



State of West Virginia
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training
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MEMORANDUM

To: Inspectors-at-Large
Assistant Inspectors-at-Large

From: C. A. Phillips *CAP*

Date: August 7, 2012

Subject: Clarification of Department Policy 22A-2-49(e)

It has been brought to my attention that there have been inconsistencies in the Agency's enforcement application of Chapter 22A, Article 2, Section 49(e) of the West Virginia Code.

22A-2-49(e), states that when required by the Director, track-mounted mobile equipment shall be equipped with workable sanding devices. Inspectors should take into consideration steepness of grade and/or wet track conditions that would cause equipment to slide out of control as determining factors when issuing a violation under 22A-2-49 (e).

Please instruct all district inspectors, in your respective regions, how to handle this violation when observed.

CAP/sap