



FILED

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE 2021 JUN -1 P 3: 32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

AGENCY: Miners Health Safety and Training

RULE: 56CSR03 – Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia

STATUTORY AUTHORITY: W. Va. Code §§ 22A-1-38 and 22A-1-42.

DATE FILED AS AN EMERGENCY RULE: Amendment Filed 05/07/2021

Following review under W. Va. Code §29A-3-15A, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **APPROVED**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

☒ (1) For the immediate preservation of the public peace, health, safety and welfare;

(2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

☒ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any):

The amendments made to this emergency rule are in accordance with the passage of the electrical safety rule changed by the Board made in 36 CSR 12, which became effective 02/11/2021.

A handwritten signature in black ink, appearing to read "D. Kersey", written over a horizontal line.

Donald Kersey, Deputy Secretary/General Counsel
WV Secretary of State's Office