




State of West Virginia
Joe Manchin III, Governor

WV Office of Miners' Health, Safety & Training
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NOTICE

TO: Manufacturers of Emergency Communication / Tracking Devices
FROM: Jim Dean, Acting Director 
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 communication and tracking devices 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 accept 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 the June 9, 2006 West Virginia Amended Agency Adopted Emergency Rule of the Office of Miners' Health, Safety and Training, Title 56 Series 4, Emergency Rules Governing Protective Clothing and Equipment applications must contain 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&I certification is granted. All other material submitted will only be considered proprietary information if so labeled.

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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 §56-4-9."
4. A listing of any and all claims of functionality in relation to the requirements set forth at WV Rules §56-4-9 "Wireless Emergency Communication and Tracking/Locating systems". Claims must include the function or capability claimed, the conditions under which such function or capability is achieved and the conditions under which the function or capability can not be achieved.
5. A list of all documents included in the approval package.
6. A description of the methodology used by the independent West Virginia licensed professional engineer in making their determination of each functionality claim.
7. A complete drawing package applicable to the product and claims submitted. Drawings should provide sufficient detail for a competent engineer to understand the product and evaluate the claim(s)
8. Materials list applicable to the product submitted. The list should provide sufficient detail for a competent engineer to understand the product and evaluate the claim(s). 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.
9. If the claim for 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.
10. 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 claim throughout production, installation, and service.
11. 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
12. 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

**AMENDED AGENCY ADOPTED EMERGENCY RULE
WEST VIRGINIA LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
TITLE 56
SERIES 4**

EMERGENCY RULES GOVERNING PROTECTIVE CLOTHING AND EQUIPMENT

§56-4-9. Wireless Emergency Communication and Tracking/Locating Systems

9.4. The Director shall, no later than July 10, 2006, issue an open opportunity for emergency communication and tracking/locating providers to submit products for approval.

9.5. The Director shall require providers seeking approval to submit documentation certified by a licensed West Virginia professional engineer that the product has been tested for functionality in West Virginia underground mines, that the product has been or is in the process of being approved as intrinsically safe by MSHA and other criteria as the Director determines, 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 §56-4-9"