



## MEMORANDUM

**TO:** Mine Operators, Mining Supervisors, and Miners

**FROM:** WV Office of Miners' Health, Safety and Training  
Board of Coal Mine Health and Safety

**DATE:** June 17, 2002

**RE:** Traveling / Working Inby Supported Roof and/or in  
Adjacent Inadequate Supported Roof

For the past several months the West Virginia mining industry has experienced an alarming increase in the practice of miners going inby supported roof or positioning themselves in an area that is prohibited by the mines roof control plan.

West Virginia Code 22, Section(s) 22A-2-25(c), (d), and (e) states as follows.

### 22A-2-25(c)

The operator of a mine has primary responsibility to prevent injuries and deaths resulting from working under unsupported roof. Every operator shall require that no person may proceed beyond the last permanent support unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to miners.

### 22A-2-25(d)

The immediate supervisor of any area in which unsupported roof is located shall not direct or knowingly permit any person to proceed beyond the last permanent support unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to the miners.

### 22A-2-25(e)

No miner shall proceed beyond the last permanent support in violation of a direct or standing order of an operator, a foreman or an assistant foreman, unless adequate temporary support is provided or temporary support is not required under an approved roof control plan and absence of such support will not pose a hazard to the miner.

STATE OF WEST VIRGINIA  
BOB WISE, GOVERNOR

OFFICE OF MINERS' HEALTH,  
SAFETY AND TRAINING  
Doug Conway, Director

615 Washington Street, East  
Martinsburg, WV 25311-2126  
(304) 558-1425  
FAX (304) 558-1202

Visit our website at:  
[www.state.wv.us/mhst](http://www.state.wv.us/mhst)

#### Regional Offices:

**Region One**  
18 Williams Street  
Martinsburg, WV 26554-2800  
(304) 367-2708  
(304) 367-2708/Fax

**Region One Satellite**  
100 South Kanawha Street  
Martinsburg, WV 26201-2625  
(304) 473-4270  
(304) 473-4272/Fax

**Region Two**  
11 Stewart Street  
Martinsburg, WV 24801-2311  
(304) 436-8421  
(304) 436-2100/Fax

**Region Three**  
5 Lick Creek Road  
Martinsburg, WV 25053  
(304) 369-7823  
(304) 369-7826/Fax

**Region Four**  
1000 Mineral Drive  
Martinsburg, WV 25901-8714  
(304) 69-8100  
(304) 469-4059/Fax

Memo / Mine Operators, Supervisors and Miners  
Page Two  
June 17, 2002

Clearly, these provisions place accountability of not traveling or working inby supported roof on the operator, immediate supervisor and miner.

While adequate regulatory safeguards are in place, they cannot prevent an injury or fatal if individuals continue to place themselves in areas of unsupported or inadequately supported roof or if this activity is encouraged or condoned by operators or immediate supervisors.

The State must take the strongest possible actions to stop this unsafe practice to continue. If we cannot remove the act of going inby supported roof or working in areas of inadequately supported roof we must remove the violator and those who condone this activity.

Each occurrence of working inby supported roof or working in areas of inadequately supported roof will be carefully reviewed. After the investigation if the facts warrant such, corrective action including decertification will be taken by the Director as appropriate, towards the operator, a supervisor or a miner.

JDC:ks