

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5023**

By Delegates Vance, Cooper, Heckert, Dean, Bridges,

Sheedy, Dillon, Toney, Brooks, Kirby, and Foggin

[Introduced January 23, 2024; Referred to the

Committee on Energy and Manufacturing]

1 A BILL to amend and reenact §22A-2-8 of the Code of West Virginia, 1931, all relating to requiring  
 2 that a qualified person accompany a certified person to conduct measurements of  
 3 underground air currents when the work exceeds two hours, airways must be walked,  
 4 there is no established communication, and manual tracking is required.

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

**ARTICLE 2. UNDERGROUND MINES.**

**§22A-2-8. Duties; ventilation; loose coal, slate or rocks; props; drainage of water; man  
doors; instruction of apprentice miners.**

1 (a) The duties of the mine foreman shall be to keep a careful watch over the ventilating  
 2 apparatus, the airways, traveling ways, pumps and drainage. He or she shall see that, as the  
 3 miners advance their excavations, proper breakthroughs are made so as to ventilate properly the  
 4 mine; that all loose coal, slate and rock overhead in the working places and along the haulways  
 5 are removed or carefully secured so as to prevent danger to persons employed in such mines, and  
 6 that sufficient suitable props, caps, timbers, roof bolts or other approved methods of roof supports  
 7 are furnished for the places where they are to be used and delivered at suitable points. The mine  
 8 foreman shall have all water drained or hauled out of the working places where practicable, before  
 9 the miners enter, and such working places shall be kept dry as far as practicable while the miners  
 10 are at work. It shall be the duty of the mine foreman to see that proper crosscuts are made, and  
 11 that the ventilation is conducted by means of such crosscuts through the rooms by means of  
 12 checks or doors placed on the entries or other suitable places, and he or she shall not permit any  
 13 room to be opened in advance of the ventilation current. The mine foreman, or other certified  
 14 persons designated by him or her, shall measure the air current with an anemometer or other  
 15 approved device at least weekly at the inlet and outlet at or near the faces of the advanced  
 16 headings, and shall keep a record of such measurements in a book or upon a form prescribed by  
 17 the director: Provided, That any certified person who travels an airway to take measurements of air  
 18 current for a period that exceeds two hours, in an area that must be walked because rides cannot

19 be used or accessed, and in which there is no established communication and manual tracking is  
20 required, such certified person shall be accompanied by one other qualified person. Signs  
21 directing the way to outlets or escapeways shall be conspicuously placed throughout the mine.

22 (b) After July 1, 1971, hinged man doors, at least thirty inches square or the height of the  
23 coal seam, shall be installed between the intake and return at intervals of three hundred feet when  
24 the height of the coal is below forty-eight inches and at intervals of six hundred feet when the  
25 height of the coal is above forty-eight inches.

26 (c) The duties of the mine foreman and assistant mine foreman shall include the instruction  
27 of apprentice miners in the hazards incident to any new work assignments; to assure that any  
28 individual given a work assignment in the working face without prior experience on the face is  
29 instructed in the hazards incident thereto and supervised by a miner with experience in the tasks to  
30 be performed.

NOTE: The purpose of this bill is to require that a qualified person accompany a certified person to conduct measurements of underground air currents when the work exceeds two hours, airways must be walked, there is no established communication, and manual tracking is required.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.