

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5002

By Delegates Eldridge, Parsons, Dean, Bridges,
Stephens, Sheedy, Holstein, Pritt, Akers, Maynor, and
Riley

[Introduced January 30, 2026; referred to the
Committee on Energy and Public Works]

1 A BILL to amend and reenact §22A-1-36 of the Code of West Virginia, 1931, relating to including
2 the designation of mine first responders, trained to prevent, detect, and fight fires, as well
3 as respond to emergencies, a part of mandatory mine safety programs.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1. OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING;
ADMINISTRATION; ENFORCEMENT.**

§22A-1-36. Mandatory safety programs; penalties.

1 (a) The director, in consultation with the state Board of Coal Mine Health and Safety, shall
2 promulgate rules in accordance with §29A-1-1 *et seq.* of this code, detailing the requirements for
3 mine safety programs to be established by coal operators, as provided in §22A-1-36(b) of this
4 code. The rules may require different types of safety programs to be developed, depending upon
5 the output of the particular mine, the number of employees of the particular mine, the location of
6 the particular mine, the physical features of the particular mine, or any other factor deemed
7 relevant by the director.

8 (b) Rules required in this section, for underground mines, shall also provide for the
9 designation of first responders from the crew working in the mine. These responders shall be
10 trained to prevent, detect, and fight fires, as well as respond to emergencies. The training provided
11 to these responders shall also include emergency mine evacuation, communication, and the
12 operation of mine ventilation systems and assistance and cooperation with mines rescue crews
13 and teams provided for in §22A-1-34 and §22A-1-35 of this code.

14 ~~(b)~~ (c) Within six months of the date when the rules required in §22A-1-36(a) of this code
15 become final, each operator shall develop and submit to the director a comprehensive mine safety
16 program for each mine, in accordance with such rules. Each employee of the mine shall be
17 afforded an opportunity to review and submit comments to the director regarding the modification
18 or revision of such program, prior to submission of such program to the director. Upon submission

19 of such program the director has 90 days to approve, reject, or modify such program. If the
20 program is rejected, the director shall give the operator a reasonable time to correct and resubmit
21 such program. An up-to-date copy of each program shall be placed on file in the office and further
22 copies shall be made available to the miners of each mine and their representatives. Each
23 operator shall undertake all efforts necessary to assure total compliance with the appropriate
24 safety program at each mine and shall fully implement all portions of such program. Once
25 approved, a comprehensive mine safety program shall not be subject to annual review by the
26 director: *Provided*, That a program may be subject to annual review by the director after a fatality
27 or serious accident involving bodily harm has occurred, or, if the operator has shown a pattern of
28 mine safety violations as defined by §22A-1-15(2) of this code, such a finding shall also warrant
29 annual review by the director. The director shall promulgate emergency rules in order to comply
30 with this subsection.

31 (e) (d) Any person violating any provision of this section is guilty of a misdemeanor, and,
32 upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or ~~imprisoned~~ in
33 ~~the county jail~~ for not more than six months, or both fined and ~~imprisoned~~ confined.

NOTE: The purpose of this bill is to require mandatory mine safety programs to promulgate rules that provide for the designation of first responders from the crew working in the mine trained to prevent, detect, and fight fires, as well as responding to emergencies, emergency mine evacuation, communication, and assistance and cooperation with mines rescue crews and teams.

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