



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Parris N. Glendening
Governor

Jane T. Nishida
Secretary

Water Management Administration
Bureau of Mines
160 South Water Street * Frostburg, Maryland 21532

November 17, 2000

Mr. Ronald L. Harris, Director
Office of Miners' Health, Safety and Training
1615 Washington Street, East
Charleston, WV 25311-2126



Dear Mr. Harris:

This correspondence is for the purpose of confirming the agreement between Maryland and West Virginia concerning the reciprocity of mine foreman and fire boss certifications. The Maryland Department of the Environment, Bureau of Mines enters into this agreement in accordance with the provisions of Environment Article, §15-313, Annotated Code of Maryland. Enclosed are signed copies of the Memorandum of Agreement and the Memorandum of Understanding for your files.

On behalf of the Maryland Department of the Environment, Bureau of Mines, I wish to thank you and your agency for working with the Bureau of Mines to secure this agreement which will benefit our coal miners many of whom live and work in close proximity to our common borders.

Sincerely,

John E. Carey, Director
Maryland Bureau of Mines

MEMORANDUM OF AGREEMENT
Certification Reciprocity

This Memorandum of Agreement is made this 2ND day of November, 2000 by and between the State of West Virginia Office of Miners' Health, Safety and Training (herein WVM) and the State of Maryland Department of the Environment, Bureau of Mines (herein MDM).

Whereas, WVM is the regulatory authority of the State of West Virginia administering the State Mines and Minerals Act, Chapter 22A and rules promulgated thereunder, and amendments thereto, as the same may be or become effective any time or from time to time, for the purpose of providing for the health and safety of coal miners.

Whereas, MDM is the regulatory authority of the State of Maryland administering the Environment Article, Title 15, Subtitle 3, Annotated Code of Maryland for the purpose of providing for the training, licensing, certification, and supervision of coal miners.

Whereas, West Virginia and Maryland share a common border and have coal miners working the same coal beds within the Appalachian Coal Field often with the same operating companies and employing coal miners and agents who are mobile within the region, transferring and moving from one state to the other, seeking to perform comparable duties as qualified and certified persons.

Whereas, West Virginia and Maryland recognize the common benefit for coal mining citizens and operators in entering a reciprocity agreement whereby experienced coal miners and certified coal mine foremen and firebosses who have demonstrated competency through certification within one state can gain certification within the neighboring state.

Whereas, Environment Article, §15-313, Annotated Code of Maryland authorizes the MDM to accept by reciprocity, persons certified by states which accept the corresponding Maryland certification and whose certification requirements are substantially equivalent to Maryland.

Whereas, §22A-1-39 of the West Virginia Code authorizes the Director of the West Virginia Office of Miners' Health, Safety and Training, in conjunction with the West Virginia Board of Miner Training, Education and Certification to offer reciprocity of mine foreman-fireboss and/or experienced miner certifications to persons certified by states which accept West Virginia's mine foreman and/or experienced miner certifications, so long as the other state's qualification, examination, and certification criteria are equivalent to those utilized by West Virginia.

Whereas, it is anticipated that a number of experienced miners and certified mine foremen and firebosses will make application to WVM and MDM to attain comparable certification by reciprocity.

Whereas, to efficiently and effectively administer a program for experienced miner and mine foreman and fireboss certification reciprocity, WVM and MDM desire to enter into this Memorandum of Agreement.

Now, Therefore, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:


1. This agreement shall not be construed as a delegation of authority from the Director of WVM to the Director of MDM, nor from the Director of MDM to the Director of WVM and nothing herein contained shall be construed to hinder, prevent, or impede the Directors from performing any duty or serving any function permitted or required by the respective Mine Safety Acts.
2. The Director, West Virginia Office of Miners' Health, Safety and Training; and the Director, Maryland Department of the Environment, Bureau of Mines, or representatives designated by

either Director shall serve as liaisons to facilitate communication and cooperation between WVM and MDM under this Memorandum of Agreement.

3. The Directors shall each appoint a Reciprocity Coordinator to develop and implement written procedures for the administration of this reciprocity agreement.
4. The Reciprocity Coordinators shall schedule and conduct within 90 days of this agreement, a comprehensive, joint review of each state's certification program and policies and procedures for the purpose of gaining understanding of each other's program. Regular meetings will be conducted by the coordinators to ensure that both programs maintain comparable, high standards for certification of applicants.
5. Both states agree to share and copy records and other information, and work toward a system for electronic capability to facilitate this effort.
6. In order to ensure that experienced miners and certified mine foremen are aware of and understand the particular state laws, rules and regulations applying within the state granting reciprocity, the applicant must take the component of that state's experienced miner and mine foreman examination that pertains to the specific state mining laws and rules, and must pass the examination with a score of at least eighty percent.
7. Mine foremen continuing education, where required, must be met in accordance with established state standards.
8. Both states agree to provide information related to suspension and de-certification actions taken against any certified person. Any such action involving a person holding a certification by reciprocity will be formally reviewed by the Reciprocity Coordinators.
9. Nothing in this Memorandum of Agreement shall relieve mine operators or certified agents of the operators, of their responsibility to comply with applicable provisions of law and regulations.
10. This Memorandum of Agreement may be modified in writing by mutual consent of the parties.
11. This Memorandum of Agreement may be terminated at any time by either party giving written notice to the other party at least 90 days prior to the date termination is to take place.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto in manner and form sufficient to bind them as of the day and year first written.

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
BUREAU OF MINES

By 
John E. Carey, Director

STATE OF WEST VIRGINIA
OFFICE OF MINERS' HEALTH,
SAFETY AND TRAINING

By 
Ron L. Harris, Director

Memorandum of Understanding
between
The State of Maryland
and
The State of West Virginia
Office of Miners' Health, Safety and Training

Effective the first day of October, during the year two thousand, any Maryland coal miner having a minimum of six months of verifiable underground coal mining experience with at least one hundred eight shifts worked, and having in his or her possession a current certificate of approved first-aid training, is eligible to take the reciprocal examination for a West Virginia certificate of competency and qualification as an experienced underground coal miner subsequent to attending a four-hour training class approved by the director consisting of a generalized orientation to West Virginia mining laws and rules in lieu of attending and completing West Virginia's approved eighty-hour pre-employment training curriculum. A certificate of competency and qualification as an experienced underground coal miner in West Virginia will be issued to any qualifying Maryland applicant who passes the twenty-five question reciprocal examination with a score of at least eighty percent. Any qualifying Maryland applicant failing to achieve a minimum score of eighty percent on the initial examination will be afforded one opportunity to retest. Subsequent to failure on the second opportunity to pass the examination, the qualifying applicant must repeat the generalized orientation training program prior to being afforded any additional opportunities to retest.

EXPERIENCED MINER CERTIFICATION

Any Maryland underground coal miner requesting a West Virginia certificate of competency and qualification as an experienced underground coal miner shall comply with the following requirements:

1. Applicant shall submit a properly completed coal miner experience document verifying at least six months of underground coal mining experience with a minimum of one hundred eight shifts worked. A recent photograph of the applicant must be attached to the experience document and the completed experience document must be notarized by a Notary Public residing in Maryland;
2. Applicant shall submit a legible copy of his or her current certificate of approved first-aid training (MSHA form 5000-23 is acceptable);
3. Applicant shall attend the approved four-hour training class consisting of a generalized orientation to West Virginia mining laws and rules;
4. Applicant shall submit a non-refundable fee of \$10.00. Each retest requires an additional non-refundable fee of \$10.00; and,
5. Applicant shall achieve a minimum score of eighty percent on the twenty-five question reciprocal examination for experienced miner certification.

Upon satisfactory completion of the above requirements the applicant shall be issued a West Virginia certificate of competency and qualification as an experienced underground coal miner and the appropriate certification pocket card.

Additionally, any Maryland coal miner who is the holder of either a first-class mine foreman certificate of competency and/or a fireboss certificate of competency issued by the Maryland Bureau of Mines is eligible to take the reciprocal examination for West Virginia mine foreman-fireboss or assistant mine

foreman-fireboss certification subsequent to attending a four-hour training class approved by the director consisting of a comprehensive orientation to West Virginia mining laws and rules. A West Virginia mine foreman-fireboss certificate or assistant mine foreman-fireboss certificate will be issued to any qualifying Maryland applicant who passes the fifty question reciprocal examination with a score of at least eighty percent. Any qualifying Maryland applicant failing to achieve a minimum score of eighty percent on the initial examination will be afforded one opportunity to retest. Subsequent to failure on the second opportunity to pass the examination, the qualifying applicant must repeat the comprehensive orientation training program prior to being afforded any additional opportunities to retest.

MINE FOREMAN AND FIREBOSS CERTIFICATION

Any Maryland coal miner who is the holder of a first-class mine foreman certificate of competency and/or a fireboss certificate of competency issued by the Maryland Bureau of Mines and who is requesting West Virginia certification by reciprocity as a mine foreman-fireboss or assistant mine foreman-fireboss shall comply with the following requirements:

1. Applicant shall submit a properly completed underground mine foreman application verifying required experience. A recent photograph of the applicant must be attached to the application and the application must be notarized by a Notary Public residing in Maryland;
2. Applicant shall submit a legible copy of his or her Maryland certificate(s), including a current certificate of approved first-aid training (MSHA form 5000-23 is acceptable);
3. Applicant shall submit verifiable documentation of current continuing education requirements completed in accordance with applicable standards of the Maryland Bureau of Mines (MSHA form 5000-23 is acceptable);
4. Applicant shall attend the approved four-hour training class consisting of a comprehensive orientation to West Virginia mining laws and rules;
5. Applicant shall submit a non-refundable fee of \$35.00. Each retest requires an additional non-refundable fee of \$35.00; and,
6. Applicant shall achieve a minimum score of eighty percent on the fifty question reciprocal examination for mine foreman-fireboss or assistant mine foreman-fireboss certification.

Upon satisfactory completion of the above requirements the applicant shall be issued a West Virginia certificate of competency and qualification as an experienced underground coal miner (if the applicant does not already hold such certification), the appropriate West Virginia mine foreman-fireboss or assistant mine foreman-fireboss certificate, and the appropriate certification pocket cards.

Any West Virginia coal miner who is the holder of either a mine foreman-fireboss or assistant mine foreman-fireboss certificate issued by the West Virginia Office of Miners' Health, Safety and Training, or its predecessors, and who is requesting Maryland certification by reciprocity as a fireboss or as a first class mine foreman shall comply with the following requirements:


1. Applicant shall submit the appropriate application;
2. Applicant shall submit a legible copy of his or her West Virginia certificate(s);
3. Applicant shall submit verifiable documentation of current continuing education requirements completed in accordance with applicable standards of the Maryland Bureau of Mines (MSHA form 5000-23 is acceptable); and,
4. Applicant shall submit a non-refundable fee of \$5.00.

Upon satisfactory completion of the above requirements the Maryland Bureau of Mines shall issue to the applicant the appropriate certificate of competency as a fireboss or as a first-class mine foreman. All West Virginia-certified applicants who are issued a Maryland first-class mine foreman certificate or fireboss certificate by reciprocity must comply with the continuing education and three-year renewal requirements of the Maryland certification program in order to retain their Maryland certification.

The various provisions of this agreement are separable and severable and should any of the provisions, sentences, clauses, or parts herein be construed or held unconstitutional, or for any reason be invalid, the remaining provisions of this agreement shall not be thereby affected.

STATE OF MARYLAND
MARYLAND DEPARTMENT OF
THE ENVIROMENT

STATE OF WEST VIRGINIA
OFFICE OF MINERS HEALTH,
SAFETY AND TRAINING

By 
John E. Carey, Director

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