



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

December 11, 1981

The Honorable A. James Manchin  
Secretary of the State of West  
Virginia  
State Capitol Building  
Charleston, West Virginia 25305


Dear Secretary Manchin:

Enclosed please find three (3) copies of the Proposed Rules and Regulations Governign the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mine Operations in the State of West Virginia.

The Rules and Regulations are subject to Chapter 29A of the West Virginia Code.

Public Hearings upon the proposed rules and regulations will be held on January 14, 15, 1982. (Find attached notice of public hearings.)

Yours for Mine Safety,

  
Walter N. Miller, Director  
West Virginia Department of Mines

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Enclosures

OFFICE  
SECY. OF STATE

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## State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

TO: All Persons Interested in the Proposed Rules and Regulations Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mine Operations in the State of West Virginia

FROM: Walter N. Miller, Director  
West Virginia Department of Mines

SUBJECT: Proposed Rules and Regulations Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mine Operations in the State of West Virginia

DATE: December 11, 1981

A public hearing will be held upon the proposed rules and regulations on the 14th day of January, 1982, at 9:00 a.m. in the West Virginia Department of Mines Conference Room, located at 1615 Washington Street, East, Charleston, West Virginia.

A second public hearing will be held upon the proposed rules and regulations on January 15, 1982, at 9:00 a.m. in the West Virginia Room of the Bridgeport Holiday Inn, located at 100 Lodgeville Road, Bridgeport, West Virginia.

The public hearing(s) will be held to afford all interested persons an opportunity to submit data, objections, suggested amendments, views, evidence and arguments, orally or in writing, concerning the proposed rules and regulations.

Persons making comments are requested to have prepared a copy of their comments available for the Chairman.

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES \_\_\_\_\_

(1981)

SUBJECT: RULES AND REGULATIONS GOVERNING THE SUBMISSION AND APPROVAL OF A  
COMPREHENSIVE MINE SAFETY PROGRAM FOR COAL MINING OPERATIONS IN  
THE STATE OF WEST VIRGINIA

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PROPOSED  
REGULATIONS

I N D E X

SUBJECT: Rules and Regulations Governing the Submission and Approval of a  
Comprehensive Mine Safety Program for Coal Mining Operations in  
the State of West Virginia

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority  
of West Virginia Code, Chapter 22, Article 1, Section 34a.

1.02 Effective Date - These rules and regulations were promulgated on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, and became effective on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_.

1.03 State Register - These rules and regulations were published in the  
State Register in the Office of the Secretary of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 19 \_\_\_\_.

Section 2. Preamble - Comprehensive Safety Program for Coal Mining Operations  
in the State of West Virginia

2.01 Rationale - The primary goal of the Mandatory Coal Mine Safety Law  
(West Virginia Code 22-1-34a) is to provide each mine employee a work environment  
free of hazards and potential physical harm. The primary purpose of these regu-  
lations is to achieve this goal through the implementation of an effective safety  
program at each mine. This implementation is expected to result in increased  
safety awareness and to provide a safer work environment for all employees by  
focusing attention on the factors affecting employee safety.

2.02 Definitions - Unless the context in which a word or phrase appears clearly requires a different meaning, the words and phrases defined in Chapter 22, Article 1, Section 1 of the West Virginia Code shall have the meaning therein assigned to them. For the purposes of these regulations, the following additional definition shall apply:

1) Active Mining Operations

- a) An underground coal mine has commenced "active mining operations" when the mine is ventilated and miners are extracting coal from its natural deposit.
- b) A surface coal mine has commenced "active mining operations" when the activity and miners' work is for the recovery of minerals.

2) Comprehensive Mine Safety Program - West Virginia Code 22-1-34a(b)

requires each operator to be responsible to develop and submit to the Director of the Department of Mines a "comprehensive safety program for each mine." Such program includes all aspects of the mining operation where miners are exposed to conditions that could reasonably be expected to cause death or serious physical harm. The Director may require this program to establish a minimum level of the safety program components set forth in Section 3 to insure that all mines have a comprehensive safety program.

3) Miner - As defined in West Virginia Code 22-1-1(7).

4) Operator - As defined in West Virginia Code 22-1-1(8).

5) Safety Observation - A "safety observation" is any method employed to appraise strengths or weaknesses in the safety program by examining either conditions at the mine or work practices.

- 6) Surface Coal Mine - The term "surface coal mine" means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities, and is identified by one  
(1) Federal identification number.
- 7) Underground Coal Mine - As defined in West Virginia Code 22-1-1(6).

### Section 3. Primary Safety Program Components

- 3.01 A comprehensive mine safety program may include:
- 1) Safety policy for each mine
  - 2) Company policies regarding worker safety protection
  - 3) Safety training programs and objectives
    - a) Formal classroom training
    - b) Formal on-site training
    - c) Safety meetings
    - d) Informal training
  - 4) Maintaining safe working conditions and work practices
    - a) Personnel
    - b) Environment
    - c) Machinery, equipment, and systems
  - 5) Emergency provisions and procedures

- 6) Accident investigation and reporting
  - a) Investigation procedures
  - b) Filing
  - c) Analysis
  - d) Follow-up
- 7) Safety program promotion and enforcement

3.02 The design, development, submission and implementation of the comprehensive safety program shall be the responsibility of the operator.

#### Section 4. Safety Program Evaluation

4.01 The operator of each mine shall conduct an annual evaluation of the safety program (Section 5.02(3) of these regulations) based on:

- 1) Accident rate
- 2) Accident distributions
- 3) Violations written under West Virginia Code Chapter 22-1-14(a)
- 4) Distributions of violations written under West Virginia Code Chapter 22-1-14(a)

4.02 At the discretion of the mine operator, other sources of information that may be used to ascertain performance of the safety program in the annual evaluation include, but not limited to:

- 1) Mine conditions or changes in mine conditions
- 2) Mining methods or equipment or changes in mining methods or equipment at the mine
- 3) Number of workings sections at a mine or changes in the number of working sections at the mine
- 4) Personnel or management, or changes in personnel or management

- 5) Instructors responsible for safety training or changes in instructors responsible for safety training
- 6) Findings from safety observations conducted by responsible mine officials
- 7) Assessments of the effectiveness of each of the "Safety Program Components"

Section 5. Implementation of Comprehensive Safety Programs

5.01 Within six (6) months of the effective date (Section 1.02) of these regulations, each operator shall submit for approval, to the Director of the West Virginia Department of Mines, a written comprehensive safety program for each mine.

- 1) Each operator shall establish a safety committee at each mine.  
This committee shall consist of at least three (3) non-supervisory employees, unless the Director grants a variance for good cause.  
Where feasible, the committee should have representation on each working shift. The requirements for such committee may be satisfied with an existing committee for the mine. It shall be the responsibility of the operator to provide this committee with the opportunity to review the comprehensive safety program and to provide written comments and suggestions to the Director and copies to the Operator.
- 2) Each operator shall provide the Director of the West Virginia Department of Mines with the following information:
  - a) A written comprehensive safety program, explaining which of the safety components (Section 3.01 of these regulations) are to be considered part of the safety program. Any safety re-

lated practices or procedures not listed in Section 3.01 that are deemed relevant to the implementation and/or improvement of the program by the operator may also be listed. The operator shall describe how each of the components relevant to that operator's program will be addressed.

- b) A statement from the operator that a mine safety observation has been conducted. The purpose of this observation and evaluation is to help in the design and implementation of the initial comprehensive safety program. The observation and evaluation shall be limited to identification of conditions or practices at the mine which (1) constitute hazards to the safety of mines, and (2) may be corrected, reduced, abated, or controlled through components of the comprehensive safety program for that mine.
- c) Evidence that each employee of the mine has been provided the opportunity to review and to submit comments on the safety program, prior to its submission to the State. Notification of posting to the mine safety committee and posting copies of the proposed safety program for at least fifteen (15) calendar days prior to submission shall be considered minimal compliance with this requirement.
- d) Evidence of the qualifications of safety instructors who have primary responsibility for planning and conducting safety training at the mine.
- e) A plan and procedures for implementing the components of the safety program.
- f) A plan for the annual evaluation of the safety program by the operator, as described in Section 4.01 and 4.02 of these regulations.

The evaluation shall be specific to each mine and each operator's safety program.

- g) The comprehensive safety program for the mine shall be signed by the person, or persons, responsible for its implementation at the mine.
- h) All new mines are required to notify the Director when active mining operations begin and the operator shall submit a comprehensive safety program to the Director within ninety (90) days of such initiation of active mining operations.

After the effective date of these regulations, all mines which are temporarily inactive, abandoned, or indefinitely closed pursuant to West Virginia Code 22-2-64 shall resume operations under the existing comprehensive safety program for that mine. Within ninety (90) calendar days subsequent to resumption of active mining operations, if changes to the existing comprehensive safety program are found to be necessary relevant to the renewed operation, such changes shall be submitted to the Director for approval.

5.02 Annual requirements subsequent to the year of initial implementation of the comprehensive safety program.

- 1) Each operator shall provide safety training for miners at each mine. The types of training and schedule for delivery shall be in accord with applicable series of West Virginia Code Chapter 22-4.
- 2) Each operator shall provide a minimum of eight (8) hours annual training for each member of the safety committee at each mine. This training can be satisfied through other training the operator is required to provide. This training shall consist of a course submitted by the

operator and approved by the Director of the State Department of Mines.

The course shall include:

- a) Job safety
  - b) Safe working procedures
  - c) Accident reporting
  - d) Accident analysis
- 3) Each operator shall conduct an evaluation of the safety program, at least annually, in accord with Sections 4.01 and 4.02 of these regulations. The purpose of the evaluation shall be to determine the effectiveness of each of the components of the existing program and whether modifications to the program are necessary.
  - 4) Each operator shall submit, to the Director, a statement that an annual evaluation (Sections 4.01 and 4.02 of these regulations) has been conducted by the operator at each mine.
  - 5) All changes to the existing comprehensive safety program, reflecting and incorporating findings from the annual evaluation conducted by the operator, shall be submitted to the Director for approval within thirty (30) calendar days after to the safety program approval date each year. When revisions to the program are submitted, the operator may request and the Director may issue temporary approval of requested revisions pending the Director's final review and approval.
  - 6) The Director of the West Virginia Department of Mines will approve the proposed changes submitted by the operator, or will return the proposed changes, explaining deficiencies, to the operator for modification and resubmission.

- 7) The comprehensive safety program for an operation may be modified at any time after such proposed modifications have been approved by the Director of the State Department of Mines. When modifications to the program are submitted, the operator may request and the Director may issue temporary approval of requested modifications pending the Director's final review and approval.
- 8) Each employee of the mine and the safety committee shall be given the opportunity to comment on the annual submission and to any modifications in the safety program, prior to new submission to the Director. All comments shall be in writing and provided to the Director with copies of such comments provided to the operator. Notification of posting to the safety committee and posting copies of the annual submission or the proposed modifications of the safety program for at least fifteen (15) calendar days prior to submission shall be considered minimal compliance with this requirement. Evidence of compliance shall be provided by each operator to the Director.
- 9) The Director of the State Department of Mines is authorized to develop forms and guidelines for completing the forms to facilitate development, review and approval of safety program submitted by each operator. Provided, however, that such forms or guidelines cannot modify or expand the requirements of these regulations.