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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4630

(By Delegate Collins.....)

— ● —

Passed March 2,..... 1992

In Effect ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4630
(By DELEGATE COLLINS)

[Passed March 2, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections thirty-two and thirty-three, article one-a, chapter twenty-two-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the establishment and training of state mine rescue crews; specifying compensation for state mine rescue crews; authorizing the director to remove members of mine rescue crews; requiring every mine operator to establish mine rescue teams; specifying manner for providing mine rescue coverage; specifying the terms of availability of mine rescue teams; specifying the director's authority to assign mine rescue teams; specifying limitations of mine rescue coverage for mine rescue stations; specifying membership requirements for mine rescue teams; specifying training and experience requirements for mine rescue teams; specifying compensation for mine rescue teams; requiring reimbursement to employers of mine rescue team members for services rendered; specifying certain procedures to be used while performing mine rescue; specifying certain equipment required for mine rescue stations; specifying maintenance and inspection requirements for breathing apparatuses; requiring inspection records at mine rescue stations; requiring inspection of mine rescue stations; authorizing representatives of the

director to inspect mine rescue stations; authorizing representatives of the director to issue notices of violation for noncompliance; specifying the time frame within which operators receiving such notice must submit a revised mine rescue plan; requiring underground mine operators to submit a mine rescue program to the director; requiring the posting of the mine rescue program; and requiring notification to the director of any conditions materially affecting said program.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1A. ADMINISTRATION; ENFORCEMENT.

§22A-1A-32. Mine rescue crews.

1 The director is hereby authorized to have trained and
2 employed at the rescue stations, operated by the division
3 within the state, such rescue crews as he may deem
4 necessary. Each member of a rescue crew shall devote
5 four hours each month for training purposes and shall
6 be available at all times to assist in rescue work at
7 explosions and mine fires. Regular members shall
8 receive for such services the sum of thirty-two dollars
9 per month, and captains shall receive thirty-five dollars
10 per month, payable on requisition approved by the
11 director. The director may remove any member of a
12 rescue crew at any time.

§ 22A-1A-33. MINE RESCUE TEAMS.

13 (a) It shall be the responsibility of the operator to
14 provide mine rescue coverage at each active under-
15 ground mine.

16 (b) Mine rescue coverage may be provided by:

17 (1) Establishing at least two mine rescue teams which
18 are available at all times when miners are underground;
19 or

20 (2) Entering into an arrangement for mine rescue
21 services which assures that at least two mine rescue
22 teams are available at all times when miners are

23 underground.

24 (c) As used in this section, mine rescue teams shall be
25 considered available where teams are capable of
26 presenting themselves at the mine site(s) within a
27 reasonable time after notification of an occurrence
28 which might require their services. Rescue team
29 members will be considered available even though
30 performing regular work duties or while in an off-duty
31 capacity. The requirement that mine rescue teams be
32 available shall not apply when teams are participating
33 in mine rescue contests or providing rescue services to
34 another mine.

35 (d) In the event of a fire, explosion or recovery
36 operations in or about any mine, the director is hereby
37 authorized to assign any mine rescue team to said mine
38 to protect and preserve life and property. The director
39 may also assign mine rescue and recovery work to
40 inspectors, instructors or other qualified employees of
41 the division as he deems necessary.

42 (e) The ground travel time between any mine rescue
43 station and any mine served by that station shall not
44 exceed two hours. To ensure adequate rescue coverage
45 for all underground mines, no mine rescue station may
46 provide coverage for more than seventy mines within
47 the two-hour ground travel limit as defined in this
48 subsection.

49 (f) Each mine rescue team shall consist of five
50 members and one alternate, who are fully qualified,
51 trained and equipped for providing emergency mine
52 rescue service. Each mine rescue team shall be trained
53 by a state certified mine rescue instructor.

54 (g) Each member of a mine rescue team must have
55 been employed in an underground mine for a minimum
56 of one year. For the purpose of mine rescue work only,
57 miners who are employed on the surface but work
58 regularly underground meet the experience require-
59 ment. The underground experience requirement is
60 waived for those members of a mine rescue team on the
61 effective date of this statute.

62 (h) An applicant for initial mine rescue training must
63 not have reached his fiftieth birthday, and shall pass,
64 on at least an annual basis, a physical examination by
65 a licensed physician certifying his fitness to perform
66 mine rescue work. A record that such examination was
67 taken, together with pertinent data relating thereto,
68 shall be kept on file by the operator and a copy shall
69 be furnished to the director.

70 (i) Upon completion of the initial training, all mine
71 rescue team members shall receive at least forty hours
72 of refresher training annually. This training shall be
73 given at least four hours each month, or for a period of
74 eight hours every two months, and shall include:

75 (1) Sessions underground at least once every six
76 months;

77 (2) The wearing and use of a breathing apparatus by
78 team members for a period of at least two hours, while
79 under oxygen, once every two months;

80 (3) Where applicable, the use, care, capabilities and
81 limitations of auxiliary mine rescue equipment, or a
82 different breathing apparatus;

83 (4) Mine map training and ventilation procedures.

84 (j) When engaged in rescue work required by an
85 explosion, fire or other emergency at a mine, all
86 members of mine rescue teams assigned to rescue
87 operations shall, during the period of their rescue work,
88 be employees of the operator of the mine where the
89 emergency exists, and shall be compensated by the
90 operator at the rate established in the area for such
91 work. In no case shall this rate be less than the
92 prevailing wage rate in the industry for the most skilled
93 class of inside mine labor. During the period of their
94 emergency employment, members of mine rescue teams
95 shall be protected by the workers' compensation
96 subscription of such emergency employer.

97 (k) During the recovery work and prior to entering
98 any mine at the start of each shift, all rescue or recovery
99 teams shall be properly informed of existing conditions
100 and work to be performed by the designated company

101 official in charge.

102 (1) For every two teams performing rescue or recov-
103 ery work underground, one six-member team shall be
104 stationed at the mine portal.

105 (2) Each rescue or recovery team performing work
106 with a breathing apparatus shall be provided with a
107 backup team of equal number, stationed at each fresh
108 air base.

109 (3) Two-way communication and a lifeline or its
110 equivalent shall be provided at each fresh air base for
111 all mine rescue or recovery teams and no mine rescue
112 team member shall advance more than one thousand
113 feet inby the fresh air base: *Provided*, That if a life may
114 possibly be saved and existing conditions do not create
115 an unreasonable hazard to mine rescue team members,
116 the rescue team may advance a distance agreed upon by
117 those persons directing the mine rescue or recovery
118 operations: *Provided, however*, That a lifeline or its
119 equivalent shall be provided in each fresh air base for
120 all mine rescue or recovery teams.

121 (4) A rescue or recovery team shall immediately
122 return to the fresh air base when the atmospheric
123 pressure of any member's breathing apparatus depletes
124 to sixty atmospheres, or its equivalent.

125 (1) Mine rescue stations shall provide a centralized
126 storage location for rescue equipment. This storage
127 location may be either at the mine site, affiliated mines
128 or a separate mine rescue structure. All mine rescue
129 teams shall be guided by the mine rescue apparatus and
130 auxiliary equipment manual. Each mine rescue station
131 shall be provided with at least the following equipment:

132 (1) Twelve self-contained oxygen breathing appara-
133 tuses, each with a minimum of two hours capacity, and
134 any necessary equipment for testing such breathing
135 apparatuses;

136 (2) A portable supply of liquid air, liquid oxygen,
137 pressurized oxygen, oxygen generating or carbon
138 dioxide absorbent chemicals, as applicable to the
139 supplied breathing apparatuses and sufficient to sustain

140 each team for six hours while using the breathing
141 apparatuses during rescue operations;

142 (3) One extra, fully charged, oxygen bottle for each
143 self-contained compressed oxygen breathing apparatus,
144 as required under subdivision (1) of this subsection;

145 (4) One oxygen pump or a cascading system, compat-
146 ible with the supplied breathing apparatuses;

147 (5) Twelve permissible cap lamps and a charging
148 rack;

149 (6) Two gas detectors appropriate for each type of gas
150 which may be encountered at the mines served;

151 (7) Two oxygen indicators or two flame safety lamps;

152 (8) One portable mine rescue communication system
153 or a sound-powered communication system. The wires
154 or cable to the communication system shall be of
155 sufficient tensile strength to be used as a manual
156 communication system. The communication system shall
157 be at least one thousand feet in length; and

158 (9) Necessary spare parts and tools for repairing the
159 breathing apparatuses and communication system, as
160 presently prescribed by the manufacturer.

161 (m) Mine rescue apparatuses and equipment shall be
162 maintained in a manner that will ensure readiness for
163 immediate use. A person trained in the use and care of
164 breathing apparatuses shall inspect and test the
165 apparatuses at intervals not exceeding thirty days and
166 shall certify by signature and date that the inspections
167 and tests were done. When the inspection indicates that
168 a corrective action is necessary, the corrective action
169 shall be made and recorded by said person. The
170 certification and corrective action records shall be
171 maintained at the mine rescue station for a period of one
172 year and made available on request to an authorized
173 representative of the director.

174 (n) Authorized representatives of the director have
175 the right of entry to inspect any designated mine rescue
176 station.

177 (o) When an authorized representative finds a viola-
178 tion of any of the mine rescue requirements, he shall
179 take appropriate corrective action in accordance with
180 section thirteen, article one-a of this chapter.

181 (p) Operators affiliated with a station issued an order
182 by an authorized representative will be notified of that
183 order and that their mine rescue program is invalid.
184 The operators shall have twenty-four hours to submit to
185 the director a revised mine rescue program.

186 (q) Every operator of an underground mine shall
187 develop and adopt a mine rescue program for submis-
188 sion to the director within thirty days of the effective
189 date of this statute: *Provided*, That a new program need
190 only be submitted when conditions exist as defined in
191 subsection (p) of this section, or when information
192 contained within the program has changed.

193 (r) A copy of the mine rescue program shall be posted
194 at the mine and kept on file at the operator's mine
195 rescue station or rescue station affiliate and the state
196 regional office where the mine is located. A copy of the
197 mine emergency notification plan filed pursuant to 30
198 CFR §49.9(a) will satisfy the requirements of subsection
199 (q) of this section if submitted to the director.

200 (s) The operator shall immediately notify the director
201 of any changed conditions materially affecting the
202 information submitted in the mine rescue program.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Leck

Chairman Senate Committee

Bernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

David E. Holmes

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Will Perdue

President of the Senate

Pat Cell

Speaker of the House of Delegates

The within is approved this the *16th*
day of *March*, 1992.

W. Lee Roper

Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/92

Time 3:40 pm