



State of West Virginia
Joe Manchin III, Governor

WV Office Of Miners' Health, Safety & Training
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MEMORANDUM

TO: WV Coal Mine Operations
Independent Contractors at WV Coal Mine Operations

FROM: Jim Dean, Acting Director *Jim M. Dean*

DATE: March 30, 2006

RE: Senate Bill 247 / Emergency Toll Free Telephone Number

The West Virginia Legislature enacted Senate Bill No. 247 on January 23, 2006. Senate Bill 247 went into effect from passage effectively revised the accident reporting requirements outlined by West Virginia Code, Chapter 22A, Article 2, and Section 66. The revised version of 22A-2-66 pertaining to accident reporting requirements for mine operators reads as follows.

(a) For the purposes of this section, the term "accident" means:
(1) The death of an individual at a mine; (2) An injury to an individual at a mine which has a reasonable potential to cause death; (3) The entrapment of an individual; (4) The unplanned inundation of a mine by a liquid or gas; (5) The unplanned ignition or explosion of gas or dust; (6) The unplanned ignition or explosion of a blasting agent or an explosive; (7) An unplanned fire in or about a mine not extinguished within five minutes of ignition; (8) An unplanned roof fall at or above the anchorage zone in active workings where roof bolts are in use or an unplanned roof or rib fall in active workings that impairs ventilation or impedes passage; (9) A coal or rock outburst that causes withdrawal of miners or which disrupts regular mining activity for more than one hour; (10) An unstable condition at an impoundment, refuse pile or culm bank which requires emergency action in order to prevent failure, or which causes individuals to evacuate an area, or the failure of an impoundment, refuse pile or culm bank; (11) Damage to hoisting equipment in a shaft or slope which endangers an individual or which interferes with use of the equipment for more than thirty minutes; and (12) An event at a mine which causes death or bodily injury to an individual not at the mine at the time the event occurs.

(b) Whenever any accident occurs in or about any coal mine or the machinery connected therewith, it is the duty of the operator or the mine foreman in charge of the mine to give notice, within fifteen minutes of ascertaining the occurrence of an accident, to the Mine and Industrial Accident Emergency Operations Center at the statewide telephone number established by the Director of the Division of Homeland Security and Emergency Management pursuant to the provisions of article five-b, chapter fifteen of this code stating the particulars of the accident: *Provided*, That the operator or the mine foreman in charge of the mine may comply with this notice requirement by immediately providing notice to the appropriate local organization for emergency services as defined in section eight, article five of said chapter, or the appropriate local emergency telephone system operator as defined in article six, chapter twenty-four of this code: *Provided, however*, That nothing in this subsection shall be construed to relieve the operator from any reporting or notification requirement under federal law.

(c) The Director of the Office of Miners' Health, Safety and Training shall impose, pursuant to rules authorized in this section, a civil administrative penalty of one hundred thousand dollars on the operator if it is determined that the operator or the mine foremen in charge of the mine failed to give immediate notice as required in this section: *Provided*, That the director may waive imposition of the civil administrative penalty at any time if he or she finds that the failure to give immediate notice was caused by circumstances wholly outside the control of the operator.

The requirements of 22A-2-66 clearly specify that a mine operator must report to the Mine and Industrial Accident Emergency Operations Center any accident as defined above by 22A-2-66(a) (1-12) within fifteen minutes of ascertaining the occurrence of the accident. Effective April 1, 2006, the telephone number to be used to report such accident is: **1-866-987-2338**.

Mine operators should be reminded that 22A-2-66(c) states that the Director of the Office of MHST shall impose a civil penalty of up to one hundred thousand dollars on an operator for failure to immediately report an accident.

JMD:ks