



*State of West Virginia*  
**Joe Manchin III, Governor**

WV Office of Miners' Health, Safety & Training  
James M. Dean, Acting Director  
1615 Washington Street East • Charleston, West Virginia • 25311-2126  
Telephone 304-558-1425 • Fax 304-558-1282  
[www.wvminesafety.org](http://www.wvminesafety.org)

NOTICE

TO: Manufacturers of Emergency Shelters/Chambers

FROM: Jim Dean, Acting Director

A handwritten signature in black ink that reads "Jim Dean".

DATE: July 10, 2006

RE: Application for Certification of Compliance

The Office of Miners' Health Safety and Training will accept applications for certification of compliance with West Virginia rules for emergency shelters/chambers once per quarter.

Application packages for a given quarter must be postmarked by the first day of January, April, July, or October.

However, for this first approval period, applications will be accepted if postmarked by August 1, 2006.

Within 30 days of the submittal period, the Director will notify all applicants of the estimated time required for review of submittals. The approval of all products submitted in each quarter will be announced by the Director as a group at the earliest opportunity.

Pursuant to West Virginia Amended Agency Adopted Emergency Rule, Title 56 Series 4, "Emergency Rules Governing Protective Clothing and Equipment", the Office of Miners' Health Safety and Training requests that any vendor desiring a certification that a product complies with the requirements of §56-4-8. Emergency Shelters/Chambers submit the following:

1. The name of the person or persons representing the applicant, including his or her title, position, mailing address, email address, and telephone number, who can be contacted by the Director for all matters relating to the application
2. A public version of the submittal package, limited to ten (10) letter sized pages, which along with the independent West Virginia licensed professional engineer statement will be released when MHS&T certification is granted. All other material submitted will only be considered proprietary information if so labeled.

3. A statement by an independent West Virginia licensed professional engineer that the proposed product meets the requirements set forth in Section 8, in the following form:

“I, the undersigned, hereby certify that this product, to the best of my knowledge and belief, meets or exceeds all requirements set forth in §56-4-8.”

4. A list of all documents included in the approval package
5. A description of the methodology used by the independent West Virginia licensed professional engineer in making their determination of compliance with §56-4-8.
6. A complete drawing package applicable to the product submitted. Drawings should provide sufficient detail for a competent engineer to understand the product and evaluate the independent engineer's certification.
7. Materials list applicable to the design submitted. The list should provide sufficient detail for a competent engineer to understand the product and evaluate the independent engineer's certification. Any items requiring MSHA intrinsic safety approval must include a copy of the approval or proof of current MSHA assessment and an estimate of the date of approval.
8. If the function of the product is dependent upon a sub-component provided by another, proof of availability, in the form of a legally binding agreement and any necessary MSHA and or WV certifications of the sub-component must be provided.
9. A description of manufacture process and quality control process utilized for any sub-component not requiring MSHA approval must be provided. This should be in such detail that a competent engineer can understand the process and verify the ability to maintain the validity of the claimed compliance with §56-4-8 throughout production, installation, and service.
10. Copies of any instructional and training materials to be provided with the product. These should include any directions on inspection, maintenance, and repair of the product or sub-components and replenishment of consumables
11. Demonstration of the financial ability of the applicant to produce the product and proof of product liability insurance or equivalent

JMD:ks  
Attachment

## Attachment A

### **§56-4-8. Emergency Shelters/Chambers.**

8.3 The Director shall, no later than July 10, 2006, issue an open opportunity for emergency shelter/chamber providers to submit products for approval. The Director shall maintain a current list of pending and approved emergency shelter/chambers on the West Virginia MHS&I web site [www.wvminesafety.org](http://www.wvminesafety.org)

8.3.1. Providers of emergency shelter/chamber seeking approval shall submit documentation prescribed by the Director that shall include a certification by an independent West Virginia licensed professional engineer that the proposed product meets the requirements set forth in Section 8, a description of the process used in making that determination and a certification in the following form: "I, the undersigned, hereby certify that this product, to the best of my knowledge and belief, meets or exceeds all requirements set forth in §56-4-8."

8.4. Any emergency shelter/chamber approved by the Director shall:

8.4.1. Provide a minimum of 48 hours life support (air, water, emergency medical supplies, and food) for the maximum number of miners reasonably expected on the working section;

8.4.2. Be capable of surviving an initial event with a peak overpressure of 15psi and a flash temperature of 300 degrees Fahrenheit;

8.4.3. Be constructed such that it will be protected under normal handling and pre-event mine conditions;

8.4.4. Provide for rapidly establishing an internal shelter atmosphere of oxygen above 19.5%, carbon dioxide below 0.5%, carbon monoxide below 50ppm, and an 'apparent-temperature' of 95 degrees Fahrenheit;

8.4.5. Provide the ability to monitor carbon monoxide and oxygen inside and outside the shelter/chamber;

8.4.6. Provide a means for entry and exit that maintains the integrity of the internal atmosphere;

8.4.7. Provide a means for MSHA certified intrinsically safe power if required;

8.4.8. Provide a minimum eight quarts of water per miner;

8.4.9. Provide a minimum of 4,000 calories of food per miner;

8.4.10. Provide a means for disposal of human waste to the outside of the shelter/chamber;

8.4.11. Provide a first aid kit as defined at §22A-2-59(3)(b) in addition to the section first aid kit pursuant to §22A-2-59(3) and §22A-2-60(f);

8.4.12. Have provisions for inspection of the shelter/chamber and contents;

8.4.13. Contain manufacturer recommended repair materials;

8.4.14. Provide a battery-powered internal strobe light approved by the Director that is visible from the outside indicating occupancy;

8.4.15. Provide a means of communications to the surface; and

8.4.16. Only contain MSHA approved materials where applicable.