

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 1042

BY SENATORS ROSE AND PHILLIPS

[Passed March 11, 2026; in effect from passage]

FILED
2026 APR - 1 P 10:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB1042

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1 AN ACT to amend and reenact §22A-2-4 of the Code of West Virginia, 1931, as amended, relating
2 to ventilation of underground mines; providing that in areas where coal is being cut, mined,
3 drilled for blasting, or loaded, these areas are to be ventilated with a minimum quantity of
4 3,000 cubic feet of air per minute.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. UNDERGROUND MINES.

§22A-2-4. Ventilation of mines in general.

1 (a) The operator or mine foreman of every coal mine, whether worked by shaft, slope, or
2 drift, shall provide and maintain adequate ventilation for each mine. In all mines the quantity of air
3 passing through the last open crosscut between the intake and return in any pair or set of entries
4 may not be less than 9,000 cubic feet of air per minute and as much more as is necessary to
5 dilute and render harmless and carry away flammable and harmful gases. All working faces in a
6 working section between the intake and return airway entries where coal is being cut, mined,
7 drilled for blasting, or loaded shall be ventilated with a minimum quantity of 3,000 cubic feet of air
8 per minute and as much more as is necessary to dilute and render harmless and carry away
9 flammable and harmful gases. The quantity of air reaching the last crosscut in pillar sections may
10 be less than 9,000 cubic feet of air per minute if at least 9,000 cubic feet of air per minute is being
11 delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient
12 volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful
13 gases. The operator shall provide to the safety committee access to anemometers and smoke
14 tubes while performing their duties. All active underground working places in a mine shall be
15 ventilated by a current of air containing not less than 19.5 percent of oxygen, not more than 0.50
16 percent of carbon dioxide, and no harmful quantities of other noxious or poisonous gases.

17 (b) Airflow shall be maintained in all intake and return air courses of a mine and, where
18 multiple fans are used, neutral areas created by pressure equalization between main fans is not

19 permitted. Production activities in working faces shall cease while tubing, line brattice, or other
20 ventilation devices are being installed by the machine operator.

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

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

30 (e) Each working unit newly developed in virgin coal shall be ventilated by a separate split
31 of air. In areas already under development and in areas where physical conditions prevent
32 compliance with this provision, the director may grant temporary relief from compliance until such
33 time as physical conditions make compliance possible. The quantity of air reaching the last
34 crosscut may not be less than 9,000 cubic feet of air per minute and shall under any condition
35 have sufficient volume and velocity to reduce and carry away smoke and flammable or harmful
36 gases from each working face in the section.

37 (f) As working places advance, crosscuts for air shall be made not more than 105 feet
38 apart. Where necessary to render harmless and carry away noxious or flammable gases, line
39 brattice or other approved methods of ventilation shall be used so as to properly ventilate the
40 face. All crosscuts between the main intake and return airways not required for passage of air
41 and equipment shall be closed with stoppings substantially built with incombustible or fire-
42 resistant material so as to keep working places well ventilated. In mines where it becomes
43 necessary to provide larger pillars for adequate roof support, working places may not be driven
44 more than 200 feet without providing a connection that will allow the free flow of air currents. In

such cases, a minimum of 12,000 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, haulage ways, airways, or openings in shaft bottom or slope bottom layouts where the size and strength of pillars is important, the director 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 on air courses, designed to provide positive movement of air through or around abandoned or caved areas, or both through and around, 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.

(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 20,000 cubic feet of air per minute is delivered to the intake of the pillar line.

(j) An operator or mine foreman may not permit any person to work where he or she is unable to maintain the quantity and quality of the air current as required by this section. This section does not prohibit the employment of individuals to make the place of employment safe.

(k) The ventilation of any mine shall be arranged by means of air locks, overcasts, or undercasts, in such a manner that the use of doors may be kept to a minimum on passageways where individuals or equipment travel. Where doors are used in a mine, they shall be erected in pairs so as to provide a ventilated air lock 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.

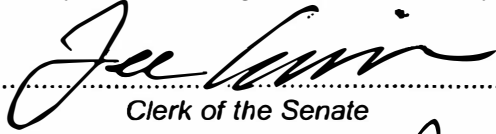
(m) Overcasts or undercasts shall be constructed of incombustible material and maintained in good condition.

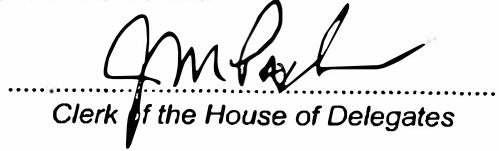
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70 (n) All run through check curtains shall be substantially constructed of translucent material,
71 except that where belting material must be used because of high velocity, there shall be a window
72 of translucent material at least 30 inches square or one-half the height of the coal seam, whichever
73 is less.

74 (o) The MSHA-approved plan shall serve as the state-approved plan and comply with all
75 provisions of state mining law as set forth in this code or the Code of State Rules.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

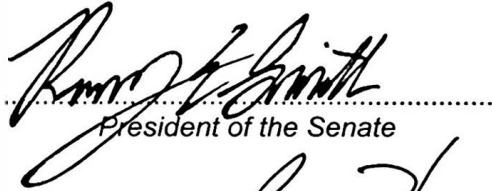

Clerk of the Senate


Clerk of the House of Delegates

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 1st
Day of April, 2026.


Governor

PRESENTED TO THE GOVERNOR

MAR 10 2026

Time 3:30 pm