

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2437**

4 (By Delegates Caputo, Manchin, Longstreth,  
5 Poore, Manypenny, L. Phillips and D. Poling)

6  
7 (Originating in the House Committee on the Judiciary)

8 [February 24, 2011]

9  
10 A BILL to amend and reenact §22A-2-43 of the Code of West Virginia,  
11 1931, as amended, relating to Office of Miners' Health, Safety  
12 and Training implementing new requirements; and to require  
13 study of requiring installation of mining machines automatic  
14 shut-offs when methane is detected.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §22A-2-43 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. UNDERGROUND MINES.**

19 **§22A-2-43. Electric equipment in mines.**

20 (a) *Methane.* -- Electric equipment shall not be taken into or  
21 operated in any place where methane can be detected with a flame  
22 safety lamp or other approved methane detector at one percent or  
23 more at any point not less than twelve inches from the roof, face  
24 or rib.

1           (b) *Return air.* -- In all mines, electric haulage locomotives  
2 operated from trolley wire and other electrical equipment or  
3 devices which may ignite gas shall not be used in return air,  
4 unless permission is granted by the director for a specified area.  
5 For the purpose of this provision, air used to ventilate a section  
6 of a mine shall not be considered return air until such time as the  
7 air has ventilated all of the workings in the section.

8           (c) *Qualified person to operate cutting machine.* -- No person  
9 shall be placed in charge of a coal-cutting machine in any mine who  
10 is not a qualified person, capable of determining the safety of the  
11 roof and sides of the working places and of detecting the presence  
12 of explosive gas, unless they are accompanied by a certified or  
13 qualified person who has passed such an examination.

14           (d) *Inspections.* -- In any mine no machine shall be brought in  
15 by the last breakthrough next to the working face until the machine  
16 man shall have made an inspection for gas in the place where the  
17 machine is to work. If explosive gas in excess of one percent is  
18 found in the place, the machine shall not be taken in until the  
19 danger is removed.

20           (e) *Indication of gas.* -- In working places a suitable  
21 approved apparatus for the detection of explosive gas, shall be  
22 provided for use with each mining machine when working, and should  
23 any indication of explosive gas in excess of one percent appear on  
24 any apparatus used for the detection of explosive gas, the person

1 in charge shall immediately stop the machine, cut off the current  
2 at the nearest switch and report the condition to the mine foreman  
3 or supervisor. The machine shall not again be started in such  
4 place until the condition found has been corrected and been  
5 pronounced safe by a certified person.

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

13 (g) *Operation of mining machines.* -- Machine runners and  
14 helpers shall use care while operating mining machines. They shall  
15 examine the roof of the working place to see that it is safe before  
16 starting to operate the machine. They shall not move the machine  
17 while the cutter chain is in motion.

18 (h) Study of Automatic shut-down of mining machines. -- The  
19 Office of Miners' Health, Safety and Training is directed to  
20 conduct a study of the safety of installation of shut -off devices  
21 on machine extraction apparatus, including, but not limited to,  
22 long wall sheers and cutter heads. The Office shall study the  
23 benefits and appropriateness of requiring the installation of these  
24 devices, to determine if there are safety benefits to these

1 devices, and whether the Office recommends to the Legislature that  
2 requirements regarding mandating these devises in underground mines  
3 is warranted. The Office shall report to the Legislature's Joint  
4 Committee on Government and Finance by December 31, 2011 with  
5 recommendations regarding whether it is appropriate to implement  
6 any requirements.