

Title 34
Legislative Rules
Board of Coal Mine Health & Safety
~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~

~~DEPARTMENT OF MINES~~

~~CHAPTER 22-4~~

SERIES 2413

(~~Revised 1984~~)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Feb 21, 1984
Administrative Law Division

SUBJECT: RULES AND REGULATIONS GOVERNING THE AUTHORITY, ACCOUNTABILITY, AND RESPONSIBILITY OF UNDERGROUND MINE FOREMEN; RESPONSIBILITY OF OPERATOR IN RELATION TO MINE FOREMAN; AND REGULATORY REVIEW PROCEDURES

Section 1. General

1.1 Scope - issue

1.01 Authority - These rules and regulations are issued under authority of Section ⁴~~4~~, Article ⁶~~2A~~, Chapter ²²~~22~~ of the Code.

Filing Date

1.02 Effective Date - These rules and regulations were promulgated on the 10th day of February, 1984, and became effective on the 6th day of April, 19 84.

Section 2. Effect of Regulations

2.01 These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Article ^{1A}~~1~~, Chapter ^{22A}~~22~~ of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

Section 3. Definitions

All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Section ¹~~1~~, Article ^{1A}~~1~~, Chapter ^{22A}~~22~~ of the Code.

Section 4. Authority, Accountability, and Responsibility of Underground Mine Foremen; Responsibility of Operator in Relation to Mine Foreman; and Regulatory Review Procedures

4.01 The mine foreman shall notify, in writing, the operator or superintendent of the mine, and the Director of the Department of Mines, of his inability to comply with any of the requirements of this law, and it shall then become the duty of such operator or superintendent promptly to attend to the matter complained of by the mine foreman so as to enable him to comply with the provisions hereof. Every operator of a mine shall furnish all supplies necessary for the mine foreman to comply with the requirements of this law after being requested to do so in writing by the mine foreman.

4.02 In the performance of the statutory duties delegated to mine foremen, or certified persons acting as such, they shall have no superior officers, and all employees working inside of such mine or mines shall be subordinate to them in their particular work.

Mine foremen and assistant mine foremen are statutory officers and in the performance of their statutory duties are representatives of the State. No one shall obstruct the mine foreman or assistant mine foreman in the fulfillment of any of the duties assigned to him by Chapter ~~22.22A~~.

4.03 The Director of the Department of Mines shall provide each operator and the mine foreman at each mine site with a copy of newly promulgated regulations and changes to regulations, as soon as practicable but no later than fourteen (14) days after the date on which the regulations become effective. The Director shall also provide each operator and the mine foreman at each mine site with a copy of all relevant State court decisions, and interpretations of regulations by the Director, as soon as practicable but no later than thirty (30)

days after the date such material is issued. The Director will identify those persons with whom the material is to be reviewed at the mine site.

The operator shall immediately post all such material for thirty (30) days, and shall review the material with all persons acting in the capacity of mine foreman and assistant mine foreman during the period that the material is posted. The operator shall also hold a safety meeting the week following the review with the mine foremen and assistant mine foremen, to review this material with all persons at the mine site designated by the Director of the Department of Mines. The operator shall keep on file a list of the mine foremen and assistant mine foremen, with their signatures, stating that they have read the material and are aware of its contents, and shall also keep a record of the total number of persons that attended the safety meeting. The file shall be maintained for inspection by interested persons for a period of one (1) year.