



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

7/28/2021 4:16 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

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)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 27, 2021

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 RULE
BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION

SERIES 1
STANDARDS FOR
CERTIFICATION OF UNDERGROUND BELT
EXAMINERS FOR UNDERGROUND COAL MINES

§48-1-1. General.

1.1. Scope. -- This rule pertains to the certification of belt examiners for underground coal mines pursuant to W. Va. Code §22A-2-39(i).

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

1.3. Filing Date. -- July 28, 2021.

1.4. Effective Date. -- August 27, 2021.

§48-1-2. Definitions.

2.1. Certified Belt Examiner. -- A certified belt examiner shall mean any person who meets the criteria outlined in Section 3.1. of this rule, and is issued a belt examiner certification from the West Virginia 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 this rule, not defined herein, shall have the meanings set forth in 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. Possess a miner's certification (see 48 CSR 2-2.9., "Guidelines for Issuing Underground Miner's Certificate");

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

3.1.3. Successfully complete the certification examination prescribed in Section 4.1. of this rule.

3.2. The 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. Written.

4.1.1.a. Belt conveyor legal requirements.

4.1.1.b. Roof control practices.

4.1.1.c. Mine ventilation.

4.1.1.d. Mine gases and instruments.

4.1.1.e. Fire hazards.

4.1.1.f. Inspection and reporting procedures.

4.1.2. Practical.

4.1.2.a. Anemometer.

4.1.2.b. 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 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 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 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 Office of Miners' Health, Safety and Training, in conjunction with the Board of Coal Mine Health and Safety, shall develop the application form and guidelines for processing applications and administering examinations.