



*State of West Virginia*  
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training  
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**MEMORANDUM**

**TO:** All West Virginia Operations and Interested Parties

**FROM:** C. A. Phillips, Acting Director *CAP*

**DATE:** April 6, 2011

**RE:** Enforcement of W. Va. Code § 22A-2-55(a) and 56 CSR 3-47.3(b), Safety Helmets

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Recently questions have arisen regarding the enforcement of W. Va. Code § 22A-2-55(a) and 56 CSR 3-47.3(b), the requirement of surface mine employees to wear safety helmets when working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns. This agency interprets this requirement to mean that unless an individual is in a building or operating equipment exempted under W. Va. Code § 22A-2-55(a) or 56 CSR 3-47.3(b), everyone shall wear a safety helmet at all times while on the bonded property of a surface mine.

Should you have any questions, do not hesitate to call.

CAP:els

pc: The Office of the Secretary of State  
WVOMHST regional offices  
Inspectors-at-Large