



State of West Virginia
Joe Manchin III, Governor

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MEMORANDUM

TO: West Virginia Underground Mining Industry

FROM: Ron Wooten, Director *RLW*

DATE: November 21, 2008

RE: Inaccessible Shelters—Enforcement Policy

Recently inquiries have been made to our offices regarding the agency's enforcement policy should an in place shelter become damaged or inaccessible (i.e. unavailable for use in the event of an emergency). Title 56, Series 4, Section 8.1 states "...Such emergency shelter/chamber shall be...maintained in a manner prescribed by the Director." It is important that all emergency shelters/chambers be placed in locations so as to minimize damage to them. In some instances additional measures may be necessary to protect them from adverse roof or other hazards. Similarly, care should be taken when moving these units to assure to the extent possible that they are not unnecessarily damaged.

Should an emergency shelter/chamber become damaged, it is the operator's responsibility to determine if the unit is still accessible and or usable in the event of an emergency. If a shelter/chamber is damaged operators are encouraged to contact the manufacturer to examine the shelter in place to assure its accessibility and use. This written assurance would be especially beneficial should an inspector from this or another agency question such accessibility and use.

Shelters/chambers must be accessible and usable. When an inspector from this agency finds that a shelter/chamber is neither accessible nor usable, all miners on the working section protected by such shelter/chamber shall be withdrawn from the section. Operators are also encouraged to make arrangements to immediately replace any such damaged shelter/chamber.

RLW:ks