



State of West Virginia

WV Office of Miners' Health, Safety & Training
Frank Foster, Director

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Date: August 25, 2026

To: West Virginia Underground Mine Operators, Supervisors, and Underground Miners

From: Frank Foster, Director

Re: Working and/or Travelling Under Unsupported Roof

In light of recent accidents, near misses, and instances of misconduct in violation of the law and recognized safety practices, I feel it is incumbent upon me to remind all underground mine operators, supervisors, and underground miners of their obligations under the law regarding working or travelling inby roof support. Underground mine operators, supervisors, and individual underground miners are each legally obligated to conform to relevant law as set forth below.

“The **operator of a mine** has primary responsibility to prevent injuries and deaths resulting from working under unsupported roof. Every operator shall require that no person may proceed beyond the last permanent support unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to miners.” W. Va. Code § 22A-2-25(c).

“The **immediate supervisor** of any area in which unsupported roof is located shall not direct or knowingly permit any person to proceed beyond the last permanent support unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to miners.” W. Va. Code § 22A-2-25(d).

“No **miner** shall proceed beyond the last permanent support in violation of a direct or standing order of an operator, a foreman or an assistant foreman, unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to the miner.” W. Va. Code § 22A-2-25(e).

“No person shall **work or travel** under unsupported roof unless in accordance with this Series.” W. Va. Code St. R. § 36-10-3.2.

Given the serious danger that exists when miners are exposed to conditions of unsupported roof, any violations of the above cited law will be thoroughly investigated and upon

conclusion of the investigation, appropriate action will be taken against the offending party or parties. Such actions may include, but are not limited to, Notices of Violation, Imminent Danger Orders, Individual Penalty Assessments, and decertification as set forth in W. Va. Code 22A-1-31.

It is important for operators, supervisors, and miners to understand that the choice to work or travel under unsupported roof in violation of the above referenced law not only places the individual in danger but also endangers the lives of all others who may be called upon to rescue and/or render aid should an accident occur.