



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.
Governor

WALTER N. MILLER
Director

December 26, 1984

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

Dear Secretary Manchin:

Enclosed are revised rules and regulations promulgated by the Board of Coal Mine Health and Safety governing Roof Control Practices.

These regulations were promulgated by the Board pursuant to Chapter 22, Article 2A, Sections 4 and 4a of the Code of West Virginia. The regulations were promulgated on December 13, 1984 and become effective February 1, 1985. The regulations replace the existing Series 40 Administrative Regulations now in effect.

Please be advised that these rules and regulations promulgated by the Board are exempted by West Virginia Code 22-2A-4(c) from review by the Legislative Rule-Making Committee.

Please file these rules and regulations in the appropriate State Register.

Yours for Mine Safety,

Walter N. Miller, Director
West Virginia Department of Mines

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Enclosures

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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 Rules and
Regulations Constructed by the Board
of Coal Mine Health and Safety

FROM: Mark A. Scott, Administrator

SUBJECT: Amendments to Series 40, Rules and
Regulations Governing Roof Control
Practices

DATE: December 26, 1984

ACTION: Final rule

EFFECTIVE DATE: February 1, 1985

AUTHORITY:

These regulations are promulgated in accordance with Chapter 22, Article 2A, Section 4 of the West Virginia Code. These regulations are also promulgated in accordance with the decision of the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al., which held that regulations issued by the Board in response to mining fatalities and major causes of injuries are not subject to the public review and comment provisions of Code 22-2A-4.

SUMMARY:

On May 25, 1984, the Board issued Administrative Regulation Series 40, which established various requirements for roof control practices and operation of roof bolting machines. This regulations, which became effective July 1, 1984, was issued in part in response to a 1984 roof fall fatality. In this accident, the victim was inby the operating controls of the roof bolting machine while it was being repositioned in preparation to install the final row of bolts in the face area. The ATRS had been lowered and the machine was being moved when a rock brow fell, striking the victim.

After this regulation was issued, the Board was made aware that the requirements in Section 4.01, "Working Around Roof Bolting Machines," may create a safety hazard for roof bolter operators and helpers. The Board then issued a notice requesting comments from interested persons on problems created by Section 4.01. On August 15 and 16, 1984, two public hearings were held and comments were received on this section.

Based on the comments received and on testimony presented at its December 13, 1984 meeting, the Board voted to rescind the existing provisions of Section 4.01, and to promulgate new regulations governing working around roof bolting machines.

The Board made this decision based on the following findings of fact:

1. The State, Federal, and UMWA investigation reports of the fatality were in conflict over whether the victim was under unsupported roof at the time of the accident.
2. The ATRS system on the roof bolting machine had been retracted from the mine roof and the roof bolting machine was being repositioned when the rock brow fell from the roof.

The Board concluded that a hazard exists when the ATRS system is being placed against the mine roof or is being removed from the roof. This hazard exists because the pressure of the ATRS against the roof may loosen the roof rock and create the possibility of roof falls. The Board determined that in order to prevent similar accidents, all persons should be outby the last row of permanent roof supports while the ATRS is being used in a manner which increases the possibility of roof falls.

Therefore, the Board has amended Series 40 by establishing new requirements under Section 4.01, Working Around Roof Bolting Machines. These provisions require all persons to be outby the last row of permanent roof supports while the ATRS system is being placed against or removed from the roof. This requirement applies to all roof bolting machines except continuous mining machines with integral roof bolters.

POSTING AND REVIEW OF THE REGULATION

In accordance with West Virginia Administrative Regulation Series 24, (amended 1983), each operator shall:

1. Post the regulation for thirty (30) days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of underground mine foremen and assistant mine foremen, during the posting period.
3. Review the regulation with all persons assigned to underground section crews, during the week following the review with the mine foremen and assistant mine foremen.

ADDITIONAL INFORMATION:

Questions and requests for copies of this regulation should be addressed to:

Mark A. Scott, Administrator
Board of Coal Mine Health and Safety
West Virginia Department of Mines
State Capitol, Room E-151
Charleston, WV 25305
(304) 348-3937

MAS:te

Attachment

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 40

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING ROOF CONTROL PRACTICES AND REGULATIONS

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SUBJECT: RULES AND REGULATIONS GOVERNING ROOF CONTROL PRACTICES

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 13th day of December, 19 84, and become effective on the 1st day of February, 19 85.

1.03 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.

Section 2. Definitions

2.01 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 3. Removal of Roof Hazards

3.01 Prior to or during bolting operations in working places, the person responsible for performing such work shall immediately notify a supervisor if abnormal or hazardous conditions are encountered. No further work shall be performed until a supervisor examines the area where he has been informed that

abnormal or hazardous conditions exist and directs the correction of such condition.

Section 4. Working Around Roof Bolting Machines

4.01 On all roof bolting machines except continuous mining machines with integral roof bolters, during the time that the ATRS system is being engaged against or retracted from the mine roof, all persons shall be outby the last row of permanent roof supports.

Section 5. Roof Bolting Machines - Requirements

5.01 After January 1, 1985, roof bolting machines used in seams 48 inches or higher shall be equipped with a mechanical means of holding the drill steel during drilling operations, which eliminates the need for the equipment operator to handle the drill steel. The Director of the Department of Mines may require such devices on roof bolting machines used in seams under 49 inches where the technology for such equipment to operate under these conditions is available.

5.02 Where required by the Director of the Department of Mines to insure the safety of the person operating the equipment, specified controls on roof bolting machines shall be equipped with self-centering valves.

Section 6. Equipment Canopies - Requirements

6.01 No person shall position themselves under any equipment that is controlled by a hydraulic system unless it is properly blocked or equivalent protection such as self-centering valves with check valves, stopblocks, or other measures are provided.

Section 7. Notification When Pillaring is to Begin

7.01 In mines where pillar extraction (second mining) has not been previously performed, the following requirements shall be met before pillaring is begun:

- a. The operator shall review the provisions of the approved roof control plan concerning pillar extraction with all persons to be performing such work, immediately prior to the start of such work.
- b. The operator shall notify the district inspector in whose district the mine is located five (5) working days prior to the date pillaring is to begin. When deemed necessary, the district inspector may require that he be present during the review of the approved roof control plan, provided that he can be present before pillaring is to begin.