanimous vote.

15 And I sure do appreciate the proposed rule in that
16 manner. It should be changed to include that. As we
17 look at the proposed rule there's two or three different
18 changes in there. If we could do that and strike out
19 some of the verbiage which allows for a lesser program I
20 think we would be a lot better off.

21 I too, as Mr. Egnor has talked about, would like to
22 submit not only view on rule -- oral comments about this,
23 but also submit a minimum criteria that we should
24 consider when we're adopting this rule.

1 Also, as we move forward with this rule, I am a
2 member of the training board, and we have an opinion, the
3 board, got an opinion from the Attorney General's office,
4 which very clearly states that we should have a 12 months
5 program.

6 Any new program that comes before the board, again,
7 I think it should be 12 months, and I would like to
8 submit the criteria for Mr. Dean and the agency to look
9 at as a minimum criteria for a program.

10 And with that, I will submit these three documents
11 as exhibits. And I appreciate the opportunity to be able
12 to speak today.

13 **HEARING EXAMINER:** Thank you, Mr. Trout.
14 As I review the list of folks who had wished to speak
15 today, I've noticed that more individuals have showed up.

16 At this time I would like to ask the group if there
17 is any individuals who would wish to come forward and
18 speak on the issue. Mr. Hamilton.

19 **MR. HAMILTON:** Good morning. My name is
20 Chris Hamilton, West Virginia Coal Association. I also
21 appear here today as a member of the Board of Miner
22 Training Education and Certification. Prior to that some
23 time ago, I also served as an official with the
24 Department of Mines and had responsibility for overseeing

1 statewide implementation of the mine training
2 certification programs.

3 I've also been involved over the past 20 years in
4 all of the regulatory and legislative changes made to
5 this program. And like many of the preceding speakers I
6 have to also question the desirability or necessity of
7 the rule change before us, but perhaps for a different
8 reason.

9 I think it's abundantly clear that the department,
10 in conjunction with the training board, have both the
11 statutory and regulatory powers to approve alternative
12 programs today. In fact, the board, in conjunction with
13 the department, has approved and has exercised that
14 authority dating back to 1999. There are currently six
15 programs that the board, by unanimous vote, has approved.
16 And the board is comprised of both UMW and coal operating
17 personnel; and without exception, the board, as a board,
18 has voted to approve these alternative programs.

19 Many of the motions made, many of the seconds to the
20 motions to approve the alternative programs were made by
21 UMW members serving on the board. I should point out
22 that the board, as a board, has taken its responsibility,
23 it's empowerment to approve alternative programs very
24 seriously. It is very methodically approved, has

1 reviewed each and every program that's been submitted,
2 and incidently the board has rejected programs that it
3 felt did not meet the necessary objectives; did not
4 provide the necessary qualifications and skill sets to
5 apprentice electricians that it had previously
6 established.

7 The board has rejected programs. The board has
8 found other programs submitted to be at least equal to or
9 superior to the traditional 40 hour mine electrical
10 certification program and the 12 month time that the law
11 allows that program to be taken.

12 Many of the programs that the board has approved
13 since 1999 provide for in excess of 300 hours of training
14 combined with hands-on experience. The board has found
15 that many of the simulations; the panels; the hands-on
16 incubators, if you will, provide for a superior level of
17 knowledge; provides for a superior level of experience
18 than some of the traditional methods for mine apprentice
19 electricians.

20 It should also be said that there has been a
21 subsequent legal memorandum, which I'd like to reference
22 here today and make part of the record, that
23 substantiates the board's current authority in
24 conjunction with the Office of Miners' Health Safety and

1 Training to approve alternative programs that are at
2 least equal to or superior than the 12 month traditional
3 program. The board, through regular contact and
4 communications with the principle individuals; the chief
5 electricians within the Office of Miners' Health Safety
6 and Training has ensured the administration, the
7 effective administration of these programs. The board
8 has acknowledged the superior qualification of the
9 instructors involved with these programs that are
10 approved.

11 So I would also question the desirability or
12 necessity of this rule, given the fact that the board
13 currently has, as a board in conjunction with the State
14 Office of Miners' Health Safety and Training, the ability
15 to approve alternative programs.

16 I would also enter into, by reference, into the
17 record here today, those programs in their entirety that
18 have been approved by the board and Office of Miners'
19 Health Safety and Training. I think it's important to
20 incorporate those programs into the record, so that
21 anyone at any future time could examine the quality;
22 depth, and comprehensive nature of those programs that
23 the board has previously approved.

24 I would observe that the other provision that is

1 contained within the proposed rule, I think is necessary,
2 and that is a provision to ensure that any approved --
3 that any subsequent mine electrician at least has a
4 mine -- miner certification card. I think that's the
5 second addition for amendment that's being proposed here
6 today.

7 In fact, we were surprised to learn that you could
8 become a certified electrician and not even have an
9 experienced miners card. So we think that's an important
10 addition to the rule.

11 So with that, I'll conclude my comments and look
12 forward to reviewing the entire record here at some
13 subsequent time. Thank you.

14 **HEARING EXAMINER:** Thank you very much,
15 Mr. Hamilton. Anyone else who would like to speak, come
16 forward, please.

17 **MR. WEBBER:** Good morning. My name is
18 Stephen Webber. I'm a retired coal miner with over 40
19 years of experience in the mining industry. The majority
20 of that time has been working in the area of ensuring
21 miners' health and safety.

22 Since 1971 I've held an electrical certification
23 that was valid up until approximately four years before I
24 retired in 2003. My card number was 105. I'm also a

1 current sitting member of the Board of Miner Training
2 Certification and Education. I've been a member of the
3 United Mine Workers all of my working career in the mines
4 with the exception of approximately 12 years which my
5 membership was suspended while I worked for the Federal
6 Mine Health and Safety Administration and as the Director
7 of the Office of Miners' Health Safety and Training.
8 Upon my retirement my membership has been reinstated and
9 I'm a proud member, again, of the United Mine Workers of
10 America.

11 I would first like to comment regarding the
12 interpretation that was submitted to the board from a
13 member of the attorney -- State Attorney General's
14 Office. As stated by Mr. Hamilton, there have been
15 approximately six programs that have been approved by the
16 board as alternate programs. One since I have been a
17 sitting member of the board.

18 Those programs provide for hands-on training in a
19 lab setting, as well as hands-on training underground,
20 and as well as classroom training. What they were
21 lacking was a time of 12 months for a certification;
22 electrical certification.

23 The attorney from the Attorney General's Office,
24 when questioned as to the legality of providing those

1 alternative programs that did not provide for that 12
2 month period, said to the board that that was not legal.

3 Now, what do you do when you're told that you're
4 violating the law? You correct the conditions that are
5 in violation of the law. And that's what the board did.
6 The proposed rule proposes that we adjust the Title
7 48-7-8; Section 8.1, to allow the continuation of the
8 activity that was found to be in violation of the law by
9 the attorney from the Attorney General's Office.

10 And I've been told, although I haven't seen it,
11 there is a subsequent interpretation from an attorney who
12 is not an attorney for the State Attorney General's
13 Office, and I'm not personally sure or aware if he's even
14 an employee of the State, although I do believe he's done
15 some work for the Governor and the Governor's Office.

16 But be that as it may, you can go out and get out
17 different interpretations for different views, and that's
18 what I think we apparently have. But we do have, in
19 which the board has acted upon, an interpretation from
20 the State Attorney General's Office.

21 I think it behooves the board to provide programs
22 that mirror as closely as we can the regulations in
23 compliance with the law and provide the ingredients or
24 the components that will provide the state with the best

1 qualified certified electricians, mine electricians,
2 after they've completed the program.

3 I do support, endorse, lab type training; hands-on
4 wiring of panel boards in a lab atmosphere; trouble
5 shooting panel boards and electrical components to
6 systems in a lab atmosphere as well as hands-on training,
7 actually working as an electrician or an apprentice in
8 the underground atmosphere.

9 I support the comments that have been submitted as
10 minimum standard suggestions, or suggestions for minimum
11 standards as alternative programs to meet the
12 requirements of 48-7-8, Section 8.1.

13 Section 8.1 clearly states an apprentice electrician
14 card shall be issued by the Office of Miners' Health
15 Safety and Training when applied for by the miner with a
16 statement from the mine operator saying that, yeah, that
17 the applicant will be in an approved electrical program
18 for the next 12 months.

19 I believe the alternative program that has been
20 submitted by Peabody representatives; Terry Hudson, and
21 Blaine Jarrell; and UMWA representatives, Gary Trout and
22 Paul Egnor, meets the requirements of 8.1. and can far
23 exceed the alternative programs that have already been
24 approved.

1 Now, I would point out for the record because I
2 haven't heard it mentioned and for the audience today,
3 when the board received the interpretation from the
4 Attorney General's Office, the board voted unanimously to
5 suspend all the alternative programs that were in
6 existence at that time. And that was done. The State
7 sent out the letter and has done that.

8 And at this point there are no alternative programs.
9 The minimum standards that have been submitted by Peabody
10 and the UMWA I think will provide an opportunity to have
11 a program that will be an alternative program but still
12 comply with the law.

13 But far above that and beyond that, I think it will
14 provide a program that will provide for better
15 electricians in the State of West Virginia; better
16 certification and training for that certification.

17 I would just, again, like to say that I support and
18 endorse those comments and as submitted by Peabody and
19 the UMWA and the written alternative minimum standards
20 that has been submitted to this hearing. And I urge that
21 the Office of Miners' Health Safety and Training will
22 adjust this proposed rule to include those minimum
23 standards to guide the training board when we review any
24 alternative program.

1 And again, I'd just like to say that I thank the
2 Office of Miners' Health Safety and Training for the
3 opportunity to present these comments. Thank you.

4 **HEARING EXAMINER:** Thank you very much,
5 Mr. Webber. Anyone else that would like to speak? Yes,
6 sir, come forward please and state your name.

7 **MR. WORSH:** My name is Carl Worsh, I'm a
8 member for the United Mine Worker's of America. I work
9 for Consol Energy at Robinson Run Mine in Harrison
10 County. I've been a certified electrician since 1976.
11 At the time I became an electrician all of our face
12 equipment was 300 volt VC, 480 volt AC, 575 AC, that's as
13 high voltage we had.

14 At the present time we have long walls are running
15 on 4160 AC. All of our miners are 1000 volts 995.

16 And to reduce the standards from six months -- down
17 to six months is not something I think would be
18 acceptable. We need more training, and we need more
19 training actually than is required right now. And I've
20 heard Mr. Webber and the gentlemen from Peabody talk
21 about alternate programs which would require more
22 training in the lab. And from what I've seen from the
23 electricians that we have in our mine, that is exactly
24 what we need, is more training mandated by the law which

1 requires lab trouble shooting and work on panel boards.

2 As a day to day electrician most of the work is
3 fixing cables and things like that, and you don't really,
4 even in a 12 month program where you're logging time, as
5 in the current program, you don't really get the hands-on
6 experience that you need in trouble shooting to make a
7 good electrician.

8 We've received -- we've got a lot of electricians
9 come from smaller mines, who were certified in smaller
10 mines. And compared to the electricians that we get that
11 goes through the 12 month Consol program where they go to
12 school for two days a week and they receive a large
13 number of hands-on, trouble shooting, and lab work and
14 compared to these young boys that are coming out of these
15 small mines that I know from talking to them and from
16 working with them, that all they did was log time and
17 study for the test.

18 And I would agree with most of -- or all of the
19 speakers I've heard this morning, with the one exception,
20 that we need to mandate changes in the law that requires
21 the same type of programs that Mr. Webber talked about
22 that have already been approved that require hands-on
23 laboratory work and more experience in trouble shooting.

24 And the only other thing is that if these are to be

1 approved by the board, I also agree that they should be
2 approved unanimously by the board. Thank you.

3 **HEARING EXAMINER:** Thank you very much,
4 Mr. Worsh. Any other speakers? Yes, sir, come forward
5 please.

6 **MR. TINCHER:** My name is Gary Tincher, I'm
7 President of Tincher Safety, Incorporated. I believe
8 that I am the first one to present a six month alternate
9 program to the board some six, seven years ago; the first
10 one that was approved. It took a long time, a lot of
11 work, thought, to go into it. This program was approved
12 not only by the State of West Virginia, but also by the
13 federal government and it has been going on since then.

14 The board first turned it down and then we worked on
15 it, and we tweaked it. Before I go any farther, I'm
16 going to explain to you why that this class came about.

17 I was a foreman underground for 20 odd years. I
18 bossed on the section, everything from mine foreman,
19 superintendent, to a section boss. There was a need in
20 the industry for good, qualified electricians. We had a
21 lot of them, but we had a need for it. And I felt that
22 the 40 hours of training that these men received was not
23 enough. When I first started out it was something like
24 1100 hours I had put together. And we tweaked it down to

1 300 and some hours because no one wanted to touch it.

2 I would ask that anybody that wants to come to my
3 training facility and monitor any class that we have and
4 see the training that goes on, the hands-on training for
5 high voltage cables, splices, low voltage, whatever, the
6 panels, the trouble shooting, cable trouble shooting
7 that's done there.

8 And I think if you look at the record of the people
9 that have come out of these alternative, not only mine by
10 others, out of these six alternative programs, you will
11 see they're not electricians when they come out, but they
12 have the basis to become an excellent electrician.

13 We do not just do -- teach the test. They get
14 hands-on; they get experience; high voltage experience;
15 electrical; low voltage; medium; theory, yes. We try our
16 best to cover everything that they need to know.

17 Now, that's the hands-on portion, that's the book
18 portion. But also each mine has to come up with their
19 half, and they do. We feel that has already been
20 approved. It was approved six months -- six years ago.
21 And if you look at the safety record behind it, you will
22 see that it's working. We are receiving good, qualified
23 electricians. Thank you.

24 **HEARING EXAMINER:** Thank you, very much,

1 Mr. Tinch. Anyone else like to speak? Yes, sir, come
2 forward, please.

3 **MR. HILL:** My name is Doug Hill, I'm a
4 member of Local 1713, UMWA, I'm also a certified
5 electrician. I've been a certified electrician since
6 1990.

7 When we went and actually took the school, we had
8 more training than what the state required. For that
9 reason, the training that we received, it was not
10 training just to pass a test, it was training -- your
11 actual hands-on training. And you ended up with better
12 electricians.

13 For that reason, the alternative apprentice
14 electrician program that is being submitted by the UMWA
15 is the way to go. That is what you want. You want more
16 training out there for the state so that you can have
17 safer electricians working in this state. That's all I
18 have to say.

19 **HEARING EXAMINER:** Thank you very much,
20 Mr. Hill. Anyone else? Anyone else wishing to speak?
21 Yes, sir, come forward.

22 **MR. O'DELL:** Good morning.

23 **HEARING EXAMINER:** Morning.

24 **MR. O'DELL:** My name is Dennis O'Dell, I

1 am currently the Administrator of Occupational Health and
2 Safety for the United Mine Workers of America. I have 19
3 years experience as an underground miner working for
4 Consolidation Coal Company; 10 years as a field rep. for
5 the United Mine Workers, and the last two years I have
6 spent as the Administrator for the United States and
7 Canada for the United Mine Workers.

8 This morning I sat and I listened to some of the
9 miners who you see in this room today and I heard
10 comments coming from them about -- and I need to remind
11 the panel, and I thank you for the opportunity to speak
12 today, but to remind the panel and everybody that's here
13 listening that there's a wealth of knowledge in this
14 room.

15 Many of the miners that are here today are
16 electricians. And I heard electricians with 30 years of
17 experience telling me this morning that they are
18 continuing to learn on a day to day basis about their
19 jobs. Every day they learn something new about how
20 electricity should be treated in the mine, or how certain
21 things should be done with different pieces of equipment
22 that they work with on a day to day basis.

23 That training never stops. That training goes on
24 continually on what they do and what it takes to perform

1 their jobs. Electricians have probably one of the most
2 dangerous occupations in the mining industry today. And
3 what they do not only materially affects them personally,
4 but it affects everybody that works in the areas around
5 them.

6 This industry is about to face a new influx of
7 inexperienced miners. It's important that these miners
8 who chose to be an electrician as part of their mining
9 careers, you give them the best training that is
10 available. Again, not only to protect their personal
11 safety, but the safety of the other miners that will be
12 exposed to the areas of the mines where their work is
13 being performed.

14 Alternative training can be a valuable way to move
15 forward to improve training programs, but we can't lose
16 sight of the fact that this alternative training has to
17 be equal to or greater than what the code currently
18 requires.

19 I believe the training board in their capacity could
20 consider and should consider at the minimum a 12 month
21 program with the required number of hours that mandates
22 classroom training; laboratory training, and hands-on
23 training. And I believe that the training board can do
24 this, but it has to be done by a unanimous consent of

1 that board and the director.

2 Yesterday I was in Buchannon, West Virginia, and I
3 sat and I listened to a preliminary report given by Mr.
4 Davin McAteer about what happened and what they think
5 went wrong at the Sago Mine. Those Sago miners may have
6 died as a result of inadequate grounding of their
7 electrical infrastructure.

8 We cannot, we must not allow this to happen again in
9 our nations' mines. So not only do we need to consider
10 the training for our underground miners, we also need to
11 do a better job at what our contractors are required to
12 do, that do electrical work on surfaces that affect our
13 miners.

14 Again, the proposed rule, if finalized, should
15 require a 12 month program designed to cover all aspects
16 of low, medium, and high voltage training with detailed
17 classroom training, laboratory training, and hands-on.
18 It should be approved by a unanimous vote of the training
19 board and director. And before anybody is even
20 considered to be enrolled in such a program, he or she
21 must have a valid experienced miner's card. Nothing less
22 than the current code, but better detailed training at a
23 pace the miners can grasp; the understanding of whatever
24 it takes to give them the knowledge to be the best and

1 the safest at their jobs.

2 This state owes this protection and training to our
3 miners. I, as well as everybody in this room, don't want
4 to pick up a newspaper and see a press release on a fatal
5 with a statement from the federal or state government
6 saying that this miner died as a result of inadequate or
7 improper training, such as what happened with the SCSR
8 issues.

9 We have a chance to move forward with this. I think
10 you need to consider the statements that you heard here
11 today and approve only the best training that is
12 available with the comments that I submitted. Thank you.

13 **HEARING EXAMINER:** Thank you very much,
14 Mr. O'Dell. Anyone else?

15 **MR. MCCOY:** My name is Danny McCoy, Safety
16 Committee Mechanical Mines. And I've worked there 32
17 years, and this law changing it to six months, I don't
18 know why you all gave -- somebody always wants us to go
19 backwards on our safety.

20 My job is 450 people to keep them safe. I walk
21 around with inspectors everyday. What I see the
22 violations on there of electrical now, we're not getting
23 enough training. And an electrician outside of the mines
24 has to go to school eight hours a day for a year and then

1 he has to work two years under another -- a professional
2 electrician before he can go out and do the work you all
3 let these people do.

4 One year, the way it is now, is not enough. Under
5 this training, I've seen them shovel belts for weeks and
6 call them training electricians. If they're not careful,
7 somebody is watching them, giving them more training, I
8 will be going back to our mines and telling our 450
9 people that we've went backwards and we're getting less
10 safety, and that's not what we need in the coal mines.
11 Thank you.

12 **HEARING EXAMINER:** Thank you very much,
13 Mr. Mccoy. Any other speakers? Any other speakers? Any
14 other speakers? *(No response)*. Not seeing any other
15 speakers; as I mentioned earlier today, if anyone has any
16 written comments that they would like to present to the
17 Office of Miners' Health Safety and Training, please
18 bring them forward. And I appreciate each and every one
19 of you showing the interest in this subject here today.
20 Thank you so much. Take care.

21 (HEARING ADJOURNED)

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REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, to-wit:

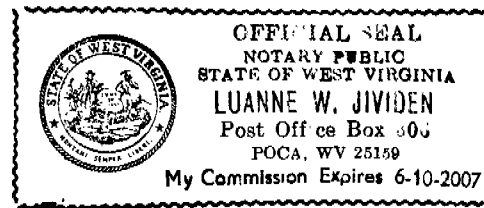
I, Luanne W. Jividen, Certified Court Reporter,
do hereby certify that the foregoing transcript is, to
the best of my skill and ability, a true and accurate
transcription of all the testimony adduced at a hearing
held in the above-styled matter on the 20th day of July,
2006, as reported by Whitney Evers, Court Reporter.

Given under my hand this 24th day of July,
2006.

Luanne Woods Jividen
Luanne W. Jividen, C.C.R.

Luanne Woods Jividen, CCR
Notary Public

My commission expires June 10, 2007.





APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentice Electrician Program

360 HOURS

1. Basic Electricity

- A. Introduction
- B. Dangers of Electricity
 - (1). Shocks and Burns
 - (2). Artificial Respiration
 - (3). Removing a person from power
- C. Lock-out and Tag-Out Procedures
- D. Electrical Fundamentals
- E. How is electricity produced – Power Generation
- F. Getting Electricity to the Mine
- G. Getting electricity into the mine
- H. Supplying power to the face area
- I. Basic Trailing Cables
- J. Basic Batteries
- K. Basic Trolley and Track Systems

2. Direct Current Systems

- A. DC Symbols
 - (1). Test and discussion
- B. Ohms Law and discussion
- C. Movie – “Basic Electrical Principals”
- D. Meters
 - (1). Discussion, Demonstration, and Hands-on Practice
 - (2). Test on Meter Principals
 - (3). Test on Meter Readings
- E. Series and Parallel Circuits
 - (1). Discussion, Demonstration, and Hands-on Practice
 - (2). Test and discussion
- F. Batteries
 - (1). Discussion, Demonstration, and Hands-on Practice
 - (2). Test and discussion
- G. Basic DC Panel
 - (1). Switches
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (b). Test and discussion
 - (2). Contactor Assembly and Disassembly
 - (a). Discussion, Demonstration, and Hands-on Practice



APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentice Electrician Program

- (3). Fuses
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (b). Test and discussion
- (4). Mercury Tubes
 - (a). Types and Operation
 - (b). Holding Circuits
 - (c). Timing Circuits
 - (d). Discussion, Demonstration, and Hands-on Practice
- (5). Master Contactors
 - (a) Discussion, Demonstration, and Hands-on Practice
- (6). Motor Starting Resistance
 - (a) Discussion, Demonstration, and Hands-on Practice
- (7). Cross the Line Contactors
 - (a) Discussion, Demonstration, and Hands-on Practice
- (8). Motor Overloads
 - (a) Discussion, Demonstration, and Hands-on Practice
- (9). Complete Schematic of Control Circuit
 - (a) Discussion, Demonstration
- (10). Complete Wiring of Control Circuit
 - (a) Discussion, Demonstration, and Hands-on Practice
- (11). Component Labeling Test
 - (a) Discussion, Demonstration
- (12). Troubleshooting Control Circuit
 - (a) Discussion, Demonstration, and Hands-on Practice
- H. DC Motors
 - (1). Types – Series, Shunt, and Compound
 - (a) Discussion, Demonstration
 - (2). Wiring
 - (3). Reversing
 - (4). Checking
 - (a) Discussion, Demonstration, and Hands-on Practice
- T. Troubleshooting Control and Motor Circuits
 - (1) Discussion, Demonstration, and Hands-on Practice
- U. DC Motor Fundamentals Test
- V. Cables
 - (1). Two Conductor
 - (2). Three Conductor
 - (3). Frame Grounding
 - (4). Discussion, Demonstration, and a Hands-on examination of different DC Cables
 - (5). Test



APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentice Electrician Program

- W. Diode Grounding Systems
 - (1). Diodes
 - (2). Types
 - (3). Testing
 - (a) Discussion, Demonstration, and Hands-on Practice
 - (4). Diode Grounding Panel
 - (a). Discussion
 - (b). Wiring
 - (c) Troubleshooting
 - (d) Discussion, Demonstration, and Hands-on Practice
- X. Tests on DC Grounding Systems
- Y. Hands-On Wiring and Troubleshooting of DC Equipment
 - (1) Basic DC Panel with 3 Contactors, Resistance, and Series, Shunt, and Compound Motor
 - (2) Basic Grounding Diode Panel
 - (3) Basic DC Panel with Two-Pole Contactors, Resistance, and Motor
 - (4) Basic DC Panel with 4 contactors, Resistance, and motor
 - (5) Basic DC WV Test Panel
 - (6) DC Bolt Machine Panel
 - (7) DC Contactor Jeep Panel
 - (8) SCR Drive Scoop Panel
 - (9) SCR Drive Coal Hauler Panel
 - (10) Transistor Drive Scoop Panel
 - (11) Transistor Drive Coal Hauler Panel

3. Alternating Current Systems

- A. AC Symbols
 - (1) Discussion, Demonstration, and Practice
 - (2) Test and discussion
- B. AC Systems
 - (1). Single Phase
 - (2). Three Phase
- C. Basic AC Panel
 - (1). Circuit Breaker
 - (2). Transformers
 - (a). Simple
 - (b). Tapped
 - (c). Combination
 - (d) Discussion, Demonstration, and Hands-on Practice
 - (e). Transformer Test



APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentices Electrician Program

- (3). Line Starters
 - (a). Tips
 - (b). Coils
 - (c). Auxiliary Relays
 - (d). Discussion, Demonstration, and Hands-on Practice
- (4). Thermal Overloads
 - (a). Discussion, Demonstration, and Hands-on Practice
- (5). AC Motors
 - (a). Types – Squirrel Cage and Wound Rotor Motors
 - (b). Wiring
 - (c). Reversing
 - (d). Testing
 - (e). Discussion, Demonstration, and Hands-on Practice
- (6). Reading Schematic Drawings
- (7). Reading Wiring Drawings
- (8). Wiring of Motor and Control Circuits
 - (a). Discussion, Demonstration, and Hands-on Practice
- (9). Troubleshooting of Motor and Control Circuits
 - (a). Discussion, Demonstration, and Hands-on Practice
- D. Silicon Controlled Rectifiers (SCRs)
 - (1). Discussion, Demonstration, and Hands-on Practice
- E. AC Fundamentals Test
- F. AC Protection Devices
 - (1). Breaker Short Circuit Adjustments
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (2). Breaker Thermal Trip Units
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (3). Receptacle and Plug Layout
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (4). Operation of Current Transformers
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (5). Operation of Ground Trip Devices
 - (a). Discussion, Demonstration, and Hands-on Practice
 - (6). Operation of Ground Check Devices
 - (a). Impedance type ground monitors
 - (b). Continuity type ground monitors
 - (c). Wireless type ground monitors\
 - (7). Hands-on wiring and Troubleshooting of Ground Monitors
 - (a). Ensign 023 Ground Monitor
 - (b). Line Power 17-0049 Ground Monitor
 - (c). PDP 3103-1 Ground Monitors
 - (d). AEEI Ground Monitors
 - (e). Femco GM1000 and GM8000 Ground Monitors



APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentice Electrician Program

- (f) SMC 54-004 Ground Monitors
- G. AC Power Simulator System
 - (1). Discussion, Demonstration, and Hands-on Practice
 - (2). Testing
- H. Troubleshooting of Complete AC Power Supply Systems
- J. Hands-On Wiring and Troubleshooting of DC Equipment
 - (1) Basic AC Training Panel – 1 Linestarter, breaker, transformer, fuses, overloads, three phase motor
 - (2) Basic AC Training Panel – 2 Linestarters, breaker, transformer, fuses, overloads, 2 three phase motors
 - (3) Two different Basic AC Panels for Prep Plant
 - (4) Basic AC WV Test Panel
 - (5) AC Bolt Machine
 - (6) Power Distribution Box
 - (7) Section Power Center
 - (8) Continuous Miner with DC Tram
 - (9) Continuous Miner with VFD Tram
 - (10) Belt Starter Panel
 - (11) Prep Plant Panel
 - (12) Pump Panel
 - (13) High Voltage Vacuum Breaker Panel

- 4. Alternating Current Certification Test**
 - (1). Discussion and Practice
 - (2). Test and discussion

- 5. Direct Current Certification Test**
 - (1). Discussion, Demonstration, and Practice
 - (2). Test and discussion

- 6. Legal Requirements**
 - A. Review of Electrical Sections of Part 75 of the Federal Register
 - (1). Discussion, Demonstration, and Practice
 - (2). Test and discussion

- 7. Permissibility**
 - A. Review of Permissibility
 - (1). Cover complete MSHA manual "Permissibility: Electric Face Equipment" (Safety Manual No. 16)
 - (2). Review Permissibility Slides
 - (3). Discussion, Demonstration, and Practice
 - (4). Test and discussion



APPALACHIA TRAINING GROUP

Minimum Standards for Alternative Apprentice Electrician Program

- 8. National Electrical Code**
 - A. Review Selected Sections of National Electrical Code
 - (1). Discussion, Demonstration, and Practice
 - (2). Test and discussion

- 9. High Voltage Systems**
 - A. Review of Electrical Sections of Part 77 of the Federal Register
 - B. High Voltage Training Panel
 - (1). Discussion, Demonstration, and Practice
 - (2). Test and discussion

- 10. Final Complete Electrical Exam**

This proposal is meant to establish a minimum alternative 12 month electrician's certification / training program.

FROM : OMHST DIRECTOR JAMES DEAN

FAX NO. : 304-558-4875

Jul. 06 2006 10:46AM P3



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

DARRELL V. MCGRAW, JR.
ATTORNEY GENERAL

(304) 558-2021
FAX (304) 558-0140

May 11, 2006

C.A. Phillips, Deputy Director
Office of Miners' Health, Safety & Training
1015 Washington Street, East
Charleston, West Virginia 25311-2126

Re: Coal Mine Apprentice Electrician Training Programs

Dear Mr. Phillips:

Please consider the instant correspondence a response to the Board of Miner Training, Education and Certification's request for an opinion regarding the length of time in which an apprentice electrician must participate in a training program before an apprentice electrician may be considered for certification as a mine electrician.

In this regard, the Board has been charged with the responsibility of establishing criteria and standards for programs of education, training and examination to be required of all miners and prospective miners prior to certification in any given miner speciality. W. Va. Code § 22A-7-5(a). Such specialties requiring certification include, among other specialties, mine electricians. *Id.*

As a result, all applicable criteria and standards relating to the certification of mine electricians and apprentice electricians must be promulgated by rule. The director of the Office of Miners' Health, Safety & Training (hereinafter "OMHST"), as chair of the Board, is empowered to promulgate "such reasonable rules as are necessary to establish a program to implement the provisions of" W. Va. Code § 22A-7-1, *et seq.* However, the Board may act officially only by a majority vote of a quorum of Board members present. W. Va. Code §§ 22A-7-6 and 22A-7-4(e).

Currently, W. Va. Code R. § 48-7-1, *et seq.*, provides for all rules and regulations governing the standards for certification of coal mine electricians. As provided by such article, "apprentice electricians may become certified electricians by the methods provided in Section 4 of this rule." W. Va. Code R. § 48-7-3.1

FROM : WVMHST DIRECTOR JAMES DEAN

FAX NO. : 304-558-4875

Jul. 06 2006 10:46AM P4

C.A. Phillips, Deputy Director
May 11, 2006
Page 2

As pertinent herein, once an apprentice electrician receives an apprentice electrician's card from the OMHST, an apprentice electrician is to be trained "for the next twelve (12) months." W. Va. Code R. § 48-7-4.1. [Italics added]. In order to receive an apprentice electrician's card from the OMHST, among other things, an apprentice electrician must submit to the OMHST a statement from the mine operator stating that the applicant will be in an approved electrical training program for the next twelve (12) months." W. Va. Code R. § 48-7-8.1. [Italics added].

Further, an approved electrical training program must include a minimum of forty (40) hours of classroom training. W. Va. Code R. § 48-7-8.2. Classroom training must cover State and Federal laws which apply to electricity; permissibility; AC and DC theory; basic electricity; schematic reading; and gas detection. *Id.* Thereafter, "the twelve (12) month training program shall include electrical and mechanically related work, with twenty percent (20%) of the twelve (12) months being involved directly with electrical work. The apprentice must attend at least eighty (80%) percent of all regularly scheduled days during the twelve (12) month training program." *Id.*

In order to become certified as an electrician, in addition to other requirements, the applicant has to have at least twelve (12) months of experience in performing as an apprentice electrician. W. Va. Code R. § 48-7-4.2. For all relevant purposes to the general opinion set forth herein, and to become certified as an electrician, there are no exceptions to the twelve (12) month experience requirement.

Moreover, there are no relevant exceptions to the requirement that an apprentice electrician must complete a twelve (12) month training program in order to be considered for certification as an electrician. Therefore, it follows that any apprentice electrician that has not successfully completed an approved twelve (12) month program cannot be considered for certification until such time the apprentice electrician completes a twelve (12) month program. Any training program that is less than twelve (12) months that an apprentice electrician may have completed, in and of itself and without more, is not sufficient to meet the requirements of W. Va. Code R. § 48-7-1, *et seq.*, for certification.

In the event the Board believes that certain training programs sufficiently provide the educational and experience components necessary to competently train apprentice electricians for certification, where such training programs are less than twelve (12) months in time, the Board will need to promulgate rules and regulations providing for such programs. Until that time, current regulations provide only for the consideration of twelve (12) month training programs.

FROM : WUMHST DIRECTOR JAMES DEAN

FAX NO. : 304-558-4875

JUL 06 2006 10:47AM P5
0004

C.A. Phillips, Deputy Director
May 11, 2006
Page 3

If I can be of further assistance, or if you have any additional questions or concerns relating to this issue, please do not hesitate to contact me.

Sincerely,



Gregory G. Skinner
Assistant Attorney General

GGS/jd

MENIS E. KETCHUM
LARRY A. BAILEY
LAWRENCE J. TWEEL
JOHN H. BICKNELL
BERT KETCHUM
MICHAEL C. WALKER

*Greene, Ketchum,
Bailey & Tweel*

Attorneys and Counsellors at Law

419 ELEVENTH STREET
PO. BOX 2399
HUNTINGTON, WEST VIRGINIA 25724
304/528-9115
FAX: 304/529-3284
1-800-478-0053

July 11, 2006

Mr. James M. Dean
Acting Director
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, WV 25311-2126

Dear Jim:

I disagree with the attached legal opinion of the Assistant Attorney General regarding your alternate electrician training program. (See attached). I am providing you my opinion and suggested course of action.

West Virginia has an alternate electrical apprentice training program to certify persons as mine electricians. This program has been approved by the W.Va. Board of Miner Training, Education and Certification and by MHST. In this program, qualified persons take an extensive study and lab course on becoming a mine electrician and work as a coal mine electrician apprentice for six months. A person can complete both parts simultaneously without serving as an apprentice electrician for 12 months as required by W.Va. Code R. 48-7-4.1 and 48-7-8.1.

The question has been raised as to whether the alternate approved program is legal because a person may be certified as a mine electrician without serving a 12-month apprenticeship. The regulations on this topic are ambiguous because they appear to provide two different methods of becoming a certified mine electrician. W.Va. Code R. 48-7-2.3 provides that a certified electrician is a person who qualifies as a mine electrician by passing an exam administered by MHST and completing a coal mine electrician training program approved by MHST. The alternate electrician program has been approved by MHST. On the other hand, W.Va. Code R. 48-7-8.1 and 4.1 provides that a person receiving an apprentice electrician card is required to receive only 40 hours of classroom training and be an apprentice electrician in an approved training program for 12 months. Under these sections an apprentice is not required to take extensive courses required in the approved alternate program but receives a longer period of apprentice training.

Page 2
July 11, 2006

Section 2.3 and 8.1 contradict each other and provide different methods of becoming certified. Because of these conflicting provisions, I feel you should not approve any new alternate electrical apprentice training program. I understand you have filed for an amendment to W.Va. Code R. 48-7-4.1 and 48-7-8.1. (See attached). However, I believe that the Doctrine of Estoppel prevents you from prohibiting persons who relied upon the Board's approval of the alternate program and participated in the program. Persons who have previously completed an approved alternate program with a 6-month apprenticeship should be allowed to take the certification examination to become a certified electrician. Previously existing approved programs shall be allowed to continue and persons completing these programs shall be allowed to take the certification examination to become a certified miner.

Very truly yours,

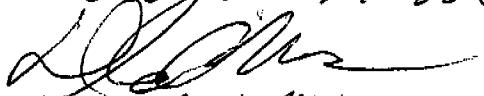


Menis E. Ketchum

MEK:ram
Enclosures

Written Comments 7-20-06 Public Hearing

AS AN ELECTRICIAN BOTH UNDERGROUND AND OUTSIDE THE MINING INDUSTRY FOR THE LAST 32 YEARS I APOSE ANY DECISION LOWERING THE STANDARDS FOR CERTIFYING ELECTRICIANS FOR ANY REASON IN THAT IT MAKES MORE DANGEROUS CONDITIONS FOR BOTH THE ELECTRICIAN AND ANYONE AROUND THE ELECTRICIAN AND HIS WORK

DOUGLAS MOSES

UMWA SAFETY COMMITTEE
AROBEE COAL CO.
YORK, W. VA.

MASSEY COAL SERVICES



July 20, 2006

James Dean, Acting Director WVOMHS&T

Dear Sir:

Please consider the attached comments for record in regard to, "Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians". If you have any questions, don't hesitate to contact me.

Sincerely,



Keith Hainer
Director of Maintenance
Massey Coal Services

Since November 2001, Elk Run Coal has qualified and certified 195 Massey Members as WV Mine Electricians. These certifications were possible do to the dedication of Massey Energy and its members. Under the 6-month program, members were instructed on all aspects of Federal, State and Company Policies. These members were offered 314 classroom / lab hours over a 6-month period. During this time the trainee attended and documented a minimum of 282.6 classroom / lab hours. This classroom training equates to approximately 23 college credit hours. In addition to the classroom / lab time, each trainee documented a minimum of 192.8 hours of hands on electrical experience which was obtained at the mine or preparation plant site. A minimum of 36 hours of this experience was on high voltage systems. The classroom / lab experience along with the hands on experience prepared these members for examination. The average score for the above group was 95%; the WV requirement to pass is only 80%. Based on OMHS&T data, from both Danville and Oak Hill, the 6-month trainees scored better at time of exam as compared to individuals in 12-month programs. Reviewing the data, as provided by Tom Harmon, WV State Electrical Inspector – Mount Hope Office, since January 2005 shows:

Danville Regional Office	12-Month Program	6-Month program
Certified Electricians	12	134
Average Score	93%	95%

Oak Hill Regional Office	12-Month Program	6-Month program
Certified Electricians	52	20
Average Score	92%	96%

This gives clear indication that not only the Elk Run Program, but also all 6-month programs yield individuals that are better prepared at time of examination. Sadly, since February 2000 there have been 6 WV Mine Electrical Fatalities. From the 6, 2 individuals were WV certified mine electricians and one had been certified through a 6-month program.

An alternate apprentice electrician training program can and is a viable solution to meet the need for qualified / certified mine electricians. As mining machines become more and more complex, our electricians must be better trained. A proper balance of classroom and hands on experience is the right combination to meet the requirements. Alternate plans, reviewed and approved by the Board of Miner Training, Education and Certification and the Director of MHS&T can provide the avenue needed.

WV Office of Miners Health Safety Training
 Public Hearing
 Title 48 Series 7
 Rules Regulations Governing the Standards for Certification of Coal Mine Electricians

July 20, 2006
 COMFORT INN AND SUITES
 105 ALEX LANE - CHARLESTON WV 25304
 9:00 A.M.

PROCEEDING CONDUCTED BY: C.A. PHILLIPS, DEPUTY DIRECTOR - WVOMHST

ATTENDEES:

Please sign on first line
 Print name under signature

	Company and Address	Are you SUBMITTING COMMENT		Written Oral	
		Yes	No	Yes	Yes
1	Joe CARTER UMWA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	C. J. Humphries STI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Dr. Ed Richmond STU.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Jay M. McClatchy Bock Spring Dec.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Frank Terry Massey Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Frank Foster Massey Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Steve Foster Actual Miner/Member Board of FECC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

WV Office of Miners Health Safety Training
Public Hearing
Title 48 Series 7

Rules Regulations Governing the Standards for Certification of Coal Mine Electricians

No.	Name	Organization	Are you SUBMITTING COMMENT		Written Oral	
			Yes	No	Yes	No
8	Charles H. Murphy	Rockspring Dev	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Roger Sparks	UMWA LOCAL 1694	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Charlie Melius	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Timothy Barnes	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Jim J. Biddy	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Douglas Moser	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	John E. [Signature]	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	David Blackhook	UMWA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WV Office of Miners Health Safety Training
 Public Hearing
 Title 48 Series 7

Rules Regulations Governing the Standards for Certification of Coal Mine Electricians

	Are you SUBMITTING COMMENT	Written Oral	
		Yes	No
16 James Ferrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17 Bill Demany	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18 Eric Spalding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 Charles Weaver	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 Phillip Martin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21 Timothy A. Cep	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22 M. L. Cochran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23 Russell Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UMWA Local 1702

111

"

local 9735

Local 9909

Local 9909

Local 1501

WV Office of Miners Health Safety Training
 Public Hearing
 Title 48 Series 7
 Rules Regulations Governing the Standards for Certification of Coal Mine Electricians

July 20, 2006
 COMFORT INN AND SUITES
 105 ALEX LANE - CHARLESTON WV 25304
 9:00 A.M.

PROCEEDING CONDUCTED BY: C.A. PHILLIPS, DEPUTY DIRECTOR - WVOMHST

ATTENDEES:

Please sign on first line
 Print name under signature

	Company and Address	Are you SUBMITTING COMMENT		Written Oral	
		Yes	No	Yes	Yes
1	<u>Richard Sandy</u> Local 1001	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	<u>Amy Bredlow</u> Local 781	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	<u>Ray Bennett</u> Local 781	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	<u>Andy Ellis</u> Local 781 LB#25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	<u>Ray J. Fish</u> Tincher Safety Cheyano, WV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	<u>Richard P. Crookshanks</u> TINCHER SAFETY CHEYANO, WV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	<u>Carl Morris</u> Local 1501 UMW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Are you SUBMITTING COMMENT	Written Oral	
		Yes	No
24 <u>Andrew Swartz</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
25 <u>Paul G. M... [unclear]</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
26 <u>Fred Hapney</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
27 <u>Keith Haim</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
28 <u>Phillip Camden</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
29 <u>Terry Hudson</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
30 <u>Blaine Jarrell</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
32 <u>Clinton Smith</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Local 1501 Safety
 RW Cable
 UMW A
 Massey Energy
 UMW A
 Feabody
 Peabody
 UMW A

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	Name	U M W A	Are you SUBMITTING COMMENT		Written Oral	
			Yes	No	Yes	Yes
33	Jennings Harrison	U M W A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	Jimmy R. Adkins	U M W A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	Roy O. White	U. M. W. A.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36	Kevin Lutzky	U M W A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	Reg Ritchie	U M W A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	Doug Hill	U M W A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39	Barbara Ward	U. M. W. A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40	CARL Agnor	U M W A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Are you SUBMITTING COMMENT	Written Oral	
		Yes	No
41 GARY TRAUT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42 Dennis O'Dell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43 William Burton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44 Stephen Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45 Terry Osborne	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
46 Robert L. Kniseley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47 Chris Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48 Bobby Crawford	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UMWA

Retired Miner
 Member of Training Bd

UMWA

UMWA

W.V. Coal Assoc.

UMWA

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	Name	Company	Are you SUBMITTING COMMENT		Written Oral	
			Yes	No	Yes	No
49	Steve Webber	UMWA - Member of Training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50	Carl Worsh	UMWA Robinson Run	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
51	Gary Tinker	Tinker Safety Co.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
52	Doug Hill	L.U. 1713	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
53	Dennis O'Dell	UMWA Admin. Health + Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
54	Danny McCoy	L.U. 1713	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55	Jim Kerr	UMWA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>