

**DIVISION OF MINES GUIDELINES FOR APPLICATION OF REGULATORY STANDARDS  
MANUAL**

<b>COAL MINE SAFETY ACT</b>	<b>CHAPTER 14.2</b>
<b>ARTICLE 3</b>	<b>CERTIFICATION OF COAL MINE WORKERS</b>
<b>Issue Date: 4/10/00 Revised Date:</b>	<b>Page 1 of 1</b>

**Section 45.1-161.38.A.**

**First Class Mine Foreman Certification**

It is the responsibility of the operator to employ a mine foreman (first class mine foreman or surface foreman) at any mine where three or more persons work during any part of any period of twenty-four hours. While a mine foreman would not be required to be employed unless three or more persons work at the mine, the inspector should assure that all other requirements of the MSA are complied with, including employment of certified shot firers, certified electricians, pre-shift, on-shift, and weekly examinations by a certified mine foreman, and certified emergency response personnel (EMT, First Responder, or Advanced First Aid).

This section of the MSA does not require a certified foreman be present at all times, as long as the required examinations are conducted. Underground examinations must be performed by a certified underground mine foreman. Surface areas of an underground mine may be examined by either a certified underground mine foreman or a surface foreman.

The inspector should determine that areas required to be examined for methane and hazardous conditions are examined by a first class mine foreman. The MSA requires that examinations for methane be made by a certified person or competent person before taking electrical equipment in by the last open crosscut, at not more than 20-minute intervals during the operation of electric equipment and at other times and locations not included in required pre-shift and on-shift examinations. A competent miner, that is a miner certified to make gas examinations, may perform these required examinations for methane at the direction of the operator or his agents.