

To: WV Board of Coal Mine Health and Safety

Date: 8/9/2023

From: David G McCullough

Subject: Proposed Addition of New Outby Mine Examiner and Upgrading of Belt Examiners to outby mine examiner certification.

I have added the proposed document below. Additionally, I have added my comments pertaining to the proposed document. I am against as submitted. I believe that the subjects submitted for additional 4-hour training, conducted by WV Office of Miners' Health Safety and Training, is merely a review of subjects that are already covered in the MSHA annual 8-hour refresher. An additional 4-hours of training does not prepare an individual to be an outby examiner in my opinion. If you look at the recent incidences that have occurred, they have happened in outby areas. They did not occur at the working face.

My thoughts are that the additional training should be conducted at the mine site prior to the written examination. The additional training should be a minimum of 40 hours. The training should consist of the applicant traveling the outby air courses with the certified weekly examiner of their specific mine. This will provide additional knowledge that should aid the applicant in making future examination decisions.

1. During this time, they would be exposed to areas which had been mined for a period of time. It would be reasonable to assume exposure to deteriorating roof and rib conditions.
2. Also exposed to the installation of lifeline, locations of outby shelters, refuge alternatives, locations of barricading material, SCSR's cache locations, accumulations of combustible materials and rock dusting requirements, ventilations installation of stoppings, overcasts, undercasts, and regulators. He would be able to observe the actual taking of an air reading at a regulator.
3. All the additional training would be obtained under the supervision of an approved certified MSHA--IU/WV 80-hour instructor.
4. A completed approved 5000-23 form shall be completed upon completion of training. A copy of the completed training shall be submitted with the outby mine examiner application for issuance of the certification.
5. I believe that when the former WV Department Mines initially developed the Belt Examiner certification it was mainly intended to be used to comply with 22A-2-39(e). The examination conducted on the belt after the last production shift of the week. They were mainly looking for frozen rollers, fires and or hot spots. Since then, their duties has been expanded.

My partial mining experience involve the following.

1. Certified mine foreman in West Virginia and Pennsylvania
2. 48 years of mining experience
3. Approved certified Instructor MSHA IS And IU, Approved WV 40 hour and 80-hour instructor for over 30 years.
4. I have had experience as an outby mine examiner (weekly airways). In a rather large mine. Consisted of 35 miles/ 60 hours to conduct the weekly airway examination.

## Proposed Rule

4.3 For those individuals currently holding a belt examiner certification issued by the Office of Miners' Health, Safety and Training issued prior to August 1, 2023, may gain certification as an Outby Mine Examiner by:

4.3.1 Providing proof of said belt examiner certification.

4.3.2 Applying for the Outby Mine Examiner certification; and

4.3.3 Attending a four (4) hour course of instruction provided by the OMHST covering at a minimum the following topics/requirements:

4.3.3.a. Lifeline.

4.3.3.b. SCSR and Cache.

4.3.3.c. Refuge Alternative.

4.3.3.d. Mine Ventilation and Controls — overcast, undercasts, regulators and seals.

4.3.3.e. Actions Required for excessive methane.

4.3.3.f. Haulage Safety and track components if applicable

Below is a partial listing of the requirements by MSHA for obtaining an approved training plan. Please note the approximate time highlighted. I have never seen a plan approved for less than 30 minutes for the following subjects during 8-hour annual refresher.

1. Roof Control
2. Ventilation
3. Mine gasses and use of detectors/action taken at various levels.
4. Barricading and Shelters --- hands on training and transferring of SCSR's used at specific mine.
5. Transportation and Communications

4.3.3 Attending a four (4) hour course of instruction provided by the OMHST covering at a minimum the following topics/requirements:

4.3.3.a. Lifeline.

4.3.3.b. SCSR and Cache.

4.3.3.c. Refuge Alternative.

4.3.3.d. Mine Ventilation and Controls — overcast, undercasts, regulators and seals.

4.3.3.e. Actions Required for excessive methane.

4.3.3.f. Haulage Safety and track components if applicable

MSHA – minimum requirements for training plan approval. Applies to Part 46/48  
See item 3 below.

A training plan is considered approved by MSHA if it contains, at a minimum, the following information:

1. The name of the production-operator or independent contractor, mine name(s), and MSHA mine identification number(s) or independent contractor identification number(s).

MSHA does not require independent contractors to get an MSHA identification number for purposes of Part 46. However, if an independent contractor wants to obtain an MSHA identification number, please contact the local MSHA district office, or to file online go to the MSHA Internet Home Page ([WWW.MSHA.gov](http://WWW.MSHA.gov)) and click on the tab titled "Forms & On-line Filings."

2. The name and position of the person designated by the operator who is responsible for the health and safety training at the mine. This person may be the production-operator or independent contractor. Some operators, particularly those that operate large facilities, may want the flexibility of having more than one person who can certify that training has been completed. These operators may list more than one person as being responsible for training.

3. A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time or range of time to be spent on each subject area.

"Approximate time" means the operator's reasonable estimate of the amount of time that will be spent on a particular subject. For example, the time listed for a particular subject may be "approximately 3 hours," recognizing that when the training is actually given it may require more or less time than is indicated in the training plan. This flexibility allows for adjustments based on changing mine conditions or operations, including the needs and experience of the individuals who receive the training.

When a range of time is used for each subject, the maximum times listed for each subject must be equal to or exceed the required hours for new miner (24) and annual refresher (8) training as required by the regulation. When stating a range, it cannot start with a zero. \*\*Note – 40 hours if new underground miner

Remember: In all cases a miner must receive no less than 24 hours of new miner training and 8 hours of annual refresher training annually. \*\* - 40 hours if new underground miner \*\* Item added to explain underground miner requirements

4. A list of the persons and/or organizations that will provide the training, and the subject areas in which each person and/or organization is competent to instruct.



WV BOARD OF COAL MINE HEALTH & SAFETY  
106 DEE DRIVE  
CHARLESTON, WEST VIRGINIA 25311  
304-205-4120

---

## Coal Board's response to the comment submitted to the proposed rule 48-9.

- The Board has reviewed the well thought out comment submitted on the duration (40 hours) and location (at the mine) of the training and greatly appreciate the same. However, the Board does not find it completely valid in this circumstance. While requiring a 40-hour course may be effective, the current requirements for assistant mine foremen certification and mine foremen certification (which are not limited in the scope of their examinations) do not require any training course prior to going through the process of obtaining certification.
- As to the topics in the four (4) hour course, the Board notes that the topics listed in 4.3.3.a through 4.3.3.f are *minimum* (emphasis added) topics to be covered. While the topics listed may be covered in annual retraining, the topics would be covered in necessary detail in this four (4) hour course for the examiner as determined by the OMHST and delivered by OMHST personnel.
- Belt examiners may currently be exposed to areas which have been mined for a period of time, deteriorating roof and rib conditions, etc. while performing their current duties in outby belt entries and trained accordingly. Please see OMHST Belt Examiner Study Guide.
- The Board agrees that an approved 5000-23 form documenting the training be completed at the conclusion of the training and a copy shall be submitted with the application for outby mine examiner for issuance of the certification. The Board will add a new subsection (4.3.4) that reads as follows: "At the completion of the course of instruction in subsection 4.3.3, the trainee will be issued a 5000-23 form by a OMHST instructor documenting completion of the course. A copy of the completed 5000-23 form will be submitted with the application for outby mine examiner certification."