



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

5/3/2021 9:52:28 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Miner Training Education And Certification TITLE-SERIES: 48-01  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Standards for Certification of Underground Belt  
Examiners for Underground Coal Mines  
CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4, 22A-6-5 and 22A-3-39(i)

**COMMENTS LIMITED TO:**

Written

**DATE OF PUBLIC HEARING:**

**LOCATION OF PUBLIC HEARING:**

**DATE WRITTEN COMMENT PERIOD ENDS:** 06/17/2021 5:00 PM

**COMMENTS MAY BE MAILED OR EMAILED TO:**

NAME: Frank Foster  
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Charleston, WV 25311  
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**PLEASE INDICATE IF THIS FILING INCLUDES:**

**RELEVANT FEDERAL STATUTES OR REGULATIONS:** No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

**INCORPORATED BY REFERENCE:** No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule includes the requirements for underground belt examiners and the criteria a person must meet before they can sit for a test to obtain a belt examiners certification. The rule also includes the standards one must meet when testing and the minimum requirements for the final score when taking a belt examiners test.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Pursuant to the regulatory review and reform initiatives established in W. Va. Code §29A-3-20 (2016) and Executive Order No. 3-18, this proposed rule modifies and updates 48 C.S.R. 1 to cross-reference the correct authorizing portions of the West Virginia Code and corrects typographical errors including errors in paragraph numbering.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This proposed legislative-exempt rule is not anticipated to impact the revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This proposed legislative-exempt rule is not anticipated to impact special revenue accounts.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

This proposed legislative-exempt rule is not anticipated to economically impact the state or its residents.

D. FISCAL NOTE DETAIL:

| Effect of Proposal             | Fiscal Year                            |                                        |                                              |
|--------------------------------|----------------------------------------|----------------------------------------|----------------------------------------------|
|                                | 2021<br>Increase/Decrease<br>(use "-") | 2022<br>Increase/Decrease<br>(use "-") | Fiscal Year (Upon<br>Full<br>Implementation) |
| 1. Estimated Total Cost        | 0.0                                    | 0.0                                    | 0.0                                          |
| Personal Services              | 0.0                                    | 0.0                                    | 0.0                                          |
| Current Expenses               | 0.0                                    | 0.0                                    | 0.0                                          |
| Repairs and Alterations        | 0.0                                    | 0.0                                    | 0.0                                          |
| Assets                         | 0.0                                    | 0.0                                    | 0.0                                          |
| Other                          | 0.0                                    | 0.0                                    | 0.0                                          |
| 2. Estimated Total<br>Revenues | 0.0                                    | 0.0                                    | 0.0                                          |

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jack M Rife -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



TITLE 48  
LEGISLATIVE EXEMPT RULES  
BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION

SERIES 1  
~~REGULATIONS GOVERNING THE STANDARDS FOR~~  
CERTIFICATION OF UNDERGROUND BELT  
EXAMINERS FOR UNDERGROUND COAL MINES

**§48-1-1. General.**

1.1. Scope. -- ~~These rules and regulations~~ This rule pertains to the certification of belt examiners for underground coal mines pursuant to ~~West Virginia W. Va. Code §§22A-2-3~~ W. Va. Code §22A-2-39(i).

1.2. Authority. -- W. Va. Code ~~§22-9-6 and §29A-3~~ §§22A-6-4, 22A-6-5 and 22A-3-39(i).

1.3. Filing Date. -- ~~May 1, 1987~~ \_\_\_\_\_.

1.4. Effective Date. -- ~~May 1, 1987~~ \_\_\_\_\_.

**§48-1-2. Definitions.**

2.1. Certified Belt Examiner. -- A certified belt examiner shall mean any person who meets the criteria outlined in Section ~~48-1-3~~ 3.1. of ~~these rules and regulations~~ this rule, and is issued a belt examiner certification from the West Virginia ~~Department of Energy~~ Office of Miners' Health, Safety and Training.

2.2. Practical Underground Mining Experience. -- Practical underground mining experience means experience obtained while working as an underground miner, to include any required period of apprenticeship.

2.3. All terms used in ~~these rules and regulations~~ this rule, not defined herein, shall have the meanings set forth in ~~Chapter 29A of the West Virginia Code~~ W. Va. Code §22A-1-2.

**§48-1-3. Criteria for Belt Examiner's Certification.**

3.1. Prior to any person being issued a belt examiner's certification, such applicant must:

3.1.1. ~~(1)~~ Possess a miner's certification (see ~~West Virginia Administrative Regulation, Title 48, Series 2, Section 2-9, 48 CSR 2-2.9,~~ "Guidelines for Issuing Underground Miner's Certificate");

3.1.2. ~~(2)~~ Have a total of two (2) years of practical underground mining experience; and

3.1.3. ~~(3)~~ Successfully complete the certification examination prescribed in Section ~~48-1-4~~ 4.1. of ~~these regulations~~ this rule.

3.2. Note: The ~~above~~ experience requirements set out in Section 3.1.2. are intended to ensure that such individual possesses a basic and general knowledge of the mine environment and related hazards.

**§48-1-4. Examination Components.**

4.1. Examinations for belt examiner certification shall consist of the following two parts:

4.1.1. ~~1.~~ Written.

4.1.1.a. ~~A.~~ Belt conveyor legal requirements.

4.1.1.b. ~~B.~~ Roof control practices.

4.1.1.c. ~~C.~~ Mine ventilation.

4.1.1.d. ~~D.~~ Mine gases and instruments.

4.1.1.e. ~~E.~~ Fire hazards.

4.1.1.f. ~~F.~~ Inspection and reporting procedures.

4.1.2. ~~2.~~ Practical.

~~A. Use and care of flame safety lamp.~~

4.1.2.a. ~~B.~~ Anemometer.

4.1.2.b. ~~C.~~ ~~Methane~~ Approved multi-gas detector.

**§48-1-5. Application for Certification and Testing Procedures.**

5.1. Any person desiring to become certified as a belt examiner must complete an application for certification and submit the same to the West Virginia ~~Department of Energy~~ Office of Miners' Health, Safety and Training. The applicant will be notified by the nearest regional office of the time and place of the next regularly scheduled examination.

5.2. A score of ~~seventy-five percent (75%)~~ eighty percent (80%) on the written part, and passage of the practical part, is required for successful passage of the exam. The practical portion of the exam and subparts thereof will be scored on a pass/fail basis.

5.3. Upon taking the examination, any person who fails to achieve a score of ~~seventy-five percent (75%)~~ eighty percent (80%) on the written part, or fails the practical part, shall be required to retake the entire examination in order to receive a certificate.

5.4. The Director of the ~~Department of Energy, Mines and Minerals Division~~ Office of Miners' Health, Safety and Training, in conjunction with the Board of ~~Miner Training, Education, and Certification~~ Coal Mine Health and Safety, shall develop the application form and guidelines for processing applications and administering examinations.