



## State of West Virginia

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### MEMORANDUM REGARDING TELEPHONIC AND EQUIVALENT TWO-WAY COMMUNICATION SYSTEMS IN MINES

To: All Inspectors, Coal Mine Operators, and all Other Interested Persons

From: Frank Foster, Director

Re: Equivalent Two-way Communication Systems in Underground Mines

West Virginia Code § 22A-2-42(c) states "Unless the director for good cause grants a waiver, all such telephones or equivalent two-way communications shall be connected to regular telephonic and other means of communication available in the community so that in the event of an emergency, emergency medical attendants or other personnel can communicate to and from the mine directly to health care facilities." There have been questions about whether certain types of alternative communication systems meet the requirements of this law.

As a matter of interpretation "equivalent two-way communication" allows for any type of two-way communication system as long as that system allows for persons using the two-way communication systems wherever they are located throughout the mine to talk directly with persons at health care facilities. If both parties can talk to each other and can clearly hear what the other party is saying in real time, the two-way communication system is acceptable under law. West Virginia Code § 22A-2-42 was written back in 1985 and it allows for mine operators to use new communication technologies to meet the law's underlying requirements. Please note that whatever two-way communication system is used, this system must comply with the other requirements set for in West Virginia Code § 22A-2-42 and 36 C.S.R. 5.

A handwritten signature in blue ink that reads "Frank G. Foster".

Frank G. Foster, Director