




State of West Virginia

WV Office of Miners' Health, Safety & Training
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MEMORANDUM

DATE: April 22, 2025
TO: West Virginia Coal Industry and OMHS&T Inspectorate
From: Frank Foster 
SUBJECT: Proximity Systems – Tampering – Circumventing and Penalties

Intentional interference with proximity detection systems on continuous mining machines and proximity system locators has become more prevalent in recent months and years. This practice is illegal and increases the potential for serious injuries, accidents, and fatalities in the workplace. The systems are in place to protect equipment operators and others working near the equipment and are not to be rendered ineffective.

Anyone who is caught manipulating, bypassing, tampering, circumventing or otherwise doing something with a proximity locator or the continuous miner proximity system that renders a proximity system ineffective from its intended use is subject to a withdrawal of mining certifications and potentially permanent withdrawal and/or other penalties as determined by the director.

Pursuant to West Virginia Code §22A-1-21 and §22A-1-31, the Director of the Office of Miners' Health, Safety and Training shall impose all applicable penalties pursuant to any person that, without the authorization of the operator or the director's authorized representatives, knowingly tampers or attempts to tamper with a Proximity Detection system or related equipment.