WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 708

(By Mr. SPEAKER, Mr. BOIARSKY and Mr. SEIBERT)

PASSED MARCH 13, 1971

In Effect JULY 1, 1971 Passage
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House Bill No. 708
(By Mr. Speaker, Mr. Bolansky, and Mr. Seibert)

[Passed March 13, 1971; in effect July 1, 1971.]

AN ACT to amend and reenact articles one and two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to mines and minerals and the administration and enforcement of the laws pertaining to mines and minerals; defining various terms; providing for a state department of mines; providing for a director of the department of mines, his appointment and terms of office; providing for the power and duties of said director; specifying the eligibility requirements for said director, and specifying his salary; prescribing an oath of office and requiring bond for said director; providing for selection, serving, and removal of mine inspectors, dividing the state into districts and divisions, and providing for the employment, tenure, oath of office and bond required of mine inspectors; providing for the employment of mine safety instructors, and specifying qualifications, and providing for the employment, compensation, tenure, oath of office and bond required of mine safety instructors; providing for the appointing of mine inspectors to appointive positions within the department of mines, and providing that permanent tenure benefits are not affected; providing for the employment of electrical inspectors, and specifying the qualifications, and providing for salary and expenses, tenure, oath of office, and bond required of electrical inspectors; specifying eligibility requirements for appointment, and qualifications for appointment, and providing
for salary, expenses and removal of mine inspectors; pro-
viding for a mine inspectors examining board and speci-
fying salary and expenses and meetings and duties of
said board; authorizing the director and inspectors to enter
mines, providing for the duties of inspectors to examine
mines, providing for the duties of inspectors to examine
mines with no advance notice, and providing for reports
after fatal accidents; providing for the making and is-
suing of findings, orders and notices; providing for the
duties of mine electrical inspectors, and providing for
findings and orders by such inspectors; providing for
review of orders by the director; providing for post-
ing of notices, orders, and decisions of mine offices; pro-
viding for judicial review of orders and decisions of the
director; authorizing the director to institute actions,
including injunctions; providing civil penalties and crim-
nal penalties for violations; prohibiting discharge of and
discrimination against miners; requiring operators to keep
records and make reports; providing for a mine fore-
man examiner and salary of said examiner; providing for
the duties of said examiner; providing for the place and
time of examinations; providing for the preparation of
examinations; providing for notification and appearance
before said examiner; providing for certificates of qualifi-
cation; providing for distribution of certificates of qualifi-
cation; providing for a record of such examinations;
providing for the withdrawal of certification; creating
a board of appeals and prescribing its duties, powers,
compensation, expenses and oath of office; authorizing
the purchase of mine rescue stations and equipment;
authorizing the employment of mine rescue crews and
prescribing their training, compensation and qualifica-
tions; providing for mine rescue teams; providing sever-
ability clause; relating to mine maps and surveying;
requiring plans for ventilation and approval by the direc-
tor; specifying safety standards for ventilation of mines
in general; providing for sealing or ventilating of un-
used and abandoned parts of mine; relating to the move-
ment of equipment; relating to the employment of mine
foremen and specifying qualifications; providing for du-
ties of mine foreman concerning ventilation, loose coal,
slate or rock, props, drainage of water and man doors; relating to haulage roads; relating to signals on haulways, lights at mouth and bottom of shaft and operation of cages; relating to bore holes; providing for instruction of employees, annual examinations of persons using flame safety lamps, and providing for records of such examinations; relating to daily inspection of working places and records; relating to safety inspections and gas; relating to dangerous places; relating to examinations of reports of firebosses; relating to the ascertainment, record and removal of all dangers; relating to notifying of the operator when unable to comply with the law, and duty of the operator; providing for successor of a mine foreman; relating to employment and qualification of fireboss; prescribing duties of fireboss; providing that fireboss to have no superior officers; making it unlawful to enter mine until fireboss reports it safe, with certain exceptions; relating to other duties of fireboss; relating to coal dust and rock dust; relating to roof, face and rib; requiring operators to carry out roof control programs and plans; specifying safety standards for roof support, roof bolt recovery and mining methods; providing for canopies and cabs and electric face equipment; relating to explosives and blasting; requiring use of authorized explosives and making it unlawful to store or use unauthorized explosives; relating to surface magazines for explosives; specifying safety standards for transportation of explosives; specifying safety standards for underground storage of explosives; specifying safety standards for preparation of shots and blasting practices; specifying safety standards in the event of misfires of explosives; specifying safety standards for other blasting devices; relating to hoisting; specifying safety standards for hoisting machinery, telephones, safety devices, hoisting engineers, and drum runners; relating to transportation; specifying safety standards for transportation, haulage roads and equipment, shelter holes, signals and inspection and prohibiting certain practices, specifying safety standards for transportation of men by cars, self-propelled equipment and belts; specifying safety standards for belt conveyor and installation and maintenance
thereof; relating to electricity generally; specifying safety standards concerning bonding track used as a power conductor; specifying safety standards concerning telephone service or communication facilities; specifying safety standards for electric equipment in gassy mines; specifying safety standards for electric handheld tools; specifying safety standards for illumination; specifying safety standards for welding and cutting; relating to maintenance of face equipment; relating to control of dust and other inhalation hazards; relating to safeguards for mechanical equipment; relating to dust-tight electrical equipment dust control repairs, welding, handrails and toeboards; relating to housekeeping; relating to lamp houses; prohibiting smoking in and around surface structures; relating to miscellaneous safety provisions and requirements; providing for duties of persons subject to article and rules and regulations for operators; relating to protective clothing; providing for checking systems of identification of men; prohibiting acts endangering security of mine, and requiring search for intoxicants and matches; relating to fire protection; relating to first-aid equipment; providing for accessible outlets and safe roadways for emergencies; relating to coal storage bins, recovery tunnels and coal storage piles; relating to thermal coal dryers and plants; relating to opening and reopening of mines; approval fees; extension of certificate of approval, providing for nontransferability of certificates and requiring that provisions of this section be printed on certificates; relating to sealing of permanently closed or abandoned mines; relating to mining close to abandoned workings; providing for investigation by department of mines in event of explosion or accident; providing for written report of accidents; providing for preservation of evidence at scene of accident; providing for notification of director and district mine inspector in event of fire in and about mine; relating to shafts and slopes generally providing general provisions concerning the reopening of old or abandoned mines; relating to monthly reports by operator of mine; relating to examinations to determine compliance with permits; and providing a severability clause.
Be it enacted by the Legislature of West Virginia:

That articles one and two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. ADMINISTRATION; ENFORCEMENT.

§22-1-1. Definitions.

1 Unless the context in which used clearly requires a different meaning, the following definitions shall apply to articles one and two of this chapter:

2 Mine: The term "mine" includes the shafts, slopes, drifts or inclines connected with excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment connected therewith which contribute directly or indirectly to the mining, preparation or handling of coal.

3 Agent: The term "agent" means any person charged with responsibility for the operation of all or a part of a mine or the supervision of the miners in a mine.

4 Imminent Danger: The term "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

5 Department: The term "department" shall mean the state department of mines provided for in section two of this article.

6 Director of the Department of Mines: The term "director of the department of mines" shall mean the director of the department of mines provided for in section three of this article, and is synonymous with the term "chief of the department of mines."

7 Mine Inspector: The term "mine inspector" shall mean a state mine inspector provided for in section seven of this article.
Mine Inspectors' Examining Board: The term "mine inspectors' examining board" shall mean the mine inspectors' examining board provided for in section nine of this article.

Operator: The term "operator" shall mean any firm, corporation, partnership, or individual operating any coal mine or part thereof.

Person: The term "person" shall mean any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization.

Miner: The term "miner" shall mean any individual working in a coal mine.

Work of Preparing the Coal: The term "work of preparing the coal" shall mean the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal or lignite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Accident: The term "accident" shall mean any mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of any person.

Abandoned Workings: The term "abandoned workings" shall mean excavation, either caved or sealed, that is deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly.

Excavations and Workings: The term "excavations and workings" shall mean any or all parts of a mine excavated or being excavated, including shafts, slopes, drifts, tunnels, entries, rooms, and working places, whether abandoned or in use.

Shaft: The term "shaft" shall mean a vertical opening through the strata that is or may be used for the purpose of ventilation, drainage, and the hoisting and transportation of men and material, in connection with the mining of coal.

Slope: The term "slope" shall mean a plane or incline roadway, usually driven to a coal seam from the surface and used for the same purposes as a shaft.
Drift: The term "drift" shall mean a horizontal or approximately horizontal opening through the strata or in a coal seam and used for the same purposes as a shaft.

Panel: The term "panel" shall mean workings that are or have been developed off of submain entries which do not exceed three thousand feet in length.

Active Workings: The term "active workings" shall mean all places in a mine that are ventilated and inspected regularly.

Inactive Workings: The term "inactive workings" shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned.

Superintendent: The term "superintendent" shall mean the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine Foreman: The term "mine foreman" shall mean the certified person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

Supervisor: The term "supervisor" shall mean a superintendent, mine foreman, assistant mine foreman, or any person specifically designated by the superintendent or mine foreman to supervise work or employees and who is acting pursuant to such specific designation and instructions.

Assistant Mine Foreman: The term "assistant mine foreman" shall mean a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein.

Shot Firer: The term "shot firer" shall mean any person having had at least two years of practical experience in coal mines, who has a knowledge of ventilation, mine roof and timbering, and who has demonstrated his knowledge of mine gases, the use of a flame safety lamp, and other approved detecting devices by examination and certification given him by the department of mines.

Qualified Person: The term "qualified person" shall mean a person who has completed an examination and is considered qualified on record by the department of mines.
Interested Persons: The term “interested persons” shall include the operator, members of any mine safety committee at the mine affected and other duly authorized representative of the mine workers and department of mines.

Return Air: The term “return air” shall mean a volume of air that has passed through and ventilated all the working places in a mine section.

Mechanical Working Section: The term “mechanical working section” shall mean an area of a mine (1) in which coal is loaded mechanically, (2) which is comprised of a number of working places that are generally contiguous, and (3) which is of such size to permit necessary supervision during shift operation, including preshift and on-shift examinations and tests required by law.

Working Section: The term “working section” shall mean all areas of the coal mine from the loading point of the section to and including the working faces.

Working Face: The term “working face” shall mean any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle.

Working Place: The term “working place” shall mean the area of a coal mine inby the last open crosscut.

Working Unit: The term “working unit” shall mean an area of a mine in which coal is mined with a set of production equipment; a conventional mining unit by a single loading machine; a continuous mining unit by a single continuous mining machine, which is comprised of a number of working places.

Face Equipment: The term “face equipment” shall mean mobile or portable mining machinery having electric motors or accessory equipment normally installed or operated inby the last open crosscut in an entry or room.

Approved: The term “approved” shall mean in strict compliance with mining law, or, in the absence of law, accepted by a recognized standardizing body or organization whose approval is generally recognized as authoritative on the subject.
Permissible: The term "permissible" shall mean any equipment, device, or explosive that has been approved as permissible by the United States bureau of mines and meets all requirements, restrictions, exceptions, limitations, and conditions attached to such classification by the bureau.

Certified Electrician: The term "certified electrician" shall mean any person who is qualified as a mine electrician and who has passed an examination given by the department of mines.

Armored Cable: The term "armored cable" shall mean a cable provided with a wrapping of metal, usually steel wires or tapes, primarily for the purpose of mechanical protection.

Borehole Cable: The term "borehole cable" shall mean a cable designed for vertical suspension in a borehole or shaft and used for power circuits in the mine.

Cable: The term "cable" shall mean a stranded conductor (single conductor cable) or a combination of conductors insulated from one another (multiple conductor cable).

Flame-resistant Cable, Portable: The term "flame-resistant cable, portable" shall mean a portable flame-resistant cable that has passed the flame tests of the federal bureau of mines.

Portable (Trailing) Cable: The term "portable (trailing) cable" shall mean a flexible cable or cord used for connecting mobile, portable or stationary equipment in mines to a trolley system or other external source of electric energy where permanent mine wiring is prohibited or is impracticable.

Branch Circuit: The term "branch circuit" shall mean any circuit, alternating current or direct current, connected to and leading from the main power lines.

Circuit Breaker: The term "circuit breaker" shall mean a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

High Voltage: The term "high voltage" shall mean voltages of more than one thousand volts.
Medium Voltage: The term "medium voltage" shall mean voltages from six hundred sixty-one to one thousand volts.

Low Voltage: The term "low voltage" shall mean up to and including six hundred sixty volts.

Lightning Arrester: The term "lightning arrester" shall mean a protective device for limiting surge voltage on equipment by discharging or by passing surge current; it prevents continued flow of follow current to ground and is capable of repeating these functions as specified.

Mine Power Center or Distribution Center: The term "mine power center or distribution center" shall mean a combined transformer and distribution unit, complete within a metal enclosure from which one or more low voltage power circuits are taken.

Delta Connected: The term "delta connected" shall mean a power system in which the windings or transformers or a.c. generators are connected to form a triangular phase relationship, and with phase conductors connected to each point of the triangle.

Wye-connected: The term "wye-connected" shall mean a power system connection in which one end of each phase windings or transformers or a.c. generators are connected together to form a neutral point, and a neutral conductor may or may not be connected to the neutral point, and the neutral point may or may not be grounded.

Zig-zag Transformer (Grounding Transformer): The term "zig-zag transformer (grounding transformer)" shall mean a transformer intended primarily to provide a neutral point for grounding purposes.

Neutral Point: The term "neutral point" shall mean the connection point of transformer or generator windings from which the voltage to ground is nominally zero, and is the point generally used for system groundings in wye-connected a.c. power system.

Neutral (Derived): The term "neutral (derived)" shall mean a neutral point or connection established by the addition of a "zig-zag" or grounding transformer to a normally ungrounded power system.
Effectively Grounded: The term "effectively grounded" is an expression which means grounded through a grounding connection of sufficiently low impedance (inherent or intentionally added or both) so that fault grounds which may occur cannot build up voltages in excess of limits established for apparatus, circuits, or systems so grounded.

Grounded (Earthed): The term "grounded (earthed)" shall mean that the system, circuit, or apparatus referred to is provided with a ground.

Ground or Grounding Conductor (Mining): The term "ground or grounding conductor (mining)," also referred to as a safety ground conductor, safety ground, and frame ground, shall mean a metallic conductor used to connect the metal frame or enclosure of any equipment, device or wiring system with a mine track or other effective grounding medium.

Board of Appeals: The term "board of appeals" shall mean as provided for in section thirty-two of this article.

Certified Person: The term "certified person," when used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, shall mean a person who is qualified under the provisions of this law to perform such duty.

§22-1-2. Department of mines.

There shall be a state department of mines, which shall have for its purpose the supervision of the execution and enforcement of the provisions of this chapter, enacted for the protection of the safety and health of persons employed within or at the mines within this state, and for the protection and preservation of mining property and property used in connection therewith.

§22-1-3. Director of the department of mines—Appointment; term of office.

There shall be a director of the department of mines, who shall be appointed by the governor with the advice and consent of the Senate and who shall serve for a term
of four years, subject to the provisions of chapter six, article six, section four of this code, as amended. The original term of the director of the department of mines appointed under this section shall commence as of the effective date of this article, as amended, and all appointments to such office made thereafter shall be made for a full term of four years, except that in case of a vacancy, the appointment shall be made for the unexpired term only.

§22-1-4. Same—Power and duties.

The director of the department of mines shall have full charge of the department. He shall have the power and duty to:

1. Supervise and direct the execution and enforcement of the provisions of this chapter.

2. Appoint a deputy director of the department of mines, fix his compensation and prescribe his powers and duties.

3. Employ such assistants, clerks, stenographers and other employees as may be necessary and fix their compensation, except as otherwise provided in this article.

4. Employ mine inspectors, and assign them to divisions or districts in accordance with the provisions of section seven of this article, and to supervise and direct such mine inspectors in the performance of their duties.

5. Suspend, for good cause, any mine inspector without compensation for a period not exceeding thirty days in any calendar year.

6. Prepare report forms to be used by mine inspectors in making their findings, orders and notices, upon inspections made in accordance with this chapter.

7. Hear and determine applications made by mine operators for the annulment or revision of orders made by mine inspectors, and to make inspections of mines, in accordance with the provisions of this article.

8. Cause a properly indexed permanent and public record to be kept of all inspections made by himself or by mine inspectors.

9. Make annually a full and complete written report of the administration of his department to the governor.
of the state for the year ending the thirty-first day of December. Such report shall include the number of visits and inspections of mines in the state by mine inspectors, the quantity of coal, coke and other minerals (including oil and gas) produced in the state, the number of men employed, number of mines in operation, statistics with regard to health and safety of persons working in the mines, improvements made, prosecutions, such other information in relation to the subject of mines, mine inspections and needed legislation as he may deem of public interest and beneficial to the mining interest of the state. Such reports shall be filed with the governor on or before the thirtieth day of June next succeeding the year for which it was made, and shall upon proper authority be printed and distributed to interested persons.

(10) Call or subpoena witnesses, for the purpose of conducting hearings into mine fires, mine explosions or any mine accident; to administer oaths and to require production of any books, papers, records, or other documents relevant or material to the hearing. Any witness so called or subpoenaed shall receive forty dollars per diem and shall receive mileage at the rate of ten cents for each mile actually traveled, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such witness.

(11) Institute civil actions for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate action in the appropriate federal or state court whenever any operator or his agent violates or fails or refuses to comply with a lawful order, notice or decision issued by the director or his representative.

(12) Perform all other duties which are expressly imposed upon him by the provisions of this chapter.

(13) Make all records of the department open for inspection of interested persons and the public.

§22-1-5. Same—Eligibility; salary.
1 The director of the department of mines shall be a male citizen of West Virginia, shall be a competent person of good repute and temperate habits and shall have had
at least fifteen years' experience underground in coal mines, at least ten of which shall have been underground in mines in this state. He shall possess a practical knowledge of the different systems of working, ventilating and draining of coal mines, and a practical and scientific knowledge of all noxious and dangerous gases found in such mines. A diploma in mining engineering from the West Virginia University school of mines or any similarly accredited engineering school shall be counted as two years' working experience. The director shall devote all of his time to the duties of his office and shall not be directly or indirectly interested financially in any mine in this state. The salary of the director of the department of mines shall be twenty-five thousand dollars per year and traveling expenses, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by the director of the department of mines.

§22-1-6. Same—Oath and bond.

1 The director of the department of mines shall, before entering upon the discharge of his duties, take the oath of office prescribed by section five, article four of the constitution, and shall execute a bond in the penalty of two thousand dollars, with security to be approved by the governor, conditioned upon the faithful discharge of his duties, a certificate of which oath and which bond shall be filed in the office of the secretary of state.

§22-1-7. Mine inspectors—Districts and divisions; employment; tenure; oath; bond.

1 Notwithstanding any other provisions of law, mine inspectors shall be selected, serve and be removed as in this article provided.

4 The director of the department of mines shall divide the state into not more than forty-five mining districts and not more than five mining divisions, so as to equalize, as far as practical, the work of each inspector. He may assign inspectors to districts, designate and assign not more than one inspector-at-large to each division and one assistant inspector-at-large. He shall designate the places
of abode of inspectors at points convenient to the mines
of their respective districts, and, in the case of inspectors
and assistant inspectors-at-large, their respective divi-
sions.

Except as in the next preceding paragraph provided, all
mine inspectors appointed after the mine inspectors'
examining board has certified to the director of the de-
partment of mines an adequate register of qualified
eligible candidates in accordance with section eight of
this article, so long as such register contains the names of
at least three qualified eligible candidates, shall be ap-
pointed from the names on such register. Each original
appointment shall be made by the director of the depart-
ment of mines for a probationary period of not more than
one year.

The director of the department of mines shall make
each appointment from among the three qualified eligible
candidates on the register having the highest grades:
Provided, That the director of the department of mines
may, for good cause, at least thirty days prior to making
an appointment, strike any name from the register. Upon
striking any name from the register, the director of the
department of mines shall immediately notify in writing
each member of the mine inspectors' examining board of
his action, together with a detailed statement of the rea-
sons therefor. Thereafter, the mine inspectors' examining
board, after hearing, if it finds that the action of the di-
rector of the department of mines was arbitrary or un-
reasonable, may order the name of any candidate so
stricken from the register to be reinstated thereon. Such
reinstatement shall be effective from the date of removal
from the register.

Any candidate passed over for appointment for three
years shall be automatically stricken from the register.

After having served for a probationary period of one
year to the satisfaction of the director of the department
of mines, a mine inspector shall have permanent tenure
until he becomes sixty-five years of age, subject only to
dismissal for cause in accordance with the provisions of
section eight of this article. No mine inspector, while
in office, shall be directly or indirectly interested as
owner, lessee, operator, stockholder, superintendent or
engineer of any coal mine. Before entering upon the dis-
charge of his duties as a mine inspector, he shall take
the oath of office prescribed by the constitution, and shall
execute a bond in the penalty of two thousand dollars,
with security to be approved by the director of the de-
partment of mines, conditioned upon the faithful dis-
charge of his duties, a certificate of which oath and bond
shall be filed in the office of the secretary of state.
The district inspectors, inspectors-at-large and assistant
inspectors-at-large, together with the director, shall make
all inspections authorized by articles one and two of this
chapter and shall perform such other duties as are im-
posed upon mine inspectors by articles one, two and six
of this chapter.

§22-1-8. Mine safety instructors; qualifications; employment;
compensation; tenure; oath; bond.

The department shall employ eleven or more mine
safety instructors. To be eligible for employment as a
mine safety instructor, the applicant shall be (1) a citizen
of West Virginia, in good health, not less than twenty-
five nor more than sixty-five years of age, and of good
character, reputation and temperate habits, and (2) a
person who has had at least five years' experience in first
aid and mine rescue work and who has had practical
experience with dangerous gases found in coal mines,
and who has a practical knowledge of mines, mining
methods, mine ventilation, sound safety practices, and
applicable mining laws.

In order to qualify for appointment as a mine safety
instructor, an eligible applicant shall submit to a written
and oral examination, given by the mine inspectors' ex-
amining board. The examination shall relate to the
duties to be performed by a safety instructor and may,
subject to the approval of the mine inspectors' examining
board, be prepared by the director of West Virginia de-
partment of mines.

If the board finds after investigation and examination
that the applicant (1) is eligible for appointment, and (2)
has passed all oral and written examinations with a grade
of at least eighty percent, the board shall add such ap-
plicant’s name and grade to a register of qualified eligible
candidates and certify its action to the director of the
department of mines. The director may then appoint one
of the candidates from the three having the highest
grades.

The salary for a mine safety instructor shall be not less
than ten thousand dollars per year, with graduations of
two hundred forty dollars annually for a ten-year period
and shall be fixed by the director of the department of
mines, who shall take into consideration ability, per-
formance of duty, and experience. Such instructor shall
devote all of his time to the duties of his office. No re-
imbursement for traveling expenses shall be made except
on an itemized accounting for such expenses submitted
by the instructor, who shall verify upon oath that such
expenses were actually incurred in the discharge of his
official duties. Except as expressly provided in this section to the
contrary, all provisions of this article relating to the
eligibility, qualification, appointment, tenure and removal
of mine inspectors shall be applicable to mine safety in-
structors.

§22-1-9. Mine inspectors—May be appointed to fill vacancy in
department; permanent tenure benefits not affected.

Notwithstanding any other provisions of law, if a va-
cancy occurs in any appointive position within the de-
partment of mines, any mine inspector having permanent
tenure, if qualified, may be appointed to such appointive
position without forfeiting any of the benefits which have
accrued to him because of his permanent tenure as a
mine inspector.

§22-1-10. Employment of electrical inspectors; qualifications;
salary and expenses; tenure; oath; bond.

The department shall employ five or more electrical
inspectors. To be eligible for employment as an electrical
inspector, the applicant shall be: (1) A citizen and
resident of West Virginia, in good health, not less than
twenty-five nor more than fifty-five years of age, and
of good character, reputation and of temperate habits;
and (2) a person who has had seven years' practical
electrical experience in coal mines, or a degree in elec-
trical engineering from an accredited electrical engi-
neering school and one year's practical experience in
underground coal mining.

In order to qualify for appointment as a mine electrical
inspector, an eligible applicant shall submit to a written
and oral examination given by the mine inspectors'
examining board. The examination shall relate to the
duties to be performed by an electrical inspector. If the
board finds after investigation and examination that the
applicant (1) is eligible for appointment and (2) has
passed all oral and written examinations with a grade
of at least ninety percent, the board shall add such
applicant's name and grade to a register of qualified
eligible candidates and certify its action to the director
of the department of mines. The director may then
appoint one of the candidates from the three having the
highest grade.

The salary of a mine electrical inspector shall not be
less than fourteen thousand five hundred dollars per
year, with graduations of two hundred forty dollars
annually for a ten-year period, and shall be fixed by
the director of the department of mines, who shall take
into consideration ability, performance of duty, and ex-
perience. No reimbursement for traveling expenses shall
be made except on an itemized accounting for such
expense submitted by the electrical inspector, who shall
verify upon oath that such expenses were actually in-
curred in the discharge of his official duties.

Mine electrical inspectors, before entering upon the
discharge of their duties, shall take and subscribe to the
oath and shall execute a bond in the same penal sum,
with surety approved by the director of the department
of mines, all as is required by this article in the case of
mine inspectors.

Except as expressly provided in this section to the
contrary, all provisions of this article relating to the
eligibility, qualifications, appointments, tenure and re-
§22-1-11. Mine inspectors—Eligibility for appointment; qualifications; salary and expenses; removal.

(a) No person shall be eligible for appointment as a mine inspector unless, at the time of his probationary appointment, he (1) is a citizen of West Virginia, in good health, not less than thirty nor more than fifty-five years of age, and of good character, reputation and temperate habits; (2) has had at least ten years' practical experience in coal mines, at least five years of which, immediately preceding his original appointment, shall have been in mines in this state: Provided, That graduation from any accredited college of mining engineering shall be considered the equivalent of two years' practical experience; (3) has had practical experience with dangerous gases found in coal mines; and (4) has a good theoretical and practical knowledge of mines, mining methods, mine ventilation, sound safety practices and applicable mining laws.

(b) In order to qualify for appointment as a mine inspector, an eligible applicant shall submit to a written and oral examination by the mine inspectors' examining board and furnish such evidence of good health, character and other facts establishing eligibility as the board may require. If the board finds after investigation and examination that an applicant: (1) Is eligible for appointment and (2) has passed all written and oral examinations, with a grade of at least eighty percent, the board shall add such applicant's name and grade to the register of qualified eligible candidates and certify its action to the director of the department of mines. No candidate's name shall remain in the register for more than three years without requalifying.

(c) Salaries of district inspectors shall not be less than thirteen thousand six hundred dollars per year, with graduations of two hundred forty dollars annually for a ten-year period; assistant inspector-at-large, not less than fifteen thousand dollars per year, with graduations of two hundred forty dollars annually for a ten-year
period; inspectors-at-large, not less than sixteen thousand dollars per year, with graduations of two hundred forty dollars annually for a ten-year period, and they shall receive mileage at the rate of not less than ten cents for each mile actually traveled in the discharge of their official duties in a privately owned vehicle. Within the limits provided by law, the salary of each inspector shall be fixed by the director of the department of mines, subject to the approval of the mine inspectors' examining board. In fixing salaries of mine inspectors, the director of the department of mines shall consider ability, performance of duty and experience. No reimbursement for traveling expenses shall be made except upon an itemized account of such expenses submitted by the inspector, who shall verify upon oath, that such expenses were actually incurred in the discharge of his official duties.

(d) Any mine inspector who has fulfilled the requirements of this section with respect to employment and who has served satisfactorily as a mine inspector for a minimum period of one year and who has terminated his employment as a mine inspector, upon successfully passing a physical examination, may be reinstated as a mine inspector within two years after terminating his employment with the approval of the examining board and the director of the department of mines.

(e) A mine inspector, after having received a permanent appointment, shall be removed from office only for physical or mental impairment, incompetency, neglect of duty, drunkenness, malfeasance in office, or other good cause.

Proceedings for the removal of a mine inspector may be initiated by the director of the department of mines whenever he has reasonable cause to believe and does believe that adequate cause exists, warranting removal. Such a proceeding shall be initiated by a verified petition, filed with the board by the director of the department of mines, setting forth with particularity the facts alleged. Not less than twenty reputable citizens, who are operators or employees in mines in the state, may petition the director of the department of mines for the removal of a mine inspector. If such petition is verified by at least
one of the petitioners, based on actual knowledge of the
affiant and alleged facts, which, if true, warrant the re-
moval of the inspector, the director of the department
of mines shall cause an investigation of the facts to be
made. If, after such investigation, the director finds that
there is substantial evidence, which, if true, warrants
removal of the inspector, he shall file a petition with the
board requesting removal of the inspector.

On receipt of a petition by the director of the depart-
ment of mines seeking removal of a mine inspector, the
board shall promptly notify the inspector to appear be-
fore it at a time and place designated in said notice, which
time shall be not less than fifteen days thereafter. There
shall be attached to the copy of the notice served upon
the inspector a copy of the petition filed with the board.

At the time and place designated in said notice, the
board shall hear all evidence offered in support of the
petition and on behalf of the inspector. Each witness
shall be sworn, and a transcript shall be made of all
evidence taken and proceedings had at any such hearing.
No continuance shall be granted except for good cause
shown. The chairman of the board and the director of the
department of mines shall have power to administer oaths
and subpoena witnesses.

Any mine inspector who shall wilfully refuse or fail
to appear before the board, or having appeared, shall
refuse to answer under oath any relevant question on the
ground that his testimony or answer might incriminate
him, or shall refuse to waive immunity from prosecution
on account of any relevant matter about which he may
be asked to testify at any such hearing before the board,
shall forfeit his position.

If, after hearing, the board finds that the inspector
should be removed, it shall enter an order to that effect.
The decision of the board shall be final and shall not be
subject to judicial review.

§22-1-12. Mine inspectors examining board.
1 There shall be a mine inspectors examining board con-
sisting of five members who, except for the public rep-
resentative on such board, shall be appointed by the gov-
error, by and with the advice and consent of the Senate.

Members so appointed may be removed only for the same
causes and in like manner as elective state officers. One
of the members of the board shall be a representative
of the public, who shall be the director of the school of
mines at West Virginia University. Two members of the
board shall be persons who by reason of previous train-
ing and experience may reasonably be said to represent
the viewpoint of coal mine operators and two members
shall be persons who by reason of previous training and
experience may reasonably be said to represent the view-
point of coal mine workers.

The director of the department of mines shall be an
ex officio member of the board and shall serve as secre-
tary of the board, without additional compensation; but
he shall have no right to vote with respect to any matter
before the board.

The members of the board, except the public repre-
sentative, shall be appointed for overlapping terms of
eight years, except that the original appointments shall
be for terms of two, four, six and eight years, respec-
tively. Any member whose term expires may be re-
appointed by the governor.

Each member of the board shall receive fifty dollars
per diem while actually engaged in the performance of
the work of the board; and shall receive mileage at
the rate of ten cents for each mile actually traveled
going from the home of the member to the place of
the meeting of the board and returning therefrom, which
shall be paid out of the state treasury upon a requisition
upon the state auditor, properly certified by such mem-
bers of the board.

The public member shall serve as chairman of the
board. Members of the board, before performing any
duty, shall take and subscribe to the oath required by
article four, section five of the constitution of West
Virginia.

The mine inspectors' examining board shall meet at
such times and places as shall be designated by the
chairman. It shall be the duty of the chairman to call
a meeting of the board on the written request of three members or the director of the department of mines. Notice of each meeting shall be given in writing to each member by the secretary at least five days in advance of the meeting. Three members shall constitute a quorum for the transaction of business.

In addition to other duties expressly set forth elsewhere in this article, the board shall:

1. Establish, and from time to time revise, forms of application for employment as mine inspectors and forms for written examinations to test the qualification of candidates for that position;

2. Adopt and promulgate reasonable rules and regulations relating to the examination, qualification and certification of candidates for appointment as mine inspectors, and hearings for removal of inspectors, required to be held by this article. All of such rules and regulations shall be printed and a copy thereof furnished by the secretary of the board to any person upon request;

3. Conduct, after public notice of the time and place thereof, examinations of candidates for appointment as mine inspector. By unanimous agreement of all members of the board, one or more members of the board or an employee of the department of mines may be designated to give a candidate the written portion of the examination;

4. Prepare and certify to the director of the department of mines a register of qualified eligible candidates for appointment as mine inspectors. The register shall list all qualified eligible candidates in the order of their grades, the candidate with the highest grade appearing at the top of the list. After each meeting of the board held to examine such candidates, and at least annually, the board shall prepare and submit to the director of the department of mines a revised and corrected register of qualified eligible candidates for appointment as mine inspectors, deleting from such revised register all persons who are no longer residents of West Virginia, (b) who have allowed a calendar year to expire without, in writing, indicating their continued availability for
such appointment, (c) who have been passed over for appointment for three years, (d) who have become ineligible for appointment since the board originally certified that such person was qualified and eligible for appointment as mine inspector, or (e) who, in the judgment of at least four members of the board, should be removed from the register for good cause;

(5) Cause the secretary of the board to keep and preserve the written examination papers, manuscripts, grading sheets, and other papers of all applicants for appointment as mine inspector for such period of time as may be established by the board. Specimens of the examinations given together with the correct solution of each question, shall be preserved permanently by the secretary of the board;

(6) Issue a letter or written notice of qualification to each successful eligible candidate;

(7) Hear and determine proceedings for the removal of mine inspectors in accordance with the provisions of this article;

(8) Hear and determine appeals of mine inspectors from suspension orders made by the director pursuant to the provisions of section four of this article: Provided, That an aggrieved inspector, in order to appeal from any order of suspension, shall file such appeal in writing with the mine inspectors examining board not later than ten days after receipt of notice of suspension. On such appeal the board shall affirm the act of the director unless it be satisfied from a clear preponderance of the evidence that the director has acted arbitrarily;

(9) Make an annual report to the governor and the director of the department of mines concerning the administration of mine inspection personnel in the state service, making such recommendations as the board considers to be in the public interest.

§22-1-13. Director and inspectors authorized to enter mines; duties of inspectors to examine mines; no advance notice; reports after fatal accidents.

The director of the department of mines shall have authority to visit, enter, and examine any mine, whether
underground or on the surface, and may call for the assistance of any district mine inspector or inspectors whenever such assistance is necessary in the examination of any mine. The operator of every coal mine shall furnish the director of the department of mines or mine inspector proper facilities for entering such mine and making examination or obtaining information.

If miners at any mine or one of their authorized representatives have reason to believe that dangerous conditions are existing or that the law is not being complied with, they may request the director to have an immediate investigation made.

Mine inspectors shall devote their full time and undivided attention to the performance of their duties, and they shall examine all of the mines in their respective districts at least four times annually, and as often, in addition thereto, as the director of the department of mines may direct, or the necessities of the case or the condition of the mine or mines may require, with no advance notice of inspection provided to any person, and they shall make a personal examination of each working face and all entrances to abandoned parts of the mine where gas is known to liberate, for the purpose of determining whether a danger, described in section eleven of this article, exists in any such mine, or whether any provision of article two of this chapter is being violated in any such mine.

The mine inspector shall visit the scene of each fatal accident occurring in any mine within his district and shall make an examination into the particular facts of such accident; make a report to the director of the department of mines, setting forth the results of such examination, including the condition of the mine and the cause or causes of such fatal accident, if known, and all such reports shall be made available to the interested parties, upon written requests.

At the commencement of any inspection of a coal mine by an authorized representative of the director, the authorized representative of the miners at the mine at the time of such inspection shall be given an oppor-
tunity to accompany the authorized representative of the director on such inspection.

§22-1-14. Findings, orders and notices.

(a) If, upon any inspection of a coal mine, an authorized representative of the director finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue forthwith an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (c) (1), (2), (3), (4) of this section, to be withdrawn from and to be prohibited from entering such area until an authorized representative of the director determines that such imminent danger no longer exists.

All employees on the inside and outside of a mine who are idled as a result of the posting of a withdrawal order by a mine inspector shall be compensated by the operator at their regular rates of pay for the period they are idled, but not more than the balance of such shift. If such order is not terminated prior to the next working shift, all such employees on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift.

(b) If, upon any inspection of a coal mine, an authorized representative of the director finds that there has been a violation of the law, but the violation has not created an imminent danger, he shall issue a notice to the operator or his agent, fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time, as originally fixed or subsequently extended, an authorized representative of the director of the department of mines finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (c) (1), (2), (3), (4) of this section, to be withdrawn from,
and to be prohibited from entering such area until an authorized representative of the director determines that the violation has been abated.

(c) The following persons shall not be required to be withdrawn from or prohibited from entering any area of the coal mine subject to an order issued under this section:

(1) Any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the director, to eliminate the condition described in the order;

(2) any public official whose official duties require him to enter such area;

(3) any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the director, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

(4) any consultant to any of the foregoing.

(d) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(e) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the director issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative and posted on the bulletin board at the mine.

(f) A notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the director.

(g) Each finding, order, and notice made under this section shall promptly be given to the operator of the
§22-1-15. Duties, findings, and orders of mine electrical inspectors; special inspections; notice.

In order that the electrical inspector may properly perform the duties required of him, he shall devote his whole time and attention to the duties of his office, and he shall have the right to enter any coal mine for the purpose of inspecting electrical equipment, and if he finds during his inspection any defects in the electrical equipment which are covered by law and may be detrimental to the lives or health of the workmen, he shall have the authority to order the operator, in writing, to remedy such defects within a prescribed time, and to prohibit the continued operation of such electrical equipment after such time, unless such defects have been corrected.

The electrical inspector shall examine each mine in his division at least once each year or as often as the director may deem necessary.

It shall be the duty of the electrical inspector, after completing his examination of a mine, to prepare a report describing his findings in said mine in a manner and form designated by the director. The original report shall be forwarded to the operator or his representative whose duty it shall be to post it in some conspicuous place open to examination by any interested person or persons. The report shall show the date of inspection, a list of equipment, and any other information that the director may deem necessary.

§22-1-16. Review by the director.

(a) (1) An operator, issued an order pursuant to the provisions of section eleven of this article, or any representative of miners in any mine affected by such order or by any modification or termination of such order, may apply to the director for review of the order within thirty days of receipt thereof or within thirty days of its modification or termination. An operator, issued a notice pursuant to section eleven-b of this article, or any representative of miners in any mine affected by such notice, may,
if he believes that the period of time fixed in such notice for the abatement of the violation is unreasonable, apply to the director for review of the notice within thirty days of the receipt thereof. The applicant shall send a copy of such application to the representative of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the director shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the operator or the representative of miners in such mine, to enable the operator and the representative of miners in such mine to present information relating to the issuance and continuance of such order or the modification or termination thereof or to the time fixed in such notice. The filing of an application for review under this law shall not operate as a stay of any order or notice.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing.

(b) Upon receiving the report of such investigation, the director shall make findings of fact, and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the order, or the modification or termination of such order, or the notice, complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the director under this law, all actions which the director takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the director a written request that the director grant temporary relief from any modification or termination of any order, or from any order issued under section eleven of this article, except an order issued under section eleven-a of this article, together with a detailed statement giving reasons for granting such relief. The director may grant such relief, under such conditions as he may prescribe, if

(1) A hearing has been held in which all parties were given an opportunity to be heard;
(2) the applicant shows that there is substantial likelihood that the findings of the director will be favorable to the applicant; and
(3) such relief will not adversely affect the health and safety of miners in the coal mine.

No temporary relief shall be granted in the case of a notice issued under section eleven of this article.

§22-1-17. Posting of notices, orders, and decisions.

(a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine, and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices, orders, and decisions required by this law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice, order, or decision required by this law to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The director shall cause a copy of any notice, order, or decision required by this law to be given to an operator to be mailed immediately to a representative of the miners. Such notice, order, or decision shall be available for public inspection.

(c) In order to insure prompt compliance with any notice, order, or decision issued under this law, the authorized representative of the director may deliver such notice, order, or decision to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice, order, or decision.

(d) Each operator of a coal mine shall file with the director the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the director. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and
safety at such mine, and such official shall receive a copy of any notice, order, or decision issued under this law affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the director the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health and safety official under this subsection shall not be construed as making such official subject to any penalty under this law.

1 (a) Any order or decision issued by the director under this law, except an order or decision under section eleven of this article shall be subject to judicial review by the circuit court of the county in which the mine affected is located or the circuit court of Kanawha county upon the filing in such court or with the judge thereof in vacation of a petition by any person aggrieved by the order or decision praying that the order or decision be modified or set aside in whole or in part, except that the court shall not consider such petition unless such person has exhausted the administrative remedies available under this law and files within thirty days from date of such order or decision.
1 (b) The party making such appeal shall forthwith send a copy of such petition for appeal, by registered mail to the other party. Upon receipt of such petition for appeal, the director of the department of mines shall promptly certify and file in such court a complete transcript of the record upon which the order or decision complained of was issued. The court shall hear such petition on the record made before the director. The findings of the director, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any
order or decision or may remand the proceedings to the
director for such further action as it may direct.

(c) In the case of a proceeding to review any order
or decision issued by the director under this law, except
an order or decision pertaining to an order issued under
section eleven-a of this article or an order or decision
pertaining to a notice issued under section eleven-b of
this article, the court may, under such conditions as it
may prescribe, grant such temporary relief as it deems
appropriate pending final determination of the proceed-
ing if

(A) All parties to the proceeding have been notified
and given an opportunity to be heard on a request for
temporary relief;

(B) the person requesting such relief shows that
there is a substantial likelihood that he will prevail on
the merits of the final determination of the proceeding;

and

(C) such relief will not adversely affect the health
and safety of miners in the coal mine.

(d) The judgment of the court shall be subject to
review only by the supreme court of appeals of West
Virginia upon a writ of certiorari filed in such court
within sixty days from the entry of the order and decision
of the circuit court upon such appeal from the director.

(e) The commencement of a proceeding under this
section shall not, unless specifically ordered by the court,
operate as a stay of the order or decision of the director.

(f) Subject to the direction and control of the attor-
ney general, attorneys appointed for the director may
appear for and represent him in any proceeding instituted
under this section.

§22-1-19. Injunctions.

The director may institute a civil action for relief,
including a permanent or temporary injunction, restrain-
ing order, or any other appropriate order in the circuit
court of the county in which the mine is located or the
circuit court of Kanawha county, whenever the operator
or his agent (a) violates or fails or refuses to comply with
any order or decision issued under this law, or (b) interferes with, hinders, or delays the director or his authorized representative in carrying out the provisions of this law, or (c) refuses to admit such representatives to the mine, or (d) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the director in furtherance of the provisions of this law, or (f) refuses to permit access to, and copying of, such records as the director determines necessary in carrying out the provisions of this law. Each court shall have jurisdiction to provide such relief as may be appropriate. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (a) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this law, unless, prior thereto, the circuit court granting such relief sets it aside or modifies it. In any action instituted under this section to enforce an order or decision issued by the director after a public hearing, the findings of the director, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

§22-1-20. Penalties.

(a)(1) Any operator of a coal mine in which a violation occurs of a health or safety standard or who violates any other provision of this law, shall be assessed a civil penalty by the director under paragraph (3) of this subsection, which penalty shall be not more than three thousand dollars for each such violation. Each occurrence of a violation of a health or safety standard may constitute a separate offense. In determining the amount of the penalty, the director shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.
Any miner who wilfully violates any health and safety standards shall be subject to a civil penalty assessed by the director under paragraph (3) of this subsection which penalty shall not be more than two hundred fifty dollars for each occurrence of such violation.

A civil penalty shall be assessed by the director only after the person charged with a violation under this law has been given an opportunity for a public hearing and the director has determined, by decision incorporating his findings of fact therein, that a violation did occur, and the amount of the penalty which is warranted, and incorporating, when appropriate, an order therein requiring that the penalty be paid. Any hearing under this section shall be of record.

If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the director shall file a petition for enforcement of such order in any appropriate circuit court. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and to the representative of the miners at the affected mine or the operator, as the case may be, and thereupon the director shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the director or it may remand the proceedings to the director for such further action as it may direct. The court shall consider and determine de novo all relevant issues, except issues of fact which were or could have been litigated in review proceedings before a circuit court under section fourteen of this article, and upon the request of the respondent, such issues of fact which are in dispute shall be submitted to a jury. On the basis of the jury's findings, the court shall determine the amount of the penalty to be imposed. Subject to
the direction and control of the attorney general, attorneys appointed for the director may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

(b) Any operator who willfully violates a health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section eleven of this article, or any order incorporated in a final decision issued under this article, except an order incorporated in a decision under subsection (a) of this section or section seventeen-two of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five thousand dollars or imprisoned in the county jail not more than one year, or both fined and imprisoned, except that if the conviction is for a violation committed after the first conviction of such operator under this law, he shall be fined not more than ten thousand dollars or imprisoned in the penitentiary not more than three years, or both fined and imprisoned.

(c) Whenever a corporate operator willfully violates a health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under this law or any order incorporated in a final decision issued under this law, except an order incorporated in a decision issued under subsection (a) of this section or section seventeen-two of this article, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statement, representation, or certification in any application, records, report, plan, or other document filed or required to be maintained pursuant to this law or any order or decision issued under this law shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five thousand dollars or imprisoned in the county jail not more than six months, or both fined and imprisoned.
(e) Whoever knowingly distributes, sells, offers for sale, introduces or delivers in commerce any equipment for use in a coal mine, including but not limited to, components and accessories of such equipment, which is represented as complying with the provisions of this law, or with any specification or regulation of the director applicable to such equipment, and which does not so comply, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to the same fine and imprisonment that may be imposed upon a person under subsection (d) of this section.


(a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (1) has notified the director or his authorized representative of any alleged violation or danger, (2) has filed, instituted or caused to be filed or instituted any proceeding under this law, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this law.

(b) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against, or any miner who has not been compensated by an operator for lost time due to the posting of a withdrawal order, may, within thirty days after such violation occurs, apply to the appeals board for a review of such alleged discharge, discrimination, or failure to compensate. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the appeals board shall cause such investigation to be made as it deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record. Upon receiving the report of
such investigation, the board shall make findings of fact. If it finds that such violation did occur, it shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the board deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner or representative of miners to his former position with back pay, and also pay compensation for idle time as a result of a withdrawal order. If it finds that there was no such violation, it shall issue an order denying the application. Such order shall incorporate the board's findings therein.

(c) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses including the attorney's fees as determined by the board to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

§22-1-22. Reports.
1 In addition to such records as are specifically required by this law, every operator of a coal mine shall establish and maintain such records, make such reports, and provide such information, as the director may reasonably require from time to time to enable him to perform his functions under this law. The director is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this law, all records, information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this law may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

§22-1-23.—Mine foreman examiner for mine foremen, assistant mine foremen and fire bosses; salary.
1 The director of the department of mines shall appoint a mine foreman examiner to examine and certify mine foremen, assistant mine foremen and mine examiners
or firebosses. Such mine foremen examiners shall be paid a minimum salary of twelve thousand dollars per year.

§22-1-24. Duties of the mine foreman examiner.
1 The duties of the mine foreman examiner shall be to:
2 (a) Prepare and conduct examinations of mine foremen, assistant mine foremen, and firebosses;
3 (b) Prepare and certify to the director of the department of mines a register of all persons who successfully completed the examination with a passing grade of eighty per cent.

§22-1-25. Place and time for examinations.
1 The director of the department of mines shall determine the location where the mine foremen examiner shall meet for the purpose of holding examinations, and at least two weeks' notice of the time and place where the examinations are to be held shall be given.

1 The mine foreman examiner shall, with the approval of the director, prepare, and from time to time, modify examinations to be administered applicants for certification as mine foremen and firebosses.
2 All persons who desire to appear for examination shall notify the mine foremen examiner of their intentions to appear, if possible, not less than ten days prior to the date set for the examination. The mine foreman examiner shall inquire into the character and qualifications of the applicants who present themselves for examination.

1 Certificates of qualification of service heretofore granted shall have equal value with certificates of qualifications granted under this law.

§22-1-28. Certify to director.
1 The mine foreman examiner shall certify to the director, on a form furnished by him, every person whose
examination shall disclose his fitness for the duties of mine foreman, assistant mine foreman, and fire boss, as above classified, and the director shall prepare certificates of qualification for the successful applicants and send them to the mine foreman examiner for distribution.

§22-1-29. Record of examinations.

The mine foreman examiner shall send to the director the answers and all other papers of the applicants, together with the tally sheets and a list of the questions and answers as prepared by the mine foreman examiner which shall be filed in the department as public documents.

§22-1-30. Withdrawal of certification.

If a mine foreman, assistant mine foreman or fire boss is charged by a mine inspector that he has neglected or failed to perform his prescribed duties in accordance with the mining laws of the state, then such charge of neglect of prescribed duties shall be filed with the director of the department of mines.

Upon receipt of the charge, it shall be the duty of the director to make a thorough investigation of the allegations; and if he finds substantial evidence to sustain the charge, he shall promptly notify the individual and shall file a petition with the board of appeals requesting the withdrawal or suspension of his certificate.

On receipt of a petition from the director of the department of mines seeking the withdrawal or suspension of a certificate, the board shall promptly notify the person so affected to appear before it at a time and place designated in said notice, which time shall be not less than fifteen days thereafter. There shall be attached to such notice a copy of the petition filed with the board.

The board shall hear all evidence offered in support of the petition and on behalf of the person so charged at the time and place designated in said notice. Each witness shall be sworn and a transcript shall be made of all evidence presented at any such hearing. No continuance shall be granted except for good cause shown.
The chairman of the board shall have the power to administer oaths and subpoena witnesses and require production of any books, papers, records or other documents relevant or material to the inquiry.

Any person so charged who shall refuse or fail to appear before the board shall forfeit his certificate for three years and such certificate cannot be renewed except upon the successful completion of the examination prescribed by law for mine foreman, assistant mine foreman and fire boss.

If after the hearing the board finds by a preponderance of the evidence that the certificate of the charged person should be suspended (time shall be fixed by the board not to exceed three years) or revoked for a period of three years, it shall enter an order to that effect.

No renewal of the certificate shall be granted except as herein provided.

§22-1-31. Board of appeals.

There is hereby created a board of appeals, consisting of three members. Two members of the board shall be appointed by the governor, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners, and one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of the operators. The third person, who shall be chairman of the board and who must not have had any connection at any time with the coal industry or an organization representing miners, shall be selected by the two members appointed by the governor. The term of office of members of the board shall be five years.

The function and duties of the board shall be to hear appeals, make determinations on questions of miners' entitlements due to withdrawal orders and appeals from discharge or discrimination, and suspension of certification certificates.

The chairman of the board shall have the power to administer oaths and subpoena witnesses and require production of any books, papers, records or other documents relevant or material to the appeal inquiry.
Each member of the board shall receive fifty dollars per diem while actually engaged in the performance of the work of the board and shall receive mileage at the rate of ten cents for each mile actually traveled going from home of the member to the place of the meeting of the board and returning therefrom, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such members of the board. Board members, before performing any duty, shall take and subscribe to the oath required by article four, section five of the constitution of West Virginia.

§22-1-32. Mine rescue stations, equipment.
1 The director of the state department of mines is hereby authorized to purchase, equip and operate for the use of said department such mine rescue stations and equipment as he may deem necessary.

§22-1-33. Mine rescue crews.
1 The director of the state department of mines is hereby authorized to have trained and employed at the rescue stations, operated by the department within the state, such rescue crews as he may deem necessary. Each member of a rescue crew shall devote four hours each month for training purposes and shall be available at all times to assist in rescue work at explosions and mine fires. Regular members shall receive for such services the sum of thirty-two dollars per month, and captains shall receive thirty-five dollars per month, payable on requisition approved by the director of the department of mines. The director of the department of mines may remove any member of a rescue crew at any time.

After the effective date of this article, it shall be the duty and responsibility of the department of mines to see that all rescue teams be properly trained by a qualified instructor of the department of mines or such persons who have a certificate of training from the United States bureau of mines.

To qualify for membership of a mine rescue crew, an applicant shall (a) be not more than fifty years of age;
(b) pass a physical examination by a licensed physician at least annually; a record that such examination was taken together with pertinent data relating thereto shall be kept on file by the operator, and a copy shall be furnished to the director of the department of mines. All rescue or recovery teams performing recovery work shall be under the jurisdiction of the department of mines guided by the mine rescue apparatus and auxiliary equipment manual.

When engaged in rescue work required by an explosion, fire or other emergency at a mine, all members of mine rescue teams assigned to rescue operations shall, during the period of their rescue work, be employees of the operator of the mine where the emergency exists, and shall be compensated by the operator at the rate established in the area for such work. In no case shall this rate be less than the prevailing wage rate in the industry for the most skilled class of inside mine labor. During the period of their emergency employment, members of mine rescue teams shall be protected by the workmen’s compensation subscription of such emergency employer.

During recovery work and prior to entering any mine at the start of each shift, all rescue or recovery teams shall be properly informed of existing conditions and work to be performed by the designated company official in charge.

For every two teams performing rescue or recovery work underground, one six-member team shall be stationed at the mine portal.

Two-way communication and lifeline or its equivalent shall be provided inby the fresh air base to all rescue or recovery teams, and no team member shall be permitted to advance beyond such communication system.

Each rescue or recovery team performing work with breathing apparatus shall be provided with a back-up team of equal strength, stationed at each fresh air base.

A rescue or recovery team shall immediately return to the fresh air base when any team member's atmospheric pressure depletes to sixty atmospheres.
§22-1-34. Mine rescue teams.
1. It shall be the duty of any mine operator employing
2. fifty or more employees to have available for mine rescue
3. work a trained mine rescue team, the members of which
4. shall work in the general area of the mine. In the event
5. of any fire, explosion or recovery operations in or about
6. any mine, the director of the department of mines is
7. hereby authorized to call and assign any rescue team for
8. the protection of employees and the preservation of prop-
9. erty. The director also may assign mine rescue and re-
10. covery work to inspectors, instructors, or other qualified
11. employees of the department of mines as he may deem
12. desirable.

§22-1-35. Provisions of article severable.
1. The various provisions of this article shall be construed
2. as separable and severable, and should any of the provi-
3. sions, sentences, clauses, or parts thereof be construed or
4. held unconstitutional or for any reason be invalid, the re-
5. maining provisions of this article shall not be thereby
6. affected.

ARTICLE 2. COAL MINES.

MINE MAPS

§22-2-1. Supervision by professional engineer or licensed land
1. surveyor; seal and certification; contents; exten-
2. sions; repository; availability; traversing; copies;
3. archive; final survey and map; penalties.
4. The mapping of all coal mines shall be supervised by
5. a competent engineer or land surveyor. The work of such
6. engineer or land surveyor shall be supervised by either
7. a civil engineer or a mining engineer certified by the
8. board of engineers, which exists by authority of section
9. three, article thirteen, chapter thirty of this code, or a
10. licensed land surveyor approved by the board of exam-
11. iners of land surveyors as provided by section three,
12. article thirteen-a of said chapter thirty. To each map
13. supervised by the engineer or land surveyor there shall
14. be affixed thereto the seal of a certified or professional
15. engineer or licensed land surveyor, which shall be identi-
16. cal to the design authorized by the board of engineers,
as provided in section nine, article thirteen of said chapter
thirty or board of examiners of land surveyors as pro-
vided by section eleven, article thirteen-a of said chapter
thirty. Every map certified shall have the professional
engineer's or land surveyor's signature and certificate, in
addition to his seal, in the following form:

“I, the undersigned, hereby certify that this map is
correct and shows all the information, to the best of my
knowledge and belief, required by the laws of this State,
and covers the period ending _______________________

_________________________ P. E.
(Either Civil or Mining Engineer
or Land Surveyor).”

The operator of every underground coal mine shall
make, or cause to be made, an accurate map of such
mine, on a scale of not less than one hundred, and not
more than five hundred feet to the inch. The map of such
mine shall show:

(1) Name and address of the mine;
(2) The scale and orientation of the map;
(3) The property or boundary lines of the mine;
(4) The shafts, slopes, drifts, tunnels, entries, rooms,
crosscuts and all other excavations and auger and strip
mined areas of the coalbed being mined;
(5) All drill holes that penetrate the coalbed being
mined;
(6) Dip of the coalbed;
(7) The outcrop of the coalbed within the bounds of
the property assigned to the mine;
(8) The elevations of tops and bottoms of shafts and
slopes, and the floor at the entrance to drift and tunnel
openings;
(9) The elevation of the floor at intervals of not more
than two hundred feet in:
(a) At least one entry of each working section, and
main and cross entries;
(b) The last line of open crosscuts of each working
section, and main and cross entries before such sections
and main and cross entries are abandoned; and
(c) Rooms advancing toward or adjacent to property
or boundary lines or adjacent mines;
(10) Contour lines passing through whole number elevations of the coalbed being mined, the spacing of such lines not to exceed ten-foot elevation levels, except that a broader spacing of contour lines may be approved for steeply-pitching coalbeds by the person authorized so to do under the federal act; and contour lines may be placed on overlays or tracings attached to mine maps;

(11) As far as practicable the outline of existing and extracted pillars;

(12) Entries and air courses with the direction of air-flow indicated by arrows;

(13) The location of all surface mine ventilation fans, which location may be designated on the mine map by symbols;

(14) Escapeways;

(15) The known underground workings in the same coalbed on the adjoining properties within one thousand feet of such mine workings and projections;

(16) The location of any body of water dammed in the mine or held back in any portion of the mine, but such bodies of water may be shown on overlays or tracings attached to the mine maps used to show contour lines, as provided under subdivision ten of this section;

(17) The elevation of any body of water dammed in the mine or held back in any portion of the mine;

(18) The abandoned portion or portions of the mine;

(19) The location and description of at least two permanent base line points coordinated with the underground and surface mine traverses, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys;

(20) Mines above or below;

(21) Water pools above;

(22) The location of the principal streams and bodies of water on the surface;

(23) Either producing or abandoned oil and gas wells located within five hundred feet of such mine and any underground area of such mine;

(24) The location of all high pressure pipelines, high voltage power lines and principal roads;
(25) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown:

(26) Where the overburden is less than one hundred feet, occupied dwellings; and

(27) Such other information as may be required under the federal act or by the department of mines.

The operator of every underground coal mine shall extend, or cause to be extended, on or before the first day of March and on or before the first day of September of each year, such mine map thereof to accurately show the progress of the workings as of the first day of July and the first day of January of each year. Such map shall be kept up to date by temporary notations, which shall include:

(1) The location of each working face of each working place;

(2) Pillars mined or other such second mining;

(3) Permanent ventilation controls constructed or removed, such as seals, overcasts, undercasts, regulators and permanent stoppings, and the direction of air currents indicated; and

(4) Escapeways designated by means of symbols.

Such map shall be revised and supplemented at intervals prescribed under the federal act on the basis of a survey made or certified by such engineer or surveyor, and shall be kept by the operator in a fireproof repository located in an area on the surface chosen by the operator to minimize the danger of destruction by fire or other hazard.

Such map and any revision and supplement thereof shall be available for inspection by a federal mine inspector, by mine health and safety instructors, by miners in the mine and their representatives and by operators of adjacent coal mines and by persons owning, leasing or residing on surface areas of such mines or areas adjacent to such mines, and a copy of such map and any revision and supplement thereof shall be promptly filed with the department of mines. The operator shall also furnish to persons expressly entitled thereto under the federal act, upon request, one or more copies of such maps and any
revision and supplement thereof. Such map or revision and supplement thereof shall be kept confidential and its contents shall not be divulged to any other person, except to the extent necessary to carry out the provisions of the federal act and this chapter and in connection with the functions and responsibilities of the secretary of housing and urban development.

Surveying calculations and mapping of underground coal mines which were or are opened or reopened after July one, one thousand nine hundred sixty-nine, shall be done by the rectangular coordinate traversing method and meridians carried through and tied between at least two parallel entries of each development panel and panels or workings adjacent to mine boundaries or abandoned workings. These surveys shall originate from at least three permanent survey monuments on the surface of the mine property. The monuments shall be clearly referenced and described in the operator's records. Elevations shall be tied to either the United States geological survey or the United States coast and geodetic survey bench mark system, be clearly referenced and described on such map.

Underground coal mines operating on July one, one thousand nine hundred sixty-nine, and not using the rectangular coordinate traversing method shall, within two years of such date, convert to this procedure for surveying calculations and mapping. Meridians shall be carried through and tied between at least two parallel entries of each development panel and panels or workings adjacent to mine boundaries or abandoned workings. These surveys shall originate from at least three permanent survey monuments on the surface of the mine property. The monuments shall be clearly referenced and described in the coal mine operator's records. Elevations shall be tied to either the United States geological survey or the United States coast and geodetic survey bench mark system, be clearly referenced and described on such map.

The operator of such underground coal mine shall, by reasonable proof, demonstrate to the director of the department of mines or to any federal mine inspector con-
cerned, at any time, that a diligent search was made for all existing and available maps and survey data for the workings on the adjoining properties. The operator shall further be able to show proof to the director of the department of mines or to any federal mine inspector concerned, that a suitable method was used to insure accuracy in the methods used in transposing other workings to the map of such mine.

There shall be an archive of underground coal mine maps maintained at the office of the director of the department of mines. The archive shall:

1. Be secured in a fireproof and burglarproof vault;
2. Have an appropriate map identification system;
3. Have adequate map microfilming facilities.

Whenever an operator permanently closes or abandons an underground coal mine, or temporarily closes an underground coal mine for a period of more than ninety days, he shall promptly notify the department of mines and the federal mine inspector of the district in which such mine is located of such closure. Within sixty days of the permanent closure or abandonment of an underground coal mine, or, when an underground coal mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the department of mines and such federal mine inspector a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified by a certified or professional engineer or licensed surveyor as aforesaid and shall be available for public inspection.

Any person having a map or surveying data of any worked out or abandoned underground coal mine shall make such map or data available to the department of mines to copy or reproduce such material.

Any person who fails or refuses to discharge any duty imposed upon him by this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars.
§22-2-2. Plan of ventilation; approval by director of department of mines.

Every operator of a coal mine, before making any new or additional openings, shall submit to the director of the department of mines, for his information and approval, a general plan showing the proposed system of ventilation and ventilating equipment of the openings, with their location and relative positions to adjacent developments; no such new or additional openings shall be made until approved by the director of the department of mines. The director of the department of mines shall promptly approve any such plans submitted, if the proposed system of ventilation and ventilating equipment meet the requirements of this article.


(a) The ventilation of mines, the systems for which extend for more than two hundred feet underground and which are opened after the effective date of this article, shall be produced by a mechanically operated fan or mechanically operated fans. Ventilation by means of a furnace is prohibited in any mine. The fan or fans shall be kept in continuous operation, unless written permission to do otherwise be granted by the director of the department of mines. In case of interruption to a ventilating fan or its machinery whereby the ventilation of the mine is interrupted, immediate action shall be taken by the mine operator or his management personnel, in all mines, to cut off the power and withdraw the men from the face regions or other areas of the mine affected. If ventilation is restored in fifteen minutes, the face regions and other places in the affected areas where gas (methane) is likely to accumulate, shall be reexamined by a certified person; and if found free of explosive gas, power may be restored and work resumed. If ventilation is not restored in fifteen minutes, all underground employees shall be removed from the mine, all power shall be cut off in a timely manner, and the underground employees shall not return until
ventilation is restored and the mine examined by cert-
ified persons, mine examiners, or other persons hold-
ing a certificate to make preshift examination.

(b) All main fans installed after the effective date of
this article shall be located on the surface in fireproof
housings offset not less than fifteen feet from the nearest
side of the mine opening, equipped with fireproof air
ducts, provided with explosion doors or a weak wall, and
operated from an independent power circuit. In lieu of
the requirements for the location of fans and pressure-
relief facilities, a fan may be directly in front of, or over
a mine opening; Provided: That such opening is not in
direct line with possible forces coming out of the mine if
an explosion occurs: Provided, however, That there is
another opening having a weak-wall stopping or ex-
plosion doors that would be in direct line with forces
coming out of the mine. All main fans shall be provided
with pressure-recording gauges or water gauges. A daily
inspection shall be made of all main fans and machinery
connected therewith by a certified electrician and a rec-
ord kept of the same in a book prescribed for this pur-
pose or by adequate facilities provided to permanently
record the performance of the main fan and to give warn-
ing of an interruption to a fan.

(c) Auxiliary fans and tubing shall be permitted to be
used in lieu of or in conjunction with line brattice to
provide adequate ventilation to the working faces:
Provided, That auxiliary fans to be so located and oper-
ated to avoid recirculation of air at any time. Auxiliary
fans shall be approved and maintained as permissible.

(d) If the auxiliary fan is stopped or fails, the elec-
trical equipment in the place shall be stopped and the
power disconnected at the power source until ventilation
in the working place is restored. During such stoppage,
the ventilation shall be by means of the primary air
current conducted into the place in a manner to pre-
vent accumulation of methane.

(e) If places where auxiliary fans and tubing are used,
the ventilation between shifts, weekends, and idle shifts
shall be provided to face areas with line brattice or the
equivalent to prevent accumulation of methane.
(f) If the air passing through the auxiliary fan or tubing contains gas in excess of one percent, the current shall at once be switched off and the trailing cable shall forthwith be disconnected from the power supply until the place is pronounced safe.

(g) The director may require that when continuous mine equipment is being used, all face ventilating systems using auxiliary fans and tubing shall be provided with machine-mounted diffuser fans, and such fans shall be continuously operated during mining operations.

(h) In the event of a fire or explosion in any coal mine, the ventilating fan or fans shall not intentionally be started, stopped, speed increased or decreased or the direction of the air current changed without the approval of the general mine foreman, and, if he is not immediately available, a representative of the state department of mines. A duly authorized representative of the employees should be consulted if practical under the circumstances.


1 (a) The operator or mine foreman of every coal mine, whether worked by shaft, slope, or drift, shall provide and hereafter maintain for every such mine adequate ventilation. In all mines the quantity of air passing through the last open crosscut between the intake and return in any pair or set of entries shall be not less than nine thousand cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. All working faces in a working section between the intake and return airway entries shall be ventilated with a minimum quantity of three thousand cubic feet of air per minute and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases. The quantity of air reaching the last crosscut in pillar sections may be less than nine thousand cubic feet of air per minute if at least nine thousand cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful
gases. All active underground working places in a mine shall be ventilated by a current of air containing not less than nineteen and five-tenths percent of oxygen, not more than five-tenths percent of carbon dioxide, and no harmful quantities of other noxious or poisonous gases.

(b) Airflow shall be maintained in all intake and return air courses of a mine, and where multiple fans are used, neutral areas created by pressure equilization between main fans shall not be permitted. Production activities in working faces shall cease while tubing, line brattice, or other ventilation devices are being installed inby the machine operator.

(c) Properly installed and adequately maintained line brattice or other approved devices shall be continuously used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove flammable, explosive, and noxious gases, dust, and explosive fumes. When damaged by falls or otherwise, such line brattice or other devices shall be repaired immediately.

(d) Brattice cloth used underground shall be of flame-resistant material. The space between the line brattice or other approved device and the rib shall be large enough to permit the flow of a sufficient volume and velocity of air to keep the working face clear of flammable, explosive, and noxious gases, dust and explosive fumes.

(e) Each working unit newly developed in virgin coal hereafter, shall be ventilated by a separate split of air: Provided, That areas already under development and in areas where physical conditions prevent compliance with this provision, the director of the department of mines may grant temporary relief from compliance until such time as physical conditions make compliance possible. The quantity of air reaching the last crosscut shall not be less than nine thousand cubic feet of air per minute and shall under any condition have sufficient volume and velocity to reduce and carry away smoke and flammable or harmful gases from each working face in the section.
(f) As working places advance, crosscuts for air shall be made not more than eighty feet apart. Where necessary to render harmless and carry away noxious or flammable gases, line brattice or other approved methods of ventilation shall be used so as to properly ventilate the face. All crosscuts between the main intake and return airways not required for passage of air and equipment shall be closed with stoppings substantially built with incombustible or fire-resistive material so as to keep working places well ventilated. In mines where it becomes necessary to provide larger pillars for adequate roof support, working places shall not be driven more than two hundred feet without providing a connection that will allow the free flow of air currents. In such cases, a minimum of twelve thousand cubic feet of air a minute shall be delivered to the last open crosscut and as much more as is necessary to dilute and render harmless and carry away flammable and noxious gases.

(g) In special instances for the construction of sidetracks, haulageways, airways, or openings in shaft bottom or slope bottom layouts where the size and strength of pillars is important, the director of the department of mines may issue a permit approving greater distances. The permit shall specify the conditions under which such places may be driven.

(h) In all mines a system of bleeder openings or air courses designed to provide positive movement of air through and/or around abandoned or caved areas, sufficient to prevent dangerous accumulation of gas in such areas and to minimize the effect of variations in atmospheric pressure shall be made a part of pillar recovery plans projected after the effective date of this article.

(i) If a bleeder return is closed as a result of roof falls or water during pillar recovery operations, pillar operations may continue without reopening the bleeder return if at least twenty thousand cubic feet of air per minute is delivered to the intake of the pillar line.

(j) No operator or mine foreman shall permit any person to work where he is unable to maintain the quan-
tity and quality of the air current as heretofore required, provided, that, such provisions shall not prohibit the employment of men to make place of employment safe.

(k) The ventilation of any mine shall be so arranged by means of airlocks, overcasts, or undercasts, that the use of doors on passageways where men or equipment travel may be kept to a minimum. Where doors are used in a mine they shall be erected in pairs so as to provide a ventilated airlock unless the doors are operated mechanically.

(l) A crosscut shall be provided at or near the face of each entry or room before such places are abandoned.

(m) Overcasts or undercasts shall be constructed of incombustible material and maintained in good condition.

§22-2-5. Unused and abandoned parts of mine.

(a) In any mine, all workings which are abandoned after the effective date of this article shall be sealed or ventilated. If such workings are sealed, the sealing shall be done with incombustible material in a manner prescribed by the director of the department of mines, and one or more of the seals of every sealed area shall be fitted with a pipe and cap or valve to permit the sampling of gases and measuring of hydrostatic pressure behind the seals. For the purpose of this section, working within a panel shall not be deemed to be abandoned until such panel is abandoned.

(b) Air that has passed through an abandoned area or an area which is inaccessible or unsafe for inspection or air that has been used to ventilate seals shall not be used to ventilate any working place in any mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in a mine, except that such air, if it does not contain 0.25 volume percent or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries. Before sealed areas, temporary or permanent are reopened, the director of the department of mines shall be notified.
MOVEMENT OF EQUIPMENT

§22-2-6a. Movement of equipment; movement of mining equipment.

Mining equipment being transported or trammed underground, other than ordinary sectional movements, shall be transported or trammed by qualified personnel under the supervision of a certified foreman. When equipment is being transported or trammed, no person shall be permitted to be in by the equipment in the ventilating split that is passing over such equipment. To avoid accidental contact with power lines, face equipment shall be insulated and assemblies removed, if necessary, so as to provide clearance.

MINE FOREMAN

§22-2-7. When mine foreman to be employed; qualifications; assistants.

In every coal mine where five or more persons are employed in a period of twenty-four hours, the operators shall employ a mine foreman who shall be a competent and practical person, holding a certificate of competency for such position issued to him by the department of mines after an examination by such department. In order to receive a certificate of competency to qualify as mine foreman, he shall at the time he takes the examination, be a citizen, resident or employed in a mine in this State, of good moral character and temperate habits, having had at least three years' experience in the underground working, ventilation and drainage of coal mines, or be a graduate of the school of mines of West Virginia University or of another accredited mining engineering school and have had one year's practical experience in coal mines: Provided, however, That in order to serve as a mine foreman he shall have had at least five years' practical experience, and if such service be at a gassy mine then at least two years of such experience shall have been in a gassy mine: Provided further, That any person holding a mine foreman's certificate issued by any other state may act in the capacity of mine foreman in any mine in this State until the next regular mine foreman's examination.
held by the department, but not to exceed a maximum of ninety days.

In mines in which the operations are so extensive that all the duties devolving upon the mine foreman cannot be discharged by one man, competent persons having had at least three years' experience in coal mines may be designated as assistants, who shall act under the mine foreman's instructions and the mine foreman shall be responsible for their conduct in the discharge of their duties under such designation.

§22-2-8. Same—Duties; ventilation; loose coal, slate or rocks; props; drainage of water; man doors.

(a) The duties of mine foreman shall be to keep a careful watch over the ventilating apparatus, the airways, traveling ways, pumps and drainage. He shall see that, as the miners advance their excavations, proper break-throughs are made so as to ventilate properly the mine; that all loose coal, slate and rock overhead in the working places and along the haulways are removed or carefully secured so as to prevent danger to persons employed in such mines, and that sufficient suitable props, caps, timbers, roof bolts, or other approved methods of roof supports are furnished for the places where they are to be used and delivered at suitable points. The mine foreman shall have all water drained or hauled out of the working places where practicable, before the miners enter, and such working places shall be kept dry as far as practicable while the miners are at work. It shall be the duty of the mine foreman to see that proper crosscuts are made, and that the ventilation is conducted by means of such crosscuts through the rooms by means of checks or doors placed on the entries or other suitable places, and he shall not permit any room to be opened in advance of the ventilation current. The mine foreman or other certified persons designated by him, shall measure the air current with an anemometer or other approved device at least weekly at the inlet and outlet at or near the faces of the advanced headings, and shall keep a record of such measurements in a book or upon a form prescribed by the director of the department of mines. Signs directing the way to outlets
or escapeways shall be conspicuously placed throughout the mine.

(b) After the effective date of this article, hinged man doors, at least thirty inches square or the height of the coal seam, shall be installed between the intake and the return at intervals of three hundred feet when the height of the coal is below forty-eight inches and at intervals of five hundred feet when the height of the coal is above forty-eight inches.


The mine foreman shall require that all slopes, incline planes and haulage roads used by any person in the mine shall conform to the provisions of this article.

§22-2-10. Signals on haulways; lights at mouth and bottom of shaft; operation of cages.

On all haulways, where hauling is done by machinery of any kind, the mine foreman shall provide for a proper system of signals, and a conspicuous light or approved trip reflector on the rear of every trip or train of cars when in motion in a mine. When hoisting or lowering of men occurs in the morning before daylight, or in the evening after darkness, at any mine operated by shaft, the mine foreman shall provide and maintain at the shaft mouth a light of stationary character, sufficient to show the landing and all surrounding objects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects contiguous thereto. The mine foreman shall require that no cages on which men are riding shall be lifted or lowered at a rate of speed greater than one thousand feet per minute and that no mine cars, either empty or loaded, shall be hoisted while men are being lowered, and no cage having an unstable self-dump platform shall be used for the carrying of workmen unless the same is provided with some device by which it may be securely locked when men are being hoisted or lowered into the mine. Provided, however, That during the initial development of a mine, and only until the shafts are joined, men shall be per-
mitted to ride cages with one empty car which has been bolted or strapped to the cage.

§22-2-11. Same—Bore holes.

1 It shall further be the duty of the mine foreman to have bore-holes kept not less than twenty feet in advance of the face, one each twenty feet on sides of the working places that are being driven toward and in dangerous proximity to an abandoned mine or part of a mine which may contain inflammable gases or which is filled with water. These holes shall be drilled whenever any working place in an underground mine approaches within fifty feet of abandoned workings in such mine, as shown by surveys made and certified by a competent engineer or surveyor, or within two hundred feet of any abandoned workings of such mine which cannot be inspected.

§22-2-12. Instruction of employees; annual examination of persons using flame safety lamps; records of examination.

1 The department of mines shall prescribe and establish a course of instruction in mine safety and particularly in dangers incident to such employment in mines and in mining laws and rules, which course of instruction shall be successfully completed within twelve weeks after any person shall be first employed as a miner. It shall further be the duty and responsibility of the department of mines to see that such course shall be given to all persons as above provided after their first being employed in any mine in this state.

11 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.

17 Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant, or such other experienced worker as may be designated by the mine foreman or assistant, until he is familiar with the danger incident to his work.
Persons whose duties require them to use a flame safety lamp or other approved methane detectors shall be examined at least annually as to their competence by a qualified official from the West Virginia department of mines and a record of such examination shall be kept by the operator and the department of mines.

1 The mine foreman or his assistants shall visit and carefully examine each working place in the mine at least once every two hours each shift while the miners of such places are at work, and shall direct that each working place shall be secured by props, timbers, roof bolts, or other approved methods of roof support or both where necessary to the end that the working places shall be made safe. Should the mine foreman or his assistants find a place to be in a dangerous condition, they shall not leave the place until it is made safe, or shall remove the persons working therein until the place is made safe by some competent person designated for that purpose.
2 He shall place his initials, time and the date at or near each place he examines. He shall also record any dangerous conditions and practices found during his examination in a book provided for that purpose.

§22-2-14. Same—Safety inspection; gas.
1 It shall be the duty of the mine foreman, or other certified person designated by him, to examine all working places under his supervision for hazards at least once every two hours during each coal-producing shift, or oftener if necessary for safety. In all mines such examinations shall include tests with a permissible flame safety lamp or other approved detector for methane and oxygen deficiency. It shall also be his duty to remove as soon as possible after its discovery any accumulations of explosive or noxious gases in active workings, and where practicable, any accumulations of explosive or noxious gases in the worked out and abandoned portions of the mine.

1 The mine foreman shall direct and see that all dangerous places and the entrance or entrances to worked out
§22-2-16. Same—Examinations of reports of fire bosses.
1 The mine foreman shall also, each day, read carefully
2 and countersign with ink or indelible pencil all reports
3 entered in the record book of the fire bosses, and he
4 shall supervise the fire boss or fire bosses, except as
5 hereinafter provided in section twenty-two of this article.

§22-2-17. Same—Ascertainment; record and removal of all
   dangers.
1 The mine foreman shall give prompt attention to the
2 removal of all dangers reported to him by his assistants,
3 the fire boss, or any other person working in the
4 mine, and in case it is impracticable to remove the danger
5 at once, he shall notify all persons whose safety is men-
6 aced thereby to remain away from the area where the
7 dangerous condition exists. He or his assistants or certi-
8 fied persons designated by him, shall at least once each
9 week travel and examine the air courses, roads and open-
10 ings that give access to old workings or falls, and make
11 a record of the condition of all places where danger has
12 been found, with ink or indelible pencil in a book pro-
13 vided for that purpose.

§22-2-18. Same—Duty to notify operator when unable to com-
   ply with law; duty of operator.
1 The mine foreman shall notify, in writing, the oper-
2 ator or superintendent of the mine, and the director of
3 the department of mines, of his inability to comply with
4 any of the requirements of this law, and it shall then
5 become the duty of such operator or superintendent
6 promptly to attend to the matter complained of by the
7 mine foreman so as to enable him to comply with the
8 provisions hereof. Every operator of a mine shall furnish
9 all supplies necessary for the mine foreman to comply
10 with the requirements of this law after being requested
11 to do so in writing by the mine foreman.
§22-2-19. Death or resignation of mine foreman; successor.

1 In case of the death or resignation of a mine foreman, the superintendent or manager shall appoint a certified man to act as mine foreman.

FIRE BOSS

§22-2-20. When fire boss to be employed; qualifications.

1 Every operator shall employ a mine examiner known as a fire boss, who shall hold a certificate of competency for such position issued to him by the department of mines after taking an examination held by the department of mines. In order to receive a certificate of competency to qualify as a fire boss, he shall at the time he takes the examination, be a citizen, resident or employed in a mine in this State, having had at least three years' experience in the underground working, ventilation and drainage of coal mines; he shall have such knowledge of methane and other dangerous gas or gases as to be able to detect the same with a permissible flame safety lamp; he shall have a practical knowledge of the subject of ventilation of mines and the machinery and appliances used for that purpose; and he shall also be a person of good moral character and temperate habits.

§22-2-21. Preparation of danger signal by fire boss or certified person acting as such prior to examination; report; records open for inspection.

1 It shall be the duty of the fire boss, or a certified person acting as such, to prepare a danger signal (a separate signal for each shift) with red color at the mine entrance at the beginning of his shift or prior to his entering the mine to make his examination and, except for those persons already on assigned duty, no person except the mine owner, operator, or agent, and only then in the case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss or other certified person and the mine or certain parts thereof reported by him to be safe. When reported by him to be safe, the danger sign or color thereof shall be changed to indicate that the mine is safe in order that employees going on shift may begin work. Each person designated to make such
fire boss examinations shall be assigned a definite under-
ground area of such mine, and, in making his examination
shall examine all active working places in the assigned
area and make tests with a permissible flame safety lamp
for accumulations of methane and oxygen deficiency;
examine seals and doors; examine and test the roof, face,
and ribs in the working places and on active roadways
and travelways, approaches to abandoned workings and
accessible falls in active sections. He shall place his
initials and the date at or near the face of each place he
examines. Should he find a condition which he considers
dangerous to persons entering such areas, he shall place a
conspicuous danger sign at all entrances to such place or
places. Only persons authorized by the mine management
to enter such places for the purpose of eliminating the
dangerous condition shall enter such place or places while
the sign is posted. Upon completing his examination he
shall report by suitable communication system or in per-
son the results of this examination to a certified person
designated by mine management to receive and record
such report, at a designated station on the surface of the
premises of the mine or underground, before other per-
sons enter the mine to work in such coal-producing shifts.
He shall also record the results of his examination with
ink or indelible pencil in a book prescribed by the di-
rector of the department of mines kept for such purpose
at a place on the surface of the mine designated by mine
management. All records of daily and weekly reports, as
prescribed herein, shall be open for inspection by interest-
ed persons.

§22-2-22. Fire bosses to have no superior officers.
1 In the performance of the duties devolving upon fire
2 bosses, or certified persons acting as such, they shall have
3 no superior officers, but all the employees working inside
4 of such mine or mines shall be subordinate to them in
5 their particular work.

§22-2-23. Unlawful to enter mine until fire boss reports it safe;
exceptions.
1 No person shall enter such mine or mines for any pur-
2 pose at the beginning of work upon each shift therein
§22-2-24. Authority of fire boss to perform other duties.

1. Notwithstanding any other provision in this article contained, any person who holds a certificate issued by the state department of mines certifying his competency to act as fire boss may perform the duties of a fire boss and any other duties, statutory or otherwise, for which he is qualified, in the same mine or section and on the same day or shift.

COAL DUST AND ROCK DUST

§22-2-25. Coal dust and rock dust; control of coal dust; rock dusting.

1. (a) In all mines, dangerous accumulations of fine, dry coal and coal dust shall be removed from the mine, and all dry and dusty operating sections and haulageways and conveyors and back entries shall be rock dusted or dust allayed by such other methods as may be approved by the director of the department of mines.

2. (b) All mines or locations in mines that are too wet or too high in incombustible content for a coal dust explosion to initiate or propagate are not required to be rock dusted during the time any of these conditions prevail. Coal dust and other dust in suspension in unusual quantities shall be allayed by sprinkling or other dust allaying devices.

3. (c) In all dry and dusty mines or sections thereof, rock dust shall be applied and maintained upon the roof, floor and sides of all operating sections, haulageways and parallel entries connected thereto by open crosscuts. Back entries shall be rock dusted. Rock dust shall be so applied to include the last open crosscut of rooms and
§22-2-26. Roof control programs and plans.

(a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each coal mine and the means and measures to accomplish such system. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof control plan and revisions thereof suitable to the roof conditions and mining system of each coal mine and approved by the director of the department of mines shall be adopted and set out in printed form on or before the first day of July, one thousand nine hundred seventy-one. The plan shall show the type of support and spacing approved by the director. Such plan shall be reviewed periodically, at least every six months by the director, taking into consideration any falls of roof or rib or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under approved roof control plan and the absence of such support will not pose a hazard to the miners. A copy of the plan shall be furnished to the director of the department of mines or his authorized representative and shall be available to the miners and their representatives.

(b) The operator, in accordance with the approved plan, shall provide at or near each working face and at
such other locations in the coal mines as the director may
prescribe, an ample supply of suitable materials of proper
size with which to secure the roof of all working places
in a safe manner. Safety posts, jacks, or other approved
devices shall be used to protect the workmen when roof
material is being taken down, crossbars are being in-
stalled, roof bolt holes are being drilled, roof bolts are
being installed, and in such other circumstances as may
be appropriate. Loose roof and overhanging or loose
faces and ribs shall be taken down or supported. Except
in the case of recovery work, supports knocked out shall
be replaced promptly.

§22-2-27. Roof support; roof bolt recovery; mining methods.

(a) The method of mining followed in any coal mine
shall not expose the miner to unusual dangers from roof
cfalls. The width of roadways shall not exceed fourteen
feet unless additional support is added cross sectional.
During the development of intersections, the roof between
the tangents of the arches in the entry or room shall be
supported with artificial roof supports prior to the de-
velopment of such intersections. All areas where the arch
is broken shall be considered as having unsupported roof
and such roof should have artificial roof supports in-
stalled prior to any other work being performed in the
area.

(b) Where miners are exposed to danger from falls
or roof, face, and ribs, the operator shall examine and
test the roof, face, and ribs before any work or machine is
started, and as frequently thereafter as may be necessary
to insure safety. When dangerous conditions are found,
they shall be corrected immediately.

(c) Roof bolts shall not be recovered where complete
extraction of pillars is attempted, where adjacent to clay
veins or at the locations of other irregularities, whether
natural or otherwise, that induce abnormal hazards.
Where roof bolt recovery is permitted, it shall be con-
ducted only in accordance with methods prescribed in the
approved roof control plan, and shall be conducted by
experienced miners and only where adequate temporary
support is provided.
§22-2-28. Canopies or cabs; electric face equipment.

1 An authorized representative of the director may require in any coal mine where the height of the coal bed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

EXPLOSIVES AND BLASTING

§22-2-29. Authorized explosives; storage or use of unauthorized explosives.

1 Permissible explosives or permissible blasting devices only shall be used in blasting coal or other material in underground coal mines. It shall be unlawful to have, use or store any nonpermissible explosives or nonpermissible blasting devices in any coal mine or on the premises of the mine, without a permit from the director.

§22-2-30. Surface magazines for explosives.

1 Separate surface magazines shall be provided for storage of explosives, detonators and blasting heater elements. Surface magazines shall be constructed of incom bustible materials, be reasonably bullet proof and with no metal or sparkling material exposed inside the magazine. Surface magazines shall be provided with doors constructed of at least one-fourth inch steel plate lined with a two-inch thickness of wood or the equivalent, properly screened ventilators, and with no openings except for entrances and ventilation, and shall be kept locked securely when unattended. The area for a distance of at least twenty-five feet in all directions shall be kept free of materials of a combustible nature; suitable warning signs shall be erected, so located that a bullet passing directly through the face of the sign will not strike the magazine. The location of magazines shall be not less than two hundred feet from any mine openings, occupied buildings or public roads unless barricaded. If magazines are illuminated electrically, the lamps shall be of vapor-proof type, properly installed and wired, and smoking
and open lights shall be prohibited in or near any magazine.

§22-2-31. Transportation of explosives.

1 Individual containers used to carry permissible explosives or detonators shall be constructed of substantial, non-conductive materials, kept closed and maintained in good condition. When explosives or detonators are transported underground in cars moved by means of locomotives, ropes, or other motive power, they shall be in substantially covered cars or in special substantially-built covered containers used specifically for transporting detonators or explosives. Any container used for transportation or storage of explosives shall be properly identified or marked. Explosives or detonators shall not be hauled into or out of a mine within five minutes preceding or following a mantrip. Where explosives and detonators are transported underground by belts, they shall be handled in the following manner: In the original and unopened cases, in special closed cases constructed of nonconductive material, or in suitable, individual containers. Clearance requirements shall be a minimum of eighteen inches; stop controls shall be provided at loading and unloading points, and an attendant shall supervise the loading and unloading. Neither explosives nor detonators shall be transported on flight or shaking conveyors, mechanical loading machines, locomotives, scrapers, cutting machines, drill trucks, or any self-propelled mobile equipment. If explosives and detonators are transported in the same explosives car or in the same special container, they shall be separated by at least four inches of hardwood partition or the equivalent; the bodies of such cars or containers shall be constructed or lined with nonconductive material. No hand loader shall take into any mine any larger quantity of explosives or detonators than he may reasonably expect to use in any one shift.


1 Explosives and detonators stored underground shall be kept in section boxes or magazines of substantial con-
struction with no metal exposed on the inside, and be located at least fifteen feet from roadways and power wires in a well rock-dusted location, protected from falls or roof. If not kept in separate boxes or magazines not less than five feet apart, they may be kept in the same box or magazine if separated by at least a four-inch hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives or detonators shall be stored underground in section boxes or magazines. These boxes or magazines shall be kept at least one hundred feet from the faces and out of the direct line of blasting.

§22-2-33. Preparation of shots; blasting practices.

(a) Only a certified “shot firer” designated by mine management shall be permitted to handle explosives and do blasting. Only electric detonators of proper strength fired with permissible shot firing units shall be used except under special permits as hereinafter provided, and drillholes shall be stemmed with at least twenty-four inches of incombustible material, or at least one-half of the length of the hole shall be stemmed if the hole is less than four feet in depth, unless other permissible stemming devices or methods are used. Drillholes shall not be drilled beyond the limits of the cut, and as far as practicable, cuttings and dust shall be cleaned from the holes before the charge is inserted. Charges of explosives exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if drillholes are six feet or more in depth. Ample warning shall be given before shots are fired, and care shall be taken to determine that all persons are in the clear before firing. Men shall be removed from adjoining places and other places when there is danger of shots blowing through. No shots shall be fired in any place known to liberate explosive gas, until such place has been properly examined by a competent person who is designated by mine management for that purpose, and no shots shall be fired in any place where gas is detected with a permissible flame safety lamp until such gas has been removed by means of ventilation. After firing any
shot, or shots, the person firing the same shall not return
to the working face until the smoke has been cleared
away and then he shall make a careful examination of
working face before leaving the place or before per-
forming any other work in the place.
(b) Multiple shooting in coal or rock or both is au-
thorized only under permit issued by the director of
the department of mines. Permission to shoot more than
ten shots simultaneously may be granted by the director
only after consultation with interested persons, and such
shooting will be performed by special methods and under
precautions prescribed by the director. All multiple
shooting in bottom or roof rock shall be performed in
intake air, except by special permit from the director
of the department of mines, after consultation with in-
terested persons as heretofore provided. Multiple blast-
ing of more than ten shots performed under any permit
granted by the director under this section shall be done
only on non-coal-producing shifts or idle days, except as
may be provided as a condition of the permit granted.
(c) Regular or short interval delay detonators may
be used for blasting purposes with written permission
from the director of the department of mines. Regular
delay detonators shall not be used for blasting coal; but
may be used for grading above or below coal seams and
during shaft, slope, tunnel work and in faults or wants.
Where short-interval delay detonators are permitted by
said director to be used, the shot firing circuit must be
tested with a blasting galvanometer before firing, and
the leg wires connected in series. No instantaneous,
regular, or zero-delay detonators are to be fired in con-
junction with short interval delay detonators. The delay
interval between dependent rows must not be less than
twenty-five milliseconds or more than one hundred milli-
seconds, and the entire series of any one round shall
not provide a delay of more than five hundred milli-
seconds between the first and last shot. The total number
of charged holes to be fired during any one round must
not exceed the limit permitted by the director. Misfires
must be tested with a blasting galvanometer before
removing.
(d) Electrical equipment shall not be operated in the face areas, and only work in connection with timbering and general safety shall be performed while bore holes are being charged. Shots shall be fired promptly after charging. Mudcaps (adobes) or any other unconfined shots shall not be permitted in any coal mine. No solid shooting shall be permitted without written permission of the department of mines.

(e) Blasting cables shall be well insulated and shall be as long as may be necessary to permit persons authorized to fire shots to get in a safe place out of the line of fire. The cable, when new, shall be at least one hundred twenty-five feet in length and never less than one hundred feet. Shooting cables shall be kept away from power wires and all other sources of electric current, connected to the leg wires by the person who fires the shot, staggered as to length or well separated at the detonator leg wires, and shunted at the battery until ready to connect to the blasting unit.

§22-2-34. Misfires of explosives.
(a) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery ends short-circuited before electric connections are examined.

(b) Explosives shall be removed by firing a separate charge at least two feet away from and parallel to the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(c) A careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive.

(d) The handling of a misfired shot shall be under the direct supervision of the mine foreman or a certified person designated by him.
§22-2-35. Other blasting devices.

(a) The provisions governing the handling, storage, transportation and use of permissible explosives shall apply to all other blasting devices employing a heater element when used underground.

(b) Where compressed air is used for blasting, the airlines shall be grounded at the compressor and, if practical, at other low-resistant ground connections along the lines. They shall not be connected in any way to rails, water lines, or other electric return conductors and shall be adequately insulated and protected where they cross electric wires, underneath track, or at places where equipment passes over or under. Steel, copper, or other airlines connected therewith shall not be handled or repaired when air pressure is in the line. Shutoff valves shall be installed every thousand feet in all compressed-air blasting lines and at all points where branch lines leave the main line and blowdown valves shall not be less than fifty feet from the face and shall be around a corner.

(c) When misfires occur with any other blasting devices, they shall be handled in a safe manner and under the supervision of the mine foreman or a certified person designated by him.

§22-2-36. Hoisting; machinery; telephones; safety devices; hoisting engineers, and drum runners.

(a) The operator of every coal mine worked by shaft, shall provide and maintain a metal tube, telephone or other approved means of communication from the top to the bottom and intermediate landings of such shafts, suitably adapted to the free passage of sound, through which conversation may be held between persons at the top and at the bottom of the shaft; a standard means of signaling; an approved safety catch, bridle chains, automatic stopping device, or automatic overwind; a sufficient cover overhead on every cage used for lowering or hoisting persons; an approved safety gate at the top of the shaft; and an adequate brake on the drum of every machine used to lower or hoist persons in such shaft. Such
operator shall have the machinery used for lowering and hoisting persons into or out of the mine kept in safe condition, equipped with a reliable indicator, and inspected once in each twenty-four hours by a qualified electrician. Where a hoisting engineer is required, he shall be readily available at all times when men are in the mine. He shall operate the empty cage up and down the shaft at least one round trip at the beginning of each shift, and after the hoist has been idle for one hour or more before hoisting or lowering men; there shall be cut out around the side of the hoisting shaft or driven through the solid strata at the bottom thereof, a traveling way, not less than five feet high and three feet wide to enable a person to pass the shaft in going from one side of it to the other without passing over or under the cage or other hoisting apparatus. Positive stop blocks or derails shall be placed near the top and at all intermediate landings of slopes and surface inclines and at approaches to all shaft landings. A waiting station with sufficient room, ample clearance from moving equipment, and adequate seating facilities shall be provided where men are required to wait for man-trips or man cages, and the men shall remain in such station until the man-trip or man cage is available.

(b) No operator of any coal mine worked by shaft, slope, or incline, shall place in charge of any engine or drum used for lowering or hoisting persons employed in such mine any but competent and sober engineers or drum runners; and no engineer or drum runner in charge of such machinery shall allow any person, except such as may be designated for this purpose by the operator, to interfere with any part of the machinery; and no person shall interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties. Where the mine is operated or worked by shaft or slope, a minimum space of two and one-half square feet per person shall be available for each person on any cage or car where men are transported. In no instance shall more than twenty men be transported on a cage or car without the approval of the director of the department of mines. No
person shall ride on a loaded cage or car in any shaft, slope, or incline: Provided, That this shall not prevent any trip rider from riding in the performance of his authorized duties. No engineer shall be required for automatically operated cages, elevators, or platforms. Cages and elevators shall have an emergency power source unless provided with other escapeway facilities.

(c) Each automatic elevator shall be provided with a telephone or other effective communication system by which aid or assistance can be obtained promptly.

(d) A “stop” switch shall be provided in the automatic elevator compartment that will permit the elevator to be stopped at any location in the shaft.

TRANSPORTATION

§22-2-37. Transportation; haulage roads and equipment; shelter holes; prohibited practices; signals; inspection.

(a) The roadbed, rails, joints, switches, frogs, and other elements of all haulage roads shall be constructed, installed and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.

(b) Track switches, except room and entry development switches, shall be provided with properly installed throws, bridle bars, and guard rails; switch throws and stands, where possible, shall be placed on the clearance side.

(c) Haulage roads on entries developed after the effective date of this article shall have a continuous, unobstructed clearance of at least twenty-four inches from the farthest projection of any moving equipment on the clearance side.

(d) On haulage roads where trolley lines are used, the clearance shall be on the side opposite the trolley lines.

(e) On the trolley wire or “tight” side, after the effective date of this article, there shall be at least twelve inches of clearance from the farthest projection of any moving equipment.
(f) Warning lights or reflective signs or tapes shall be installed along haulage roads at locations of abrupt or sudden changes in the overhead clearance.

(g) The clearance space on all haulage roads shall be kept free of loose rock, coal, supplies or other material. Provided, That not more than twenty-four inches need be kept free of such obstructions.

(h) Ample clearance shall be provided at all points where supplies are loaded or unloaded along haulage roads or conveyors.

(i) Shelter holes shall be provided along haulage entries driven after the effective date of this article where locomotive, rope or animal haulage is used. Such shelter holes shall be spaced not more than one hundred feet apart; they shall be on the side of the entry opposite the trolley wire.

(j) Shelter holes made after the effective date of this article shall be at least five feet in depth, not more than four feet in width, and as high as the traveling space. Room necks and crosscuts may be used as shelter holes even though their width exceeds four feet.

(k) Shelter holes shall be kept clear of refuse and other obstructions.

(l) After the effective date of this article, shelter holes shall be provided at switch throws and manually operated permanent doors.

(m) No steam locomotive shall be used in mines where men are actually employed in the extraction of coal, but this shall not prevent operation of a steam locomotive through any tunnel haulway or part of a mine that is not in actual operation and producing coal.

(n) Underground equipment powered by internal combustion engines using petroleum products, alcohol, or other compound shall not be used in a coal mine.

(o) Locomotives, personnel carriers, mine cars, supply cars, shuttle cars, and all other haulage equipment shall be maintained in a safe operation condition. Each locomotive shall be equipped with a suitable lifting jack and handle. An audible warning device and headlights shall be provided on each locomotive and each shuttle car.

All other mobile equipment, using the face areas of the
mine, purchased after the effective date of this article, shall be provided with a conspicuous light or other approved device so as to reduce the possibility of collision.

(p) No persons other than those necessary to operate a trip or car shall ride on any loaded car or on the outside of any car. Where pusher locomotives are not used, the locomotive operator shall have an assistant to assist him in his duties.

(q) The pushing of trips, except for switching purposes, is prohibited on main haulage roads: Provided, That this does not prohibit the use of a pusher locomotive to assist the locomotive pulling a trip. Motormen and trip riders shall use care in handling locomotives and cars. It shall be their duty to see that there is a conspicuous light on the front and rear of each trip or train of cars when in motion: Provided, That trip lights need not be used on cars being shifted to and from loading machines, on cars being handled at loading heads during gathering operations at working faces, or on trips being pulled by animals. No person except the operator or his assistant shall ride on locomotives or loaded cars.

(r) No motorman, trip rider or brakeman shall get on or off cars, trips, or locomotives while they are in motion, except that a trip rider or brakeman may get on or off the rear end of a slowly moving trip or the stirrup of a slowly moving locomotive to throw a switch, align a derail or open or close a door.

(s) Flying or running switches and riding on the front bumper of a car or locomotive are prohibited. Back poling shall be prohibited except with precaution to the nearest turning point (not over eighty feet), or when going up extremely steep grades and then only at slow speed. The operator of a shuttle car shall face in the direction of travel except during the loading operation when he shall face the loading machine.

(t) (1) A system of signals, methods, or devices shall be used to provide protection for trips, locomotives and
other equipment coming out onto tracks used by other equipment.

(2) In a mine where more than one thousand tons of coal are produced daily and where coal is transported by track haulage, a dispatcher shall be on duty when there is movement of traffic underground, including times when there is no coal in transit.

(3) Traffic shall move only at the direction of the dispatcher.

(4) The dispatcher's only duties shall be to direct traffic.

(5) Any dispatcher's station provided after the effective date of this article shall be on the surface.

(6) All self-propelled equipment shall be equipped with two-way communications.

(u) Motormen shall inspect locomotives, and report any mechanical defects found to the proper supervisor before a locomotive is put in operation.

(v) A locomotive following another trip shall maintain a distance of at least three hundred feet from the rear end of the trip ahead, unless such locomotive is coupled to the trip ahead.

(w) Positive stopblocks or derails shall be installed on all tracks near the top and at landings of shafts, slopes, and surface inclines. Positive-acting stopblocks or derails shall be used where necessary to protect persons from danger of runaway haulage equipment.

§22-2-38. Transportation of men by cars; self-propelled equipment; belts.

(a) Man trips shall be pulled, unless self-propelled, at safe speeds consistent with the condition of roads and type of equipment used, but not to exceed twelve miles an hour, except where special substantially covered man trip cars are used. Each man trip shall be under the charge of a certified person or other competent person designated by a mine foreman or assistant mine foreman. It shall be operated independently of any loaded trip of coal or other heavy material, but may transport tools, small machine parts and supplies. When
mine cars are used for man trips on steep grades, a locomotive shall be used on each end of the trip.

(b) Cars on the man trip shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(c) No person shall ride under the trolley wire unless suitably covered man cars are used.

(d) Men shall not load or unload before the cars in which they are to ride, or are riding, come to a full stop. Men shall proceed in an orderly manner to and from mantrips.

(e) When belts are used for transporting men, a minimum clearance of eighteen inches shall be maintained between the belt and the roof or crossbars, projecting equipment, cap pieces, overhead cables, wiring and other objects. Where the height of the coal seam permits, the clearance shall not be less than twenty-four inches.

(f) The belt speed shall not exceed two hundred fifty feet per minute where the minimum overhead clearance is eighteen inches, or three hundred feet per minute where the minimum overhead clearance is twenty-four inches, while men are loading, unloading, or being transported. A signaling system or method shall be provided for stopping the belt and men shall ride not less than six feet apart.

(g) An assistant mine foreman or some other person designated by the mine foreman shall supervise the loading and unloading of belts and mantrips. Where men are required to regularly cross over belts, adequate and safe facilities shall be provided.

(h) Positive-acting stop controls shall be installed along all belt conveyors used to transport men, and such controls shall be readily accessible, and maintained so that the belt can be stopped or started at any location.

(i) Belt conveyors used for regularly scheduled man trips shall be stopped while men are loading or unloading.

(j) There shall be at least thirty-six inches of side clearance where men board or leave such belt conveyors.
78

51  (k) Adequate illumination including colored lights
52  or reflective signs shall be installed at all loading and
53  unloading stations. Such colored lights and reflective
54  signs shall be so located as to be observable to all per-
55  sons riding the belt conveyor.
56  (l) Telephone or other suitable communications shall
57  be provided at points where men are regularly loaded
58  on or unloaded from belt conveyors.
59  (m) After supplies have been transported on man
60  trip cars, such cars shall be examined for unsafe condi-
61  tions prior to the transportation of men.

§22-2-39. Belt conveyor; installation; maintenance.
1  (a) On or after July 1, 1971, all conveyor belts ac-
2  quired for use underground shall be flame-resistant con-
3  veyor belts.
4  (b) A clear travelway at least twenty-four inches
5  wide shall be provided on both sides of all belt conveyors
6  installed after July 1, 1971. Where roof supports are
7  installed within twenty-four inches of a belt conveyor, a
8  clear travelway at least twenty-four inches wide shall
9  be provided on the side of such support farthest from
10  the conveyor.
11  (c) On belt conveyors that do not transport men,
12  stop and start controls shall be installed at intervals not
13  to exceed one thousand feet. Such controls shall be
14  properly installed and positioned so as to be readily
15  accessible.
16  (d) Persons shall not cross moving belt conveyors,
17  except where suitable crossing facilities are provided.
18  (e) All belt conveyors shall be inspected for frozen
19  rollers, rock falls, and fires, following the last produc-
20  tion shift each week, also before holidays, vacation peri-
21  ods, and each production shift, with records kept of daily
22  inspection.
23  (f) Deluge-type water sprays, water sprinklers, dry
24  chemical sprinkler system or foam generators (designed
25  to be automatically activated in the event of a fire or rise
26  in the temperature at or near the belt drive) shall be in-
27  stalled at each main and secondary conveyor drive.
(g) All underground belt conveyors shall be equipped with slippage and sequence switches.

(h) Telephones or other suitable communications shall be provided at points where supplies are regularly loaded or unloaded from the belt conveyors.

(i) After supplies have been transported on belt conveyors, such belts shall be examined for unsafe conditions prior to the transportation of men.

ELECTRICITY

§22-2-40. Electricity; general provisions.

1 (a) Operators of coal mines in which electricity is used as a means of power shall comply with the following provisions:

2 (1) All surface transformers, unless of a construction which will eliminate shock hazards, or unless installed at least eight feet above ground, shall be enclosed in a house or surrounded by a fence at least six feet high.

3 If the enclosure is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

4 (2) Underground transformers shall be air cooled or cooled with noninflammable liquid or inert gas.

5 (3) Underground stations containing transformers or circuit breakers filled with inflammable oil shall be provided with doorsills or their equivalent, which will confine the oil if leakage or explosion occurs, and shall be of fireproof construction.

6 (4) Transformers shall be provided with adequate overload protection.

7 (5) "Danger—High Voltage" signs shall be posted conspicuously on all transformer enclosures, high-potential switch-boards and other high-potential installations.

8 (6) Insulating platforms of rubber or other suitable nonconductive material shall be kept in place at each switchboard and at stationary machinery where shock hazards exist.

9 (7) Capacitors used for power factor correction shall be noninflammable liquid filled. Suitable drain-off resis-
30 tors or other means to protect workmen against electric
31 shock following removal of power shall be provided.
32
33 (8) All unattended underground loading points where
34 electric driven hydraulic systems are used shall utilize
35 a fireproof oil or emulsion.
36
37 (9) Before electrical changes are made to permissible
38 equipment for use in a mine, they shall be approved by
39 the director of the department of mines.
40
41 (10) Reverse current protection shall be provided at
42 storage battery charging stations to prevent the storage
43 batteries from energizing the power circuits in the event
44 of power failure.
45
46 (11) On and after July 1, 1971:
47
48 (A) All junction or distribution boxes used for
49 making multiple power connections inby the last open
50 crosscut shall be permissible.
51
52 (B) All hand-held electric drills, blower and ex-
53 haust fans, electric pumps, and such other low horse-
54 power electric face equipment which are taken into or
55 used inby the last open crosscut of any coal mine shall
56 be permissible.
57
58 (C) All electric face equipment which is taken
59 into or used inby the last open crosscut of any coal mine
60 classified gassy prior to July 1, 1972, shall be permissible.
61
62 (D) All other electric face equipment which is taken
63 into or used inby the last crosscut of any coal mine,
64 after March 30, 1974, which has not been classified under
65 any provision of law as a gassy mine prior to July 1, 1970,
66 shall be permissible.
67
68 (12) Permissible electric face equipment; coal seams
69 above water table. On and after March 30, 1974, all electric
70 face equipment, which is taken into and used inby the
71 last open crosscut of any coal mine which is operated
72 entirely in coal seams located above the water table and
73 which has not been classified under any provision of law
74 as a gassy mine prior to March 30, 1970, and in which
75 one or more openings were made prior to December 30,
76 1970, shall be permissible.
77
78 (13) The phrase “coal seams above the water table”
79 means coal seams in a mine which are located at an ele-
vation above a river or the tributary of a river into which
a local surface water system naturally drains.

(14) On and after July 1, 1971, in mines operated in
coal seams which are located at elevations above the
water table:
(A) All junction or distribution boxes used for
making multiple power connections in by the last open
crosscut shall be permissible; and
(B) All hand-held electric drills, blower and ex-
haust fans, electric pumps, and all other electric-driven
mine equipment, except low horse-power rock dusting
equipment, that employs an electric current supplied by
either a power conductor or battery and consumes not
more than two thousand two hundred fifty watts of
electricity, which is taken into or used in by the last open
crosscut, shall be permissible. On and after March 30,
1974, in mines operated entirely in coal seams which are
located at elevations above the water table, all electric
face equipment which is taken into or used in by the last
crosscut shall be permissible.

(15) The operator of each coal mine shall maintain
in permissible condition all electric face equipment, which
is taken into or used in by the last open crosscut of any
mine after March 30, 1974.

(16) Except where permissible power connection units
are used, all power-connection points out by the last open
crosscut shall be in intake air.

(17) All power circuits and electric equipment shall
be de-energized before work is done on such circuits
and equipment, except when necessary for trouble shoot-
ing or testing.

(18) Energized trolley wires may be repaired only by
a person trained to perform electrical work and to main-
tain electrical equipment and the operator of a mine shall
require that such persons wear approved and tested in-
sulated shoes and wireman’s gloves.

(19) No electrical work shall be performed on low-,
medium-, or high-voltage distribution circuits or equip-
ment, except by a qualified person or by a person trained
to perform electrical work and to maintain electrical
equipment under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them, or, if such persons are unavailable, by persons authorized by the operator or his agent.

(20) All electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept and made available to an authorized representative of the director of the department of mines and to the miners in such mine.

(21) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that a rise in temperature resulting from normal operation will not damage the insulating material.

(22) All electrical connections or splices in conductors shall be mechanically and electrically efficient, and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(23) Cables shall enter metal frames of motors, splice boxes, and electric compartment only through proper fittings. When insulated wire, other than cables pass through metal frames, the holes shall be substantially bushed with insulated bushings.

(24) All power wire (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof or ribs.
(25) Power wires and cables, except trolley wires, trolley feeder wires and bare signal wires, shall be insulated adequately and fully protected.

(26) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three-phase motors on all electric equipment shall be provided with overload protection that will de-energize all three phases in the event that any phase is overloaded.

(27) Incandescent lamps installed along haulageways and at other locations, shall not contact combustible material, and if powered from trolley or direct current feeder circuits, need not be provided with separate short circuits or overload protection, if the lamp is not more than eight feet in distance from such circuits.

(28) In all main power circuits, disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground area of the mine and within five hundred feet of all other places where main power circuits enter the underground area of the mine.

(29) All electric equipment shall be provided with switches or other controls that are safely designed, constructed and installed.

(30) Each underground, exposed power conductor that leads underground shall be equipped with suitable lightning arrestors of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arrestors shall be connected to a low-resistance grounding medium on the surface which shall be separated from neutral ground by a distance of not less than twenty-five feet.

(31) Except for areas of a coal mine in by the last open crosscut, incandescent lamps may be used to illuminate underground areas. When incandescent lamps are used in a track entry or belt entry or near track entries to illuminate special areas other than structures, the lamps shall be installed in weather-proof sockets located in positions such that the lamps will not come in contact with any combus-
tible material. Lamps used in all other places must be of
substantial construction and be fitted with a glass enclos-
ure.

(32) An authorized representative may require in any
mine that electric face equipment be provided with de-
vices that will permit the equipment to be de-energized
quickly in the event of an emergency.

(33) On and after July 1, 1971, an authorized repre-
sentative of the director shall require manually operated
emergency stop switches, designed to de-energize the tract-
ion motor circuit when the contactors or controller fail to
open, to be installed on all battery powered tractors, taken
into or used in any the last open crosscut of any entry or
room.

(34) Trailing cables used in coal mines shall meet
the requirements for flame-resistant cables.

(35) Short circuit protection for trailing cables shall
be provided by an automatic circuit breaker or other no
less effective device approved by the director of the de-
partment of mines of adequate current-interrupting capac-
ity in each ungrounded conductor. Disconnecting devices
used to disconnect power from trailing cables shall be
plainly marked and identified and such devices shall be
equipped or designed in such a manner that it can be de-
termined by visual observation that the power is dis-
connected.

(36) When two or more trailing cables junction to
the same distribution center, means shall be provided to
assure against connecting a trailing cable to the wrong
size circuit breaker.

(37) One temporary splice may be made in any trail-
ing cable. Such trailing cable may only be used for the
next twenty-four hour period. No temporary splice shall
be made in a trailing cable within twenty-five feet of the
machine, except cable reel equipment. Temporary splices
in trailing cables shall be made in a workmanlike manner
and shall be mechanically strong and well insulated. Trail-
ing cables or hand cables which have exposed wires or
which have splices that heat or spark under load shall not
be used. As used in this section, the term "splice" means a
mechanical joining of one or more conductors that have been severed.

(36) When permanent splices in trailing cables are made, they shall be:

(A) Mechanically strong with adequate electrical conductivity and flexibility,

(B) Effectively insulated and sealed so as to exclude moisture, and

(C) Vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(39) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

(40) Trailing cables shall be adequately protected to prevent damage by mobile equipment.

(41) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

(42) All metallic sheaths, armours, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the director of the department of mines.

(43) Metallic frames, casings and other enclosures of electric equipment that can become alive through failure of insulation or by contact with energized parts shall be grounded.

(44) In instances where single-phase 110-220-volt circuits are used to feed electrical equipment, the only method of grounding that will be approved is the connection of all metallic frames, casings and other enclosures of such equipment to a separate grounding conductor which establishes a continuous connection to a grounded center tap of the transformer.

(45) The attachment of grounding wires to a mine track or other grounded power conductor will be approved if separate clamps, suitable for such purpose, are used and installed to provide a solid connection.

(46) The frames of all offtrack direct-current machines and the enclosures of related detached components shall
be effectively grounded or otherwise maintained at no
less safe voltages.

(47) Installation of silicon diodes shall be restricted to
electric equipment receiving power from a direct-current
system with one polarity grounded. Where such diodes
are used on circuits having a nominal voltage rating of
two hundred fifty, they must have a forward current
rating of four hundred amperes or more, and have a
peak inverse voltage rating of four hundred or more.
Where such diodes are used on circuits having nominal
voltage rating of five hundred fifty, they must have a for­
ward current rating of two hundred fifty amperes or more,
and have a peak inverse voltage rating of eight hundred
or more.

(48) In addition to the grounding diode, a polarizing
diode must be installed in the machine control circuit to
prevent operation of the machine when the polarity of a
trailing cable is reversed.

(49) When installed on permissible equipment, all
grounding diodes, over-current devices, and polarizing
diodes must be placed in explosion-proof compartments.

(50) High-voltage lines, both on the surface and under­
ground, shall be de-energized and grounded before work
is performed on them. except that repairs may be per­
mitted, in the case of energized surface high-voltage lines,
if such repairs are made by a qualified person in accor­
dance with procedures and safeguards, including, but not
limited to, a requirement that the operator of such mine
provide, test, and maintain protective devices in making
such repairs.

(51) When two or more persons are working on an
energized high-voltage surface line simultaneously, and
any one of them is within reach of another, such persons
shall not be allowed to work on different phases or on
equipment with different potentials.

(52) All persons performing work on energized high-
voltage surface lines shall wear protective rubber gloves,
sleeves, and climber guards if climbers are worn. Pro­
tective rubber gloves shall not be worn wrong side out
or without protective leather gloves. Protective devices
worn by a person assigned to perform repairs on high-
voltage surface lines shall be worn continuously from the
time he leaves the ground until he returns to the ground,
and, if such devices are employed for extended periods,
such person shall visually inspect the equipment assigned
him for defects before each use, and, in no case, less than
twice each day.

(53) Disconnecting or cutout switches on energized
high-voltage surface lines shall be operated only with in-
sulated sticks, fuse tongs, or pullers which are adequately
insulated and maintained to protect the operator from the
voltage to which he is exposed. When such switches are
operated from the ground, the person operating such de-

(54) Solely for purposes of grounding ungrounded
high-voltage power systems, grounded messenger wires
used to suspend the cables of such systems may be used
as a grounding medium.

(55) When not in use, power circuits underground
shall be de-energized on idle days and idle shifts, except
that rectifiers and transformers may remain energized.

(56) High-voltage circuits entering the underground
area of any coal mine shall be protected by suitable cir-
cuit breakers of adequate interrupting capacity. Such
breakers shall be equipped with devices to provide pro-
tection against under-voltage, grounded phase, short
circuit, and overcurrent.

(57) Circuit breakers protecting high-voltage circuits
entering an underground area of any coal mine shall be lo-
cated on the surface and in no case installed either under-
ground or within a drift.

(58) One circuit breaker may be used to protect two or
more branch circuits, if the circuit breaker is adjusted to
afford overcurrent protection for the smallest conductor.

(59) The grounding resistor, where required, shall be
of the proper ohmic value to limit the voltage drop in the
grounding circuit external to the resistor to not more than
one hundred volts under fault conditions. The grounding
resistor shall be rated for maximum fault current contin-
(60) High-voltage circuits extending underground and supplying portable mobile or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the director or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within one hundred feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the director or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

(61) On and after July 1, 1971, high-voltage, resistance grounded systems serving portable or mobile equipment shall include a fail-safe ground check circuit to monitor continuously the grounding circuit to assure continuity, and the fail-safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the director or his authorized representative to assure such continuity.

(62) Underground high-voltage cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor with one or more ground conductors having a total cross-sectional area of
not less than one-half the power conductor, and with an insulated internal or external conductor not smaller than No. 10 (A.W.G.) for the ground continuity check circuit.

(63) All such cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

(64) Single-phase loads, such as transformer primaries, shall be connected phase-to-phase.

(65) All underground high-voltage transmission cables shall be installed only in regularly inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

(66) Disconnecting devices shall be installed at the beginning of branch lines in underground high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(67) Circuit breakers and disconnecting switches underground shall be marked for identification.

(68) In the case of high-voltage cables used as trailing cables, temporary splices shall not be used and all permanent splices shall be made in accordance with the manufacturers' specifications.

(69) Frames, supporting structures and enclosures of stationary, portable, or mobile underground high-voltage equipment and all high-voltage equipment supplying power to such equipment receiving power from resistance grounded systems shall be effectively grounded to the high-voltage ground.

(70) Low- and medium-voltage power circuits serving three-phase alternating current equipment serving portable or mobile equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the director. Such breakers shall be equipped with devices to
provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

(71) Power centers and portable transformers shall be de-energized before they are moved from one location to another, except that, when equipment powered by sources other than such centers or transformers is not available, the director may permit such centers and transformers to be moved while energized, if he determines that another equivalent or greater hazard may otherwise be created, and if they are moved under the supervision of a qualified person, and if such centers and transformers are examined prior to such movement by such person and found to be grounded by methods approved by an authorized representative of the director and otherwise protected from hazards to the miner. A record shall be kept of such examinations. High-voltage cables, other than trailing cables, shall not be moved or handled at any time while energized, except that such centers and transformers are moved while energized as permitted under this section, energized high-voltage cables attached to such centers and transformers may be moved only by a qualified person and the operator of such mine shall require that such person wear approved and tested insulated wireman’s gloves.

(72) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a director or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from the circuit, except that the director or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to twenty-five amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from
ground for a voltage equal to the phase-to-phase voltage of the system.

(73) On or before July 1, 1972, low- and medium-voltage resistance grounded systems serving portable or mobile equipment shall include a fail-safe ground check circuit to monitor continuously the grounding circuit to assure continuity which ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other not less effective device approved by the director or his authorized representative to assure such continuity, except that an extension of time, not in excess of twelve months, may be permitted by the director on a mine-to-mine basis if he determines that such equipment is not available. Cable couplers shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(74) Disconnecting devices shall be installed in conjunction with circuit breakers serving portable or mobile equipment to provide visual evidence that the power is connected.

(75) Circuit breakers shall be marked for identification.

(76) Single-phase loads shall be connected phase-to-phase.

(77) Trailing cables for medium-voltage circuits shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor or a ground metallic shield over the assembly, except that on equipment employing cable reels, cables without shield may be used if the insulation is rated two thousand volts or more.

(78) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than two thousand feet and near the beginning of all branch lines.

(79) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(80) Trolley wires and trolley feeder wires, high-voltage cables, and transformers shall not be located within
fifteen feet of the last open crosscut and shall be kept at least one hundred fifty feet from pillar workings.

§22-2-41. Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately.

(A) At all points where men are required to work or pass regularly under the wires.

(B) On both sides of all doors and stoppings.

(C) At man-trip stations.

§22-2-42. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

§22-2-43. Adequate precaution shall be taken to insure that equipment being moved along haulageways will not come in contact with trolley wires or trolley feeder wires.

§22-2-44. Trolley and feeder wires shall be installed as follows: Where installed on permanent haulage, they shall be:

(A) At least six inches outside the track gauge line.

(B) Kept taut and not permitted to touch the roof, rib, or crossbars. Particular care shall be taken where they pass through door openings to preclude bare wires from coming in contact with combustible material.

(C) Installations of trolley wire hangers shall be provided within three feet of each splice in a trolley wire.

§22-2-41. Same—Bonding track used as power conductor.

1 Where track is used as a power conductor, rails and switches on main entries shall be bonded and cross-bonded in such manner as to assure adequate return. At least one rail on secondary track-haulage roads shall be welded or bonded at every joint, and crossbonds shall be installed at intervals of not more than two hundred feet:

Provided, however, That rail joints in such secondary haulage roads need not be bonded where a copper feeder adequate in size parallels the track and is electrically connected thereto at intervals of not more than two hundred feet by crossbonds.
§22-2-42. Same—Telephone service or communication facilities.

1. Telephone service or equivalent two-way communication facilities shall be provided in all mines between the surface and each working section that is more than one thousand five hundred feet from the main portal.
2. Telephone lines, other than cables, shall be carried on insulators, installed on the opposite side from power or trolley wires, and where they cross power or trolley wires, they shall be insulated adequately.
3. Lightning arresters shall be provided at the points where telephone circuits enter the mine.

§22-2-43. Electric equipment in mines.

1. (a) Electric equipment shall not be taken into or operated in any place where methane can be detected with a flame safety lamp or other approved methane detector at any point not less than eight inches from the roof, face, or rib.
2. (b) In all mines, electric haulage locomotives operated from trolley wire and other electrical equipment or devices which may ignite gas shall not be used in return air, unless permission is granted by the director of the department of mines for a specified area. For the purpose of this provision, air used to ventilate a section of a mine shall not be considered return air until such time as the air has ventilated all of the workings in the section.
3. (c) No person shall be placed in charge of a coal cutting machine in any mine who is not a qualified person, capable of determining the safety of the roof and sides of the working places and of detecting the presence of explosive gas, unless they are accompanied by a certified or qualified person who has passed such an examination.
4. (d) In any mine no machine shall be brought in by the last breakthrough next to the working face until the machine man shall have made an inspection for gas in the place where the machine is to work. If explosive gas in excess of one percent is found in the place, the machine shall not be taken in until the danger is removed.
(e) In working places a safety lamp, or other suitable approved apparatus for the detection of explosive gas, shall be provided for use with each mining machine when working, and should any indication of explosive gas in excess of one percent appear on the flame of the safety lamp, or on other apparatus used for the detection of explosive gas, the person in charge shall immediately stop the machine, cut off the current at the nearest switch and report the condition to the mine foreman or supervisor. The machine shall not again be started in such place until the condition found has been corrected and been pronounced safe by a certified person.

(f) No electric equipment shall be operated in a mine for a longer period than twenty minutes without an examination as above described being made for gas; and if gas is found in excess of one percent, the current shall at once be switched off the machine, and the trailing cable shall forthwith be disconnected from the power supply until the place is pronounced safe.

(g) Machine runners and helpers shall use care while operating mining machines. They shall not permit any person to remain near the machine while it is in operation. They shall examine the roof of the working place to see that it is safe before starting to operate the machine. They shall not move the machine while the cutter chain is in motion.

§22-2-44. Electricity; hand-held drills; trailing cables.

1. Electric drills and other electrically operated rotating tools intended to be held in the hand shall have the electric switch constructed so as to break the circuit when the hand releases the switch and shall be equipped with friction or safety clutches.

§22-2-45. Illumination.

1. Electric lights or other approved methods of lighting shall be installed so that they do not come in contact with combustible materials, and the wires shall be supported by suitable insulators and fastened securely to the power conductors.
§22-2-46. Welding and cutting.

(a) A record shall be kept of oxygen and gas tanks or cylinders taken into a mine and the date shall be recorded when they are removed from the mine. No more tanks or cylinders than necessary to perform efficiently the work shall be permitted underground at one time.

(b) Propane torches may be used in lieu of blow-torches.

(c) Welding and cutting may be done in mines: Provided, That all equipment and gauges are maintained in safe condition and not abused, that suitable precautions are taken against ignition of methane, coal dust, or combustible materials, that means are provided for prompt extinguishment of fires accidentally started, and that only persons who have demonstrated competency in welding and cutting are entrusted to do this work. Adequate eye protection shall be used by all persons doing welding or cutting, and precautions shall be taken to prevent other persons from exposure that might be harmful to their eyes.

(d) Transportation of oxygen and gas tanks or cylinders shall be permitted on self-propelled machinery or belt conveyors specially equipped for safe holding of the containers in transportation. In no instance, shall such transportation be permitted in conjunction with any man trip.

(e) Empty oxygen and gas tanks or cylinders shall be marked "empty" and shall be removed from the mine promptly in safe containers provided for transportation of the same.

(f) When tanks and cylinders are not in use and when they are being transported, valve protection caps and plugs shall be placed on all tanks or cylinders for which caps and plugs are available. No oxygen tanks, gas tanks or cylinders shall be transported with the hoses and gauges attached thereto.

(g) In all mines a certified person shall examine for gas with permissible flame safety lamps or other approved detectors before and during welding or cutting in, at or near working faces. The safety of the equipment...
and methods used in such cases shall be subject to ap-
proval of the director of the department of mines. If
equipment is mobile, it shall be removed out by the last
open break-through before cutting and welding may be
performed on such equipment.

§22-2-47. Responsibility for care and maintenance of face
equipment.

Mine operators shall maintain face equipment in safe
operating condition. Equipment operators shall exercise
reasonable care in the operation of the equipment en-
trusted to them and shall promptly report defects known
to them.

§22-2-48. Control of dust and other inhalation hazards.

Men exposed for short periods to gas-, dust-, fume-
and mist-inhalation hazards shall wear permissible res-
piratory equipment. Dust shall be controlled by the use
of permissible dust collectors or other approved methods.

SAFEGUARDS FOR MECHANICAL EQUIPMENT

§22-2-49. Safeguards for mechanical equipment.

(a) The cutter chains of mining machines shall be
locked securely by mechanical means or electrical inter-
locks while such machines are parked or being trammed.
Loading machines shall not be trammed with loading arms
in motion, except when loading materials.

(b) Belt, chain or rope drives and the moving parts of
machinery which are within seven feet of the floor,
ground or platform level, unless isolated, shall be guarded
adequately. Repair pits shall be kept covered or guarded
at all times when not in use. Machinery shall not be
lubricated or repaired while in motion, except where safe
remote lubricating devices are used. Machinery shall not
be started until the person lubricating or repairing it has
given a clear signal. Guards which have been removed
shall be replaced before the machinery is again put into
use. Provision shall be made to prevent accumulations
of spilled lubricants.
§22-2-50. Procurement of dust-tight electrical equipment; dust control; repairs; welding; handrails and toeboards.

(a) In unusually dusty locations, electric motors, switches and controls shall be of dust-tight construction, or enclosed with reasonably dust-tight housings or enclosures.

(b) After July 1, 1971, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction.

(c) Means and methods shall be provided to assure that structures and the immediate area surrounding the same shall be reasonably free of coal dust accumulations.

(d) Where coal is dumped at or near air intake openings, reasonable provisions shall be made to prevent dust from entering the mine.

(e) Where repairs are being made to the plant, proper scaffolding and proper overhead protection shall be provided for workmen wherever necessary.

(f) Welding shall not be done in dusty atmospheres and dusty locations shall be well cleaned, and firefighting apparatus shall be readily available during welding.

(g) Stairways, elevated platforms and runways shall be equipped with handrails. Railroad car trimmer platforms are excepted from such requirement.

(h) Elevated platforms and stairways shall be provided with toeboards where necessary, and they shall be kept clear of refuse and ice and maintained in good repair.

(i) Personnel who are required frequently and regularly to travel on belts or chain conveyors extended to heights of more than ten feet shall be provided with adequate space and protection in order that they may work safely. Permanent ladders extending more than ten feet shall be provided with back guards. Walkways around thickeners that are less than four feet above the
walkway shall be adequately guarded. Employees re-
quired to work over thickeners shall wear a safety har-
ness adequately secured, unless walkways or other suit-
able safety devices are provided.

§22-2-51. Housekeeping.
1 Good housekeeping shall be practiced in and around
2 mine buildings and yards. Such practices include cleanli-
3 ness, orderly storage of materials, and the removal of
4 possible sources of injury, such as stumbling hazards, pro-
5 truding nails and broken glass.

§22-2-52. Lamp house.
1 Naphtha or other flammable liquids in lamp houses shall
2 be kept in approved containers or other safe dispensers.

§22-2-53. Smoking in and around surface structures.
1 Smoking in or about surface structures shall be re-
2 stricted to places where it will not cause fire or an ex-
3 plosion.

MISCELLANEOUS SAFETY PROVISIONS AND
REQUIREMENTS

§22-2-54. Duties of persons subject to article; rules and regula-
tions of operators.
1 (a) It shall be the duty of the operator, mine foreman,
2 supervisors, mine examiners, and other officials to comply
3 with and to see that others comply with the provisions
4 of this article.
5 (b) It shall be the duty of all employees and check-
6 weighmen to comply with this article and to cooperate
7 with management and the department of mines in
8 carrying out the provisions hereof.
9 (c) Reasonable rules and regulations of an operator
10 for the protection of employees and preservation of
11 property that are in harmony with the provisions of this
12 article and other applicable laws shall be complied with.
13 They shall be printed on cardboard or in book form in
14 the English language and posted at some conspicuous
§22-2-55. Protective clothing.

(a) Welders and helpers shall use proper shields or goggles to protect their eyes. All employees shall have approved goggles or shields and use the same where there is a hazard from flying particles, or other eye hazards.

(b) Employees engaged in haulage operations and all other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(c) Protective gloves shall be worn when material which may injure hands is handled, but gloves with gauntleted cuffs shall not be worn around moving equipment.

(d) Safety hats and safety-toed shoes shall be worn by all men while in or around a mine.

(e) Approved safety goggles or eyeshields shall be worn by all persons while being transported in open-type man trips.

(f) A self-rescue device approved by the director of the department of mines shall be worn underground or kept within his immediate reach, and such device shall be provided by the operator. The self-rescue device shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device, and refresher training courses for all underground employees shall be held during each calendar year.

§22-2-57. Checking systems.

Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, a check board, or a time-clock record, shall be kept on the surface in a place that will not be affected in the event of an explosion. Said record shall bear a number or name identical to the identification check fastened to the belt of all persons going underground.
§22-2-58. No act permitted endangering security of mine; search for intoxicants, matches, etc.

(a) No miner, workman or other person shall knowingly injure any shaft, lamp, instrument, air course, or brattice, or obstruct or throw open airways, or carry matches or open lights in the places worked by safety lights, or disturb any part of the machinery or appliances, open a door closed for directing ventilation and not close it again, or enter any part of a mine against caution, or disobey any order of any mine foreman or assistant mine foreman given in carrying out any of the provisions of this section.

(b) Open lights, smoking, and smokers’ articles, including matches, are prohibited in all mines. No person shall at any time enter mines with or carry therein any matches, pipes, cigars, cigarettes, or any device for making lights or fire not authorized or approved. The operator shall at frequent intervals search, or cause to be searched, any person, including his clothing and material belongings, entering or about to enter the mine, or inside the mine, to prevent such person from taking or carrying therein any of the above-mentioned articles.

(c) No person shall at any time carry into any mine any intoxicants or enter any mine while under the influence of intoxicants.

§22-2-59. Fire protection.

(a) Suitable fire protection shall be provided at surface installations of fans, shops, tipples, and preparation plants, sub-stations, hoist rooms and compressor stations.

(b) Fire drills and demonstration of various types of available fire fighting equipment shall be held for employees at least every six months.

(c) The location of pipe lines, locations of valves, and fire taps shall be shown on a map of the mine and kept available at the mine office at all times.

(d) Each coal mine shall be provided with suitable fire fighting equipment adapted for the size and condition of the mine. Fire fighting equipment required under this article shall meet the following requirements:
(1) Waterlines shall be capable of delivering fifty gallons of water at a nozzle pressure of fifty pounds per square inch.

(2) A portable water car shall be of at least one thousand gallons capacity, and shall have at least three hundred feet of fire hose with nozzles. A portable water car shall be capable of providing a flow through the hose of fifty gallons of water per minute at a nozzle pressure of fifty pounds per square inch.

(3) A portable chemical car shall carry enough chemicals to provide a fire extinguishing capacity equivalent to that of a portable water car.

(4) A portable foam-generating machine shall have facilities and equipment for supplying the machine with thirty gallons of water per minute at thirty pounds per square inch for a period of thirty-five minutes.

(5) A portable fire extinguisher shall be either a multipurpose dry chemical type, containing a nominal weight of five pounds of dry powder and enough expellant to apply the powder; or a foam-producing type containing at least two and one-half gallons of foam-producing liquid and enough expellant to supply the foam. Only fire extinguishers approved by the Underwriters Laboratories, Inc. or Factor Mutual Laboratories, carrying appropriate labels as to type and purpose shall be used after July 1, 1971, and all new portable fire extinguishers acquired for use in a coal mine shall be of the multipurpose dry chemical type, having a 2A 10BC or higher rating.

(6) The fire hose shall be rubber-lined, mildew-proof and the cover shall be of flame-resistant qualities, meeting requirements for hose in Bureau of Mines Schedule 2G, except that the test flame shall be applied to the outer surface rather than to an open end. The bursting pressure shall be at least four times higher than the static water at the mine location; the maximum water pressure in the hose nozzle shall not exceed 100 p.s.i.g.

(e) Each working section of coal mines producing three hundred tons or more per shift shall be provided with two portable fire extinguishers and two hundred forty pounds of bagged rock dust; waterlines shall ex-
tend to each section loading point and be equipped with
enough fire hose to reach each working face unless the
section loading point is provided with one of the fol-
lowing: (1) two portable water cars or (2) two portable
chemical cars, or (3) one portable water car or one
portable chemical car and either a portable foam-gener-
ating machine or a portable high-pressure rock-dusting
machine, fitted with at least two hundred fifty feet of
hose and supplied with at least sixty sacks of rock dust.
(f) In all coal mines, waterlines shall be installed
parallel to the entire length of belt conveyors and shall
be equipped with fire hose outlets with valves at three-
hundred-foot intervals along each belt conveyor and at
tailpieces. At least five hundred feet of fire hose with
fittings suitable for connection with each belt conveyor
waterline system shall be stored at strategic locations
along the belt conveyor. Waterlines may be installed in
entries adjacent to the conveyor entry belt as long as
the outlets project into the belt conveyor entry. Each
working section of coal mines producing less than three
hundred tons of coal per shift shall be provided with
two portable fire extinguishers, two hundred forty pounds
of bagged rock dust and at least five hundred gallons
of water and at least three pails of ten-quart capacity.
In lieu of the five hundred gallon water supply, a water-
line with sufficient hose to reach the working places, a
portable water car of five hundred fifty gallons capac-
ity, or a portable all-purpose dry powder chemical car
of at least one hundred twenty-five pounds capacity may
be provided.
(g) In mines producing three hundred tons of coal
or more per shift, waterlines shall be installed parallel
to all haulage tracks using mechanized equipment in the
track or adjacent entry and shall extend to the loading
point of each working section. Waterlines shall be
equipped with outlet valves at intervals of not more
than five hundred feet, and five hundred feet of fire hose
with fittings suitable for connection with such water-
lines shall be provided at strategic locations. Two porta-
ble water cars, readily available, may be used in lieu
of waterlines prescribed under this paragraph.
(h) In mines producing less than three hundred tons of coal per shift, there shall be provided at five hundred foot intervals in all main and secondary haulage roads:

(1) a tank of water of at least fifty-five gallon capacity with at least three pails of not less than ten-quart capacity, or (2) not less than two hundred forty pounds of bagged rock dust.

(i) Each track or off-track locomotive, self-propelled man-trip car, or personnel carrier shall be equipped with one portable fire extinguisher.

(j) Two portable fire extinguishers shall be provided at each permanent electrical installation. One portable fire extinguisher and two hundred forty pounds of rock dust shall be provided at each temporary electrical installation.

(k) Two portable fire extinguishers and two hundred forty pounds of rock dust shall be provided at each permanent underground oil storage station. One portable fire extinguisher shall be provided at each working section where twenty-five gallons or more of oil are stored in addition to extinguishers required under paragraph (e) of this section.

(l) One portable fire extinguisher or two hundred forty pounds of rock dust and water shall be provided at locations where welding, cutting, or soldering with arc or flame is being done.

(m) At each wooden door through which power lines pass there shall be one portable fire extinguisher or two hundred forty pounds of rock dust within twenty-five feet of the door on the intake air side.

(n) At each mine producing three hundred tons of coal or more per shift, there shall be readily available the following materials at locations not exceeding two miles from each working section:

(1) One thousand board feet of brattice boards
(2) Two rolls of brattice cloth
(3) Two hand saws
(4) Twenty-five pounds of 8° nails
(5) Twenty-five pounds of 10° nails
(6) Twenty-five pounds of 16° nails
(7) Three claw hammers
§22-2-60. First-aid equipment.

(a) Each operator of an underground coal mine shall maintain a supply of first-aid equipment at each of the following locations:

(1) At the mine dispatcher's office and on the surface in close proximity to the mine entry.

(2) At the bottom of each regularly traveled slope or shaft; however, where the bottom of such slope or shaft is not more than one thousand feet from the surface, such first-aid supplies may be maintained on the surface at the entrance of the mine.

(3) At a point in each working section not more than five hundred feet outby the active working face or faces.

(b) The first-aid equipment required to be maintained shall include at least the following:

(1) One stretcher

(2) One broken-back board

(3) Twenty-four triangular bandages

(4) Eight four-inch bandage compresses

(5) Sixteen two-inch bandage compresses

(6) Twelve one-inch adhesive compresses

(7) One foil

(8) Two cloth blankets

(9) One rubber blanket

(10) Two tourniquets

(11) One one-ounce bottle of aromatic spirits of ammonia

(8) Twenty-five bags of wood fiber plaster or ten bags of cement (or equivalent material for stoppings)

(9) Five tons of rock dust.

(o) At each mine producing less than three hundred tons of coal per shift, the above materials shall be available at the mine; Provided, however, That the emergency materials for one or more mines may be stored at a central warehouse or building supply company and such supply must be the equivalent of that required for all mines involved and within one hour's delivery time from each mine. This exception shall not apply where the active working sections are more than two miles from the surface.

(8) Twenty-five bags of wood fiber plaster or ten bags of cement (or equivalent material for stoppings)

(9) Five tons of rock dust.

(o) At each mine producing less than three hundred tons of coal per shift, the above materials shall be available at the mine; Provided, however, That the emergency materials for one or more mines may be stored at a central warehouse or building supply company and such supply must be the equivalent of that required for all mines involved and within one hour's delivery time from each mine. This exception shall not apply where the active working sections are more than two miles from the surface.
(12) Two inflatable plastic arm splints
(13) Two inflatable plastic leg splints
(14) Six small splints, metal or wooden
(15) Two cold packs

(c) All first-aid supplies required to be maintained
under the article shall be stored in suitable sanitary,
dust-tight, moisture-proof containers and such supplies
shall be accessible to the miners.

(d) No first-aid material shall be removed or diverted
without authorization, except in case of accident in or
about the mine.

(e) On all occasions when a person becomes sick or
injured underground to the extent that he must go to
the surface, he shall be accompanied by one or more
persons.

§22-2-61. Accessible outlets; safe roadways for emergencies.

(a) No operator or mine foreman of any coal mine
shall employ any person to work in such mine, or per-
mit any persons to be in the mine for the purpose of
working therein unless they are provided with two
openings or outlets to each seam, separated by natural
strata, such openings to be not less than three hundred
feet apart, if the mine be worked by shaft; if the mine
be worked by shaft and slope, such openings shall be
separated by one hundred feet of natural strata; and
not less than fifty feet apart at the outlets, if worked
by slope or drift; but this requirement of a distance
of three hundred feet between openings or outlets to
shaft mines shall not apply where such openings or
outlets have been made prior to the effective date of
this article.

(b) At least two separate and distinct travelable pas-
sageways shall be maintained to insure passage at all
times to any person, including disabled persons, and
which shall be designated as escapeways; at least one
which is ventilated with intake air shall be provided
from each working section continuous to the nearest
available opening on the surface, and shall be main-
tained in safe condition and properly marked. Mine
openings shall be adequately protected to prevent the entrance into the underground area of the mine of surface fires, fumes, smoke and floodwater. Escape facilities approved by the director of the department of mines, properly maintained and frequently tested, shall be present at or in each escape shaft or slope to allow all persons, including disabled persons to escape quickly to the surface in event of an emergency. Return airways entries designated as escapeways shall be provided with permissible two-way communication systems to the surface, and such systems shall be located at points not to exceed every four thousand feet.

(c) Escapeways shall be inspected and traveled at least once each week by a certified mine examiner who shall place his initials and the date in a conspicuous place or places and who shall file a written report thereon which shall be kept on the surface.

(d) When new coal mines are opened, not more than twenty men shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such connections shall be made as soon as possible.

(e) When only one opening is available because of final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, and the distance between the mine opening and working face shall not exceed five hundred feet.

§22-2-62. Coal storage bins; recovery tunnels; coal storage piles.

(a) Coal storage bins hereafter constructed with vertical sides fifty feet or over in height shall be provided with ventilators or louvers or both to provide adequate ventilation. Where roofs are constructed over coal storage bins, adequate ventilation shall be provided by stacks, ventilators, louvers or mechanical means.

(b) Where cutting or welding is performed at any location where coal is stored, means of prompt extinguishment of any fire accidentally started shall be provided, and the area where cutting or welding is per-
formed shall be adequately watered down and rock-dusted.

(c) A qualified person shall test for methane with a methane detector prior to and during cutter and welding operations inside or underneath a coal storage bin.

(d) Electric motors, switches and controls for coal storage bins hereafter acquired shall be of dust-tight construction.

(e) Repairs to electric equipment shall not be made when the surrounding atmosphere contains dangerous amounts of gas or dust.

(f) Where electric lights are used in recovery tunnels of over one hundred feet in length, the wiring shall be in rigid conduit and shall be enclosed in waterproof receptacles.

(g) An escapeway shall be provided from any recovery tunnel hereafter constructed to a safe place on the surface; such escapeway shall be at least thirty inches in diameter and where inclined, a ladder shall be provided to extend full length of the escapeway to facilitate emergency exit.

(h) Extreme caution shall be exercised by all employees required to work at or near coal storage piles during coal recovery operations to avoid injury by coal slides or by being in or drawn into a chute.

§22-2-63. Thermal coal dryers and plants.

1 (a) Thermal coal dryer plants shall be hereafter constructed, maintained and operated in compliance with the following provisions:

2 (1) Good housekeeping shall be practiced in and around thermal dryer plants.

3 (2) Adequate fire fighting facilities shall be provided on all floors.

4 (3) When welding and cutting operations are to be performed in a dryer structure, the area shall be wetted down thoroughly and adequate fire-fighting apparatus shall be readily available during the operation.

5 (4) Only qualified persons shall be permitted to operate dryers; however, this provision shall not prohibit
qualified persons from training other persons to become qualified operators.

(5) Dryer control panels shall be provided with audible and visible alarm devices; such devices should be adjusted to function at somewhat less than maximum dryer temperature.

(6) A by-pass or relief stack equipped with an automatically operated damper shall be provided for by-passing gases from the heating units to the outside atmosphere during emergency or normal shutdown operations.

(7) Thermal coal dryers hereafter installed shall not be enclosed except that roofs may be used. Whenever it is deemed necessary to enclose thermal dryers, such equipment shall be in a fire-proof structure.

(8) Dryer installations and discharge stacks shall be protected with adequate explosion release vents that open to the outside atmosphere.

(9) Thermal coal dryers shall be located at a safe distance from tipples, cleaning plants, mine openings and surface buildings, such as oil storage areas, explosive magazines, and other buildings where coal dust, sparks and flames are likely to enter and become ignited or otherwise cause danger of fires.

(10) Dryers shall be equipped with quick-response heat control devices which, in the event of super-elevated temperatures, will automatically divert the hot inlet gases into a by-pass stack, thereby by-passing the drying chamber and at the same time stopping the fuel from being supplied to the air heater.

(11) All dryers, conveyors and other fine coal transporting machines shall be constructed as dust-tight as practicable. Where necessary, such equipment shall be provided with removable covers for inspection and cleaning and shall be provided with vent pipes to the outside atmosphere to permit the escape of distilled gases.

(12) Dryers shall be examined thoroughly after normal and emergency shutdown for fires and coal dust accumulations.
(13) Dryer controls, valves, and mechanical equipment shall be frequently inspected, and no dryer shall be operated with defective mechanical equipment.

(14) The gauges of temperature control instruments shall be of the recording type.

(15) Operating rules suitable for the characteristics of each dryer system and the materials processed shall be developed and shall be available at the control panel.

(16) Electrical equipment, electrical wiring and lighting fixtures shall be of dust-tight construction.

(17) Adequate illumination shall be provided.

(18) Dryers shall not be operated beyond their rated evaporation capacity.

(19) Fluid bed dryers shall be provided with water sprays of sufficient capacity for use in event of fire.

(20) After shutdowns, thermal dryers shall be cleared of hot coals so as to minimize ignitions on succeeding startups.

(21) Thermal coal dryers previously installed in a tipple or cleaning plant shall be separated where practicable from other working areas by substantial partitions capable of providing greater resistance to explosion pressures than an exterior wall or walls.

(22) When it is necessary to use extension cables for emergency illumination, such lighting devices shall be dust-tight and adequately guarded. When it becomes necessary to perform work in dryer system bins or any other dusty areas, permissible cap lamps shall be used for illumination.

§22-2-64. No mine to be opened or reopened without prior approval of director of department of mines; approval fee; extension of certificate of approval; certificates not transferable; section to be printed on certificates.

(a) After the effective date of this section, no mine shall be opened or reopened unless prior approval has been obtained from the director of the department of mines, which approval shall not be unreasonably with-
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held. The operator shall pay for such approval a fee of
ten dollars, which payment shall be tendered with the
operator's application for such approval. **Provided,** That
mines producing coal solely for the operator's use shall
be issued a permit without charge if coal production will
be less than fifty tons a year.

(b) Within thirty days after January first of each
year, the operator of each mine holding a certificate
evidencing approval of the director to open a mine, shall
apply for the extension of such certificate of approval for
an additional year. Such approval, evidenced by a certifi-
cate of the director, shall be granted as a matter of right
and without charge if, at the time such application is
made, the operator is in compliance with the provisions
of section seventy-one of this article. Applications for
extension of such certificates of approval not submitted
within the time required shall be processed as an applica-
tion to open or reopen a mine and shall be accompanied
by a fee of ten dollars.

(c) Certificates of approval issued pursuant to this sec-
tion shall not be transferable.

(d) The provisions of this section shall be printed on
the reverse side of every certificate issued hereunder.

(e) On or after July 1, 1971, no mine shall be opened or
reopened unless a surface disturbed reclamation bond in
the amount of five hundred dollars per acre is submitted
to the department of mines for the removal of unused
surface structures and the sealing of abandoned mine
openings. The district mine inspector shall be contracted
for a pre-inspection of the area proposed for underground
mining prior to the issuance of any new opening ap-
proval. The above mentioned bond shall go into a sep-
arate fund and must be submitted separate, when appli-
cation is made for the issuance of a deep mine permit.

§22-2-65. Sealing; permanently closed or abandoned mines.

(a) After July 1, 1971, when any coal mine is worked
out or indefinitely closed, such mine openings shall be
properly sealed within ninety days after the mine is
abandoned.
(b) Mines temporarily inactive for less than ninety days shall be adequately fenced with conspicuous signs prohibiting the possible entrance of unauthorized persons.

c) Shaft openings shall be effectively capped or filled. Filling shall be for the entire depth of the shaft. Caps shall consist of a six inch thick concrete cap or other equivalent means approved by the director of the department of mines.

d) Caps shall be equipped with a vent pipe at least two inches in diameter extending for a distance of at least fifteen feet above the surface shaft.

§22-2-66. Mining close to abandoned workings.

Any operator working up to an abandoned coal mine may be permitted to work to his property line, if approved by the director of the department of mines, but in such cases precaution must be taken as provided in this article.

§22-2-67. Explosion or accident; investigation by department of mines.

Whenever, by reason of any explosion or other accident in or about any coal mine or the machinery connected therewith, loss of life, or serious personal injury shall occur, it shall be the duty of the superintendent of the mine, and in his absence, the mine foreman in charge of the mine, to give immediate notice to the director of the department of mines and the inspector of the district, stating the particulars of such accident. If anyone is killed, the inspector shall immediately go to the scene of such accident and make such recommendations and render such assistance as he may deem necessary for the future safety of the men, and investigate the cause of such explosion or accident and make a record thereof which he shall preserve with the other records in his office, the cost of such records to be paid by the department of mines, and a copy shall be furnished to the operator and other interested parties. To enable him to make such investigation, he shall have the power to compel the attendance of witnesses and to administer oaths or affirmations. The director of the department of mines shall
have the right to appear and testify and to offer any
testimony that may be relevant to the question and to
cross-examine witnesses.

22-2-68. Written report of accident.

Whenever any accident occurs in or about any coal
mine to any employee or person connected with the min-
ing operation, resulting in personal injury or death, the
operator shall, within twenty-four hours, report the same
in writing to the director of the department of mines and
to the district mine inspector of the district in which the
accident occurs, giving full details thereof upon forms
furnished by the department of mines.

§22-2-69. Scene of accident; preservation of evidence.

Following a mine accident resulting in the death of
one or more persons and following any mine disaster,
the evidence surrounding such occurrence shall not be
disturbed after recovery of bodies or injured persons
until an investigation by the department of mines has
been completed.

§22-2-70. Fire in and about mine; notification of director and
district mine inspector.

The operator or mine foreman, upon the discovery of
fire in or about a mine, shall immediately notify the di-
rector of the department of mines and the district mine
inspector in whose district the mine is located.

§22-2-71. Shafts and slopes.

(a) When mine examiner to be employed; qualifica-
tions.

During the sinking of a shaft or the driving of a slope
to a coal bed or while engaged in underground construc-
tion work, or relating thereto, the operator shall assign
a mine examiner to such project areas. Such mine exam-
iner shall have a certificate of competency valid only for
the type of work stipulated thereon and issued to him by
the department of mines after he has passed an examina-
tion given by the department of mines. He shall, at the
time he takes the examination, have a minimum of five
years' experience in shaft sinking, slope driving and underground construction; moreover, he shall be able to detect methane with a flame safety lamp and have a thorough knowledge of the ventilation of shafts, slopes, and mines, and the machinery connected therewith, and finally, he shall be a person of good moral character with temperate habits.

(b) Mine examiner or certified person acting as such; duties generally; records open for inspection.

In all shafts and slopes within three hours immediately preceding the beginning of a work shift and before any workmen in such shift, other than those who may be designated to make the examinations, enter the underground areas of such shafts or slopes, a certified foreman or mine examiner, designated by the operator of such shaft or slope to do so, shall make an examination of such areas. Each person designated to make such examinations shall make tests with a permissible flame safety lamp for accumulations of methane and oxygen deficiency, and examine sides of shafts and ribs and roof of all slopes. Should he find a condition which he considers dangerous to persons, he shall place a conspicuous danger sign at all entrances to such places. He shall record the results of his examination with ink or indelible pencil in a book prescribed by the director of the department of mines, kept at a place on the surface designated by mine management. All records as prescribed herein shall be open for inspection by interested persons.

(c) Approvals and permits.

An approval shall be obtained from the department of mines before work is started. A permit shall be obtained from the department of mines (1) to stop fan when men are in shafts or slopes; (2) to use electrical machinery in shafts or slopes; (3) to use electric lights in shafts or slopes; (4) to use welders, torches and like equipment in shafts or slopes; (5) to hoist more than four men at one time in buckets or cars; (6) to shoot more than fifteen shots in one series.

(d) Records.

The foreman in charge on each shift shall keep a daily report of conditions and practices. The foreman in charge
on each shift shall read and countersign the reports of
the previous shift. Unsatisfactory conditions and prac-
tices reported shall be repeated on daily reports until
corrected. Hoists, buckets, cars, ropes and appliances
thereto shall be examined by a qualified person before
the start of each shift and a written record kept. Deaths
from accidents or previous injuries shall be reported
immediately by wire to the office of the director of the
department of mines and to the district mine inspector
or the inspector-at-large. A written report of all injuries
and deaths shall be mailed to the department of mines
and district mine inspector promptly. Immediate notice
shall be given the office of the director of the department
of mines, the district mine inspector and the inspector-
at-large in the event of an ignition of gas, or serious acci-
dent to men or equipment. All permits and approvals
must be available for inspection by all interested per-
sons.
(e) General.
The foreman on shift shall have at least five years’ ex-
perience in shafts or slopes. New employees shall be
instructed in the dangers and rules incident to their
work. Conspicuous bulletin boards and warning signs
shall be maintained. Unauthorized persons shall not be
permitted around shafts or slopes. First-aid material shall
be maintained at the operation as required by section
fifty-eight of this article. The scene of a fatal
accident shall be left unchanged until an investigation is
made by all interested persons. All employees and others
around the operation shall wear hard toe shoes and hard
top hats. Goggles or other eye protection shall be worn
when cutting, welding, or striking where particles may
fly. Gears, belts, and revolving parts of machinery shall
be properly guarded. Hand tools shall be in good con-
dition. Sides of shafts, ribs and roof of all slopes shall be
closely observed for loose and dangerous conditions.
Loose brows, ribs and top in slopes shall be taken down
or supported; loose ribs in shafts shall be scaled. Men
shall be hoisted and lowered under power in shafts and
slopes. All hoists must have two positive breaking de-
vices. At least three wraps of rope shall remain on the
hoist drum at all times. Wire ropes shall not be less than
three-fourths inches in diameter, and of a design to pre-
vent excessive spinning or turning when hoisting.
When heavy materials are hoisted, a large rope shall
be used if necessary. A hoisting engineer shall be in
constant attendance while men are in shaft. Head frames
shall be constructed substantially. Noise from machinery
shall not interfere with signals. The standard signal code,
whistle or bell shall be used for hoisting:

<table>
<thead>
<tr>
<th>Signal</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>One signal</td>
<td>Hoist</td>
</tr>
<tr>
<td>Two signals</td>
<td>Lower</td>
</tr>
<tr>
<td>Three signals</td>
<td>Man cage</td>
</tr>
<tr>
<td>One signal from hoisting engineer</td>
<td>Men board cage</td>
</tr>
</tbody>
</table>

Hoist signals shall be posted in front of the hoisting
engineer. The shaft opening shall be enclosed by a fence
five feet high. Buckets shall not be loaded within six
inches of the top rim. Buckets shall have a positive lock
on the handle or bale to prevent bucket from crumpling
while being hoisted. Positive coupling devices shall be
used on buckets or cars (hooks with safety catches or
threaded clevis). Emergency devices for escape shall
be provided while shafts are under construction. Men
shall not ride on or work from rims of buckets. Buckets
or cars shall not be lowered without a signal from work-
ing area. Only sober and competent engineers shall be
permitted to operate hoists. No intoxicating liquors or
intoxicated persons shall be permitted in or around any
shaft, slope or machinery. Lattice type platforms shall
be used.

(f) Explosives.
Explosives and blasting caps being taken into or re-
moved from the operation shall be transported and kept
in approved nonconducting receptacles (unopened car-
tons or cases are permissible). Explosives shall not be
primed until ready to be inserted into holes. Handling of
explosives and loading of holes shall be under the strict
supervision of a qualified person or shotfirer. No more
explosives or caps than are required to shoot one round
shall be taken into shafts. Adobe, mudcapped or uncon-
fired shots shall not be fired. Holes shall be stemmed tightly and full to the mouth. Blasting caps shall be inserted in line with the explosive. Leg wires of blasting caps and buss wires shall be kept shunted until connected. Shooting cables shall be shunted at firing devices and before connecting to leg wires. Only approved shooting devices shall be used. Shots shall be fired promptly after the round of holes are charged. Warnings shall be given before shots are fired by shouting “Fire” three times slowly after those notified have withdrawn. The blasting circuit shall be wired in series or parallel series. All shooting circuits shall be tested with a galvanometer by a qualified person before shooting. A careful examination for misfires shall be made after each shot. Persons shall not return to the face until smoke and dust have cleared away. The shooting cable shall be adequately insulated and have a substantial covering; be connected by the person firing the shot; and be kept away from power circuits. Misfires shall be removed by firing separate holes or by washing; shall not be drilled out; and shall be removed under supervision of a foreman or qualified person. Separate magazines for the storage of explosives and detonators shall be located not less than three hundred feet from openings or other structures. Magazines for the storage of explosives and detonators shall be separated at least fifty feet. Magazines shall be located behind barricades. The outside of magazines shall be constructed of incombustible material. Rubbish and combustible material shall not be permitted to accumulate around or in magazine. Warning signs, to be seen in all directions, shall be posted near magazines.

(g) Electrical.

Power cables installed in slopes shall be placed in conduit away from the belt as far as possible. Surface transformers shall be elevated at least eight feet from the ground or enclosed by a fence six feet high, grounded if metal; shall be properly grounded; shall be installed so that they will not present a fire hazard; and shall be guarded by sufficient danger signs.

Electric equipment shall be in good condition, clean and orderly; shall be equipped with guards around mov-
ing parts; and shall be grounded with effective frame grounds on motors and control boxes.

All electric wires shall be installed and supported on insulators. All electric equipment shall be protected by dual element fuse or circuit breakers.

(h) Ventilation.

Ventilating fans shall be offset from portal at least fifteen feet; shall be installed so that the ventilating current is not contaminated by dust, smoke or gases; shall be effectively frame grounded; and shall be provided with fire extinguishers.

All shafts and slopes shall be ventilated adequately and continuously with fresh air. Air tubing shall deliver not less than nine thousand feet per minute at the working area or as much more as the inspector may require.

(i) Gases.

A foreman shall be in attendance at all times in shafts and slopes who has passed an examination given by the department of mines as to his competency in the use of flame safety lamp.

An examination shall be made before and after shooting by the foreman on shift. The foreman shall have no superior in the performance of his duties. A lighted flame safety lamp or other approved detector shall be carried at all times by the foreman when in the working area and weekly gas analysis made. In all shafts and slopes within three hours immediately preceding the beginning of a work shift and before any workman in such shift, other than those who may be designated to make the examinations, enter the underground areas of such shafts or slopes, a certified mine foreman or mine examiner designated by the operator of such shaft or slope to do so, shall make an examination of such area. Evidence of official examination shall be left at the face by marking date and initials.

Gases shall be removed under the supervision of the foreman in charge. Smoking shall not be permitted inside of shafts or slopes.

(j) Drilling.
Dust allaying or dust collecting devices shall be used while drilling.

(k) Lights to be used in shafts.

Only approved electric cap lights shall be used in shafts. Other lights shall be of explosive-proof type. Lights shall be suspended in shafts by cable or chain other than the power conductor. In slopes lights must be substantially installed. Power cables shall be of an approved type. Power cables shall not be taut from shaft collar to light. Power cables shall be in good condition and free of improper splices. Lights shall be suspended not less than twenty feet above where men are working. Lights shall be removed from shaft and power cut off when shooting. In slopes lights must be removed a safe distance when shots are fired. Lights shall not be replaced in shafts or slopes until examination has been made for gas by the mine examiner and found clear. Front of light shall be protected by a substantial metal-type guard. Lights shall be protected from falling objects from above by a metal hood. The lighting circuit shall be properly fused. Electric lights shall not be used in gaseous atmospheres. A lighted flame safety lamp or approved detector shall be kept for use at the face while men are at work.

GENERAL PROVISIONS

§22-2-72. General provisions; reopening old or abandoned mines.

No person, without first giving to the director of the department of natural resources ten days' written notice thereof, shall reopen for any purposes any old or abandoned mine wherein water or mine seepage has collected or become impounded or exists in such manner or quantity that upon the opening of such mine, such water or seepage may drain into any stream or watercourse. Such notice shall state clearly the name or names of the owner or owners of the mine proposed to be opened, its exact location, and the time of the proposed opening thereof. Upon receipt of such notice, the director of the department of natural resources shall have his representative present at the mine at the time designated in the
notice for such opening, who shall have full supervision
of the work of opening such mine with full authority to
direct the work in such manner as to him seems proper
and necessary to prevent the flow of mine water or seep-
age from such mine in such manner or quantity as will
kill or be harmful to the fish in any stream or water-
course into which such mine water seepage may flow
directly or indirectly.
§22-2-73. Monthly report by operator of mine.
1 The operator of every coal mine shall, on or before
2 the end of each calendar month, file with the director a
3 report covering the preceding calendar month on forms
4 furnished by the director. Such reports shall state the
5 number of accidents which have occurred, the number
6 of persons employed, the days worked and the actual
7 tonnage of coal mined.
§22-2-74. Examinations to determine compliance with permits.
1 Whenever permits are issued by the department of
2 mines, frequent examinations shall be made by the mine
3 inspector during the tenure of the permit to determine
4 that the requirements and limitations of the permit are
5 complied with.
§22-2-75. Provisions of article severable.
1 The various provisions of this article shall be con-
2 strued as separable and severable, and should any of
3 the provisions, sentences, clauses, or parts thereof be
4 construed or held unconstitutional or for any reason be
5 invalid, the remaining provisions of this article shall not
6 be thereby affected.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of April, 1971.

Governor