



## State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.  
Governor

WALTER N. MILLER  
Director

March 22, 1982

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

Dear Secretary Manchin:

Pursuant to Chapter 22, Article 2, Section 4, of the West Virginia Code, please file the enclosed Rules and Regulations promulgated by the Board of Coal Mine Health and Safety in the appropriate State Register.

Please be advised that these Rules and Regulations Governing the Instruction of Employees and Supervision of Apprentices; Annual Examination of Persons Using Flame Safety Lamps; Records of Examinations; Maintenance of Methane Detectors, Series 32, become effective April 23, 1982.

Please be advised that these Rules and Regulations promulgated by the Board of Coal Mine Health and Safety are excluded from the Legislative Rule Making Committee (22-2-4c).

If I can be of further service on this matter, please advise.

Yours for Mine Safety,

Walter N. Miller, Director  
West Virginia Department of Mines

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Enclosure

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 3/22/82  
Administrative Law Division

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 32

(1982)

SUBJECT: RULES AND REGULATIONS GOVERNING THE INSTRUCTION OF EMPLOYEES AND SUPERVISION OF APPRENTICES; ANNUAL EXAMINATION OF PERSONS USING FLAME SAFETY LAMPS; RECORDS OF EXAMINATIONS; MAINTENANCE OF METHANE DETECTORS

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PROMULGATED  
REGULATION

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 3/22/82  
Administrative Law Division

I N D E X

Subject: Rules and Regulations Governing the Instruction of Employees and Supervision of Apprentices; Annual Examinations of Persons Using Flame Safety Lamps; Records of Examinations; Maintenance of Methane Detectors

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Section 1. General

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

1.02 Effective Date - These rules and regulations were promulgated on the 12 day of March, 1982, and become effective on the 23 day of April, 1982.

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 1, Chapter 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, Article 1, Chapter 22 of the Code.

Section 4. Instruction of Employees and Supervision of Apprentices; Annual Examination of Persons Using Flame Safety Lamps; Records of Examination; Maintenance of Methane Detectors, Etc.

4.01 It shall be the duty of the mine foreman or the assistant mine foreman of every coal mine in this state to see that every person employed to work in such mine shall, before beginning work therein, be instructed in the particular danger incident to his work in such mine and be furnished a copy of the mining laws and rules of such mine. It shall be the duty of every mine operator who employs apprentices, as that term is used in sections three and four, article six, chapter 22 of the West Virginia Code, to ensure that the apprentices are effectively supervised with regard to safety practices and to instruct apprentices in safe mining practices. Every apprentice shall work under the direction of the mine foreman or his assistant mine foreman and they shall be responsible for his safety. The mine foreman or assistant mine foreman may delegate the supervision of an apprentice to an experienced miner, but the foreman and his assistant mine foreman shall remain responsible for the apprentice. During the first ninety days of employment in a mine, the apprentice shall work within sight and sound of the mine foreman, assistant mine foreman or an experienced miner, and in such a location that the mine foreman, assistant mine foreman or experienced miner can effectively respond to cries for help of the apprentice. Such location shall be on the same side of any belt, conveyor or mining equipment.

No person shall be qualified for testing for methane and for oxygen deficiency unless each such person has been trained and demonstrates to the satisfaction of an authorized representative of the director of the department of mines that he is qualified to test for methane with a flame safety lamp or other approved methane detectors. Records of such examinations shall be kept by the operator and the director of the department of mines.

Persons whose duties require them to use a flame safety lamp and other approved detectors, that have been qualified by the department of mines to test for methane and oxygen deficiency, shall be examined at least annually to their competence by a certified mine foreman - fire boss and a record that such examination was given, together with pertinent data relating thereto, shall be kept on file by the operator and a copy shall be furnished to the department of mines.

Persons whose duties require them to administer the annual examinations for methane and oxygen deficiency shall be examined annually by a qualified official from the department of mines. Each operator shall provide for the proper maintenance and care of the permissible flame safety lamp or any other approved device for detecting methane and oxygen deficiency by a person trained in such maintenance, and before each shift, care shall be taken to insure that such lamp or other device is in a permissible condition. Flame safety lamps shall be given proper maintenance and inspection before each working shift in a manner recommended by the manufacturing company and approved by the Director of the Department of Mines. Other approved gas detectors shall be given proper maintenance and shall be tested in accordance with the manufacturer's recommendations before each working shift and calibrated each thirty calendar days.