



STATE OF WEST VIRGINIA  
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES

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CABINET SECRETARY

STEPHEN F. WEBBER  
DIRECTOR

**MEMORANDUM**

**TO:** ALL WEST VIRGINIA UNDERGROUND COAL OPERATIONS  
**FROM:** STEPHEN F. WEBBER, DIRECTOR *SFW*  
**DATE:** FEBRUARY 23, 1994  
**RE:** MINE RESCUE TRAINING AND/OR INSTRUCTION

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Please be advised that as of April 18, 1994, employees of the WV Office of Miners' Health, Safety and Training will no longer be permitted to be employed by any mine rescue association or mine rescue team. The West Virginia Ethics Commission has determined that:

[I]t would be a violation of WV Code §6B-2-5(h)(1) for the employees of a State Division [Office of Miners' Health, Safety and Training] to be employed by mine rescue associations as trainers or rescue team members since the associations are regulated by the State Division.

Advisory Opinion No. 92-02.

This office in the past has allowed its employees to be employed by mine rescue associations based on individual exceptions allowed by the Ethics Commission granted primarily because of a lack of qualified trainers. With greater availability of state qualified trainers and our recognition of MSHA mine rescue instructors for compliance with §22A-1A-32(i) (4 hour refresher training) there is no longer this necessity. As a result, mine rescue associations and teams will have to seek trainers and other employees from outside personnel of the WV Office of Miners' Health, Safety and Training.

This prohibition extends to employment or compensation for services in any capacity, including training, the storing or maintenance of any mine rescue equipment, and representing the association during inspections

This prohibition does not extend to personnel of the WV Office of Miners' Health, Safety and Training serving as mine rescue team members, nor is it intended to prohibit this activity.

If any operator or mine rescue association needs assistance in making arrangements for other than MHS&T qualified instructors, or in the interim, providing the initial (31 hour) mine rescue training as required by the state code, please contact the Charleston MHS&T office at the 558-1425.

Your cooperation is appreciated.

SFW:ks