

COMMITTEE SUBSTITUTE

FOR

H. B. 2437

(BY DELEGATES CAPUTO, MANCHIN, LONGSTRETH,
POORE, MANYPENNY, L. PHILLIPS AND D. POLING)

(Originating in the House Committee on the Judiciary)
[February 24, 2011]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. UNDERGROUND MINES.

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

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

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

14 (c) *Qualified person to operate cutting machine.* -- No
15 person shall be placed in charge of a coal-cutting machine in
16 any mine who is not a qualified person, capable of
17 determining the safety of the roof and sides of the working

18 places and of detecting the presence of explosive gas, unless
19 they are accompanied by a certified or qualified person who
20 has passed such an examination.

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

27 (e) *Indication of gas.* -- In working places a suitable
28 approved apparatus for the detection of explosive gas, shall
29 be provided for use with each mining machine when
30 working, and should any indication of explosive gas in
31 excess of one percent appear on any apparatus used for the
32 detection of explosive gas, the person in charge shall
33 immediately stop the machine, cut off the current at the
34 nearest switch and report the condition to the mine foreman
35 or supervisor. The machine shall not again be started in such
36 place until the condition found has been corrected and been
37 pronounced safe by a certified person.

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

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

50 (h) *Study of Automatic shut-down of mining machines.* --
51 The Office of Miners' Health, Safety and Training is directed
52 to conduct a study of the safety of installation of shut-off
53 devices on machine extraction apparatus, including, but not
54 limited to, long wall sheers and cutter heads. The Office
55 shall study the benefits and appropriateness of requiring the
56 installation of these devices, to determine if there are safety

57 benefits to these devices, and whether the Office
58 recommends to the Legislature that requirements regarding
59 mandating these devices in underground mines is warranted.
60 The Office shall report to the Legislature's Joint Committee
61 on Government and Finance by December 31, 2011 with
62 recommendations regarding whether it is appropriate to
63 implement any requirements.