



State of West Virginia
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training
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MEMORANDUM

TO: All West Virginia Operations and Interested Parties

FROM: C. A. Phillips, Acting Director *CAP*

DATE: July 13, 2011

RE: Duties of Belt Examiners

Recently questions have arisen regarding the duties of belt examiners versus the duties of underground mine foremen-fire bosses and assistant underground mine foremen-fire bosses. W. Va. Code § 22A-2-39(e) provides that "all belt conveyors shall be inspected by a certified belt examiner, mine foreman-fire boss or assistant mine foreman-fire boss..." W. Va. Code § 22A-2-39(f)(2) further states,

Whenever an on-shift examination of a belt conveyor and belt conveyor entry has not been made during the preceding shift, an examination shall be made of the belt conveyor and belt conveyor entry prior to the conveyor being started; or if any miner is going to enter the belt conveyor entry, then the area where such miner will be working shall be examined. Such examination shall be made by a certified mine foreman-fire boss, assistant mine foreman-fire boss, or a certified belt examiner. Thereafter, on-shift examinations by a certified belt examiner, mine foreman-fire boss or assistant mine foreman-fire boss shall be made as herein required.

[Emphasis added.]

Clearly, the law provides authority to belt examiners to conduct exams of the belt conveyor and the belt entry only. Accordingly, it is the opinion of this Office that the authority of belt examiners is limited to the belt entry and that the adjoining cross cuts are to be examined by the underground mine foremen-fire bosses and/or assistant underground mine foremen-fire bosses.

Should you have any questions, do not hesitate to call.

CAP:els
pc: The Office of the Secretary of State
WVOMHST regional offices
Inspectors-at-Large