



WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

26

FILED  
DEC 22 1987

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: West Virginia Department of Labor TITLE NUMBER: 42

CITE AUTHORITY: WV Code §21-3A-7

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 15

TITLE OF RULE BEING PROPOSED: West Virginia Occupational Safety  
and Health Act - adoption of Federal Standards

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

W.F. Carmichael

RECEIVED

DEC 22 1987

Legislative Rule Making  
Review Committee

TITLE 42  
LEGISLATIVE RULES

FILED  
1987 JUN 30 PM 3:55

WEST VIRGINIA DEPARTMENT OF LABORATORY & STATE  
SERIES 15  
INCORPORATION OF OCCUPATIONAL SAFETY AND HEALTH STANDARDS

21-3A. General

1.1. Scope - The Code of Federal Regulations, Occupational Safety and Health Standards (29 CFR 1900 to 1910 and 29 CFR 1926/1910), Revised as of July 1, 1985, contains Safety and Health Standards mandated for adoption under the West Virginia Occupational Safety and Health Act as administered by the West Virginia Department of Labor. The regulations contain standards of practice which provide, insofar as possible, a safe and healthful work environment for all employees. It also contains certain inspection and reporting requirements necessary to carry out the provisions of the Act.

1.2. Authority - W. Va. Code § 21-3A-7.

1.3. Filing Date.

1.4. Effective Date.

§ 21-3A-7. Incorporation by Reference.

The Code of Federal Regulations, (29 CFR 1900 to 1910 and 29 CFR 1926/1910) are hereby incorporated by reference as a legislative rule. This document is available from the Secretary of State's Office or the West Virginia Department of Labor.

DATE: December 21, 1987

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: W. F. Carmichael, Commissioner of Labor

LEGISLATIVE RULE TITLE: Occupational Safety and Health Act

1. Authorizing statute(s) citation § 21-3A-7

2. a. Date filed in State Register with Notice of Hearing:  
June 30, 1987

b. What other notice, including advertising, did you  
give of the hearing?

NONE

c. Date of hearing (s): Public Comment Period Closed

July 31, 1987

d. Attach list of persons who appeared at hearing, comments  
received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

e. Date you filed in State Register the agency approved  
proposed Legislative Rule following public hearing:  
(be exact)

December 21, 1987

f. Name and phone number of agency person to contact  
for additional information:

Andrew A. Brown, Asst. To Commissioner

Department of Labor 348-7890



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Occupational Safety and Health Act

Type of Rule:  Legislative  Interpretive  Procedural

Agency LABOR Address 1800 Washington St., E.  
Charleston, WV 25305

| 1. Effect of Proposed Rule | ANNUAL    |          | FISCAL YEAR |           |            |
|----------------------------|-----------|----------|-------------|-----------|------------|
|                            | Increase  | Decrease | Current     | Next      | Thereafter |
| Estimated Total Cost       | \$ 70,864 | \$       | \$ 70,864   | \$ 73,103 | \$ 75,987  |
| Personal Services          | 54,864    |          | 54,864      | 57,607    | 60,487     |
| Current Expense            | 7,500     |          | 7,500       | 7,500     | 7,500      |
| Repairs and Alterations    | 0         |          | 0           | 0         | 0          |
| Equipment                  | 1,000     |          | 1,000       | 500       | 500        |
| Other                      | 7,500     |          | 7,500       | 7,500     | 7,500      |

2. Explanation of above estimates: The above estimates are the same as the fiscal note attached to SB 315 prior to passage. This is a minimum funding level and was not appropriated with the passage of the Bill.

3. Objectives of these rules:

Carry Out The Mandate of Senate Bill 315

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

-- PER FISCAL NOTE --

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date: December 21, 1987

Signature of Agency Head or Authorized Representative

W. F. Carmichael

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #7

FILED  
1987 JUN 30 PM 3:55  
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Department of Labor TITLE NUMBER: 42

CITE AUTHORITY: W. Va. Code § 21-3A-7

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 15

TITLE OF RULE BEING FILED AS AN EMERGENCY: West Virginia Occupational Safety and Health Act - adoption of Federal Standards.

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The adoption of the Federal Occupational Safety and Health Standards is mandated under W. Va. Code § 21-3A-7.

Use Additional Sheets If Necessary.

*Jess T. Inmate*  
Jess T. Inmate, Commissioner

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

F#2

FILED  
107 JUN 30 PM 3:55

SECRET

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Department of Labor TITLE NUMBER: 42

RULE TYPE: Legislative; CITE AUTHORITY § 21-3A-7

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 15

TITLE OF RULE BEING PROPOSED: West Virginia Occupational Safety and Health Act - adoption of Federal Standards

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 31, 1987 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Department of Labor

Office of the Commissioner

Bldg. 3, Room 319

1800 Washington Street, East

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

*Jess I. Snarate*  
Jess I. Snarate, Commissioner

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

STEPHEN N. REED  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
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**STATE OF WEST VIRGINIA**  
**SECRETARY OF STATE**  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

**FILED**

WILLIAM H. HARRINGTON  
Chief of Staff

May 23

JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

(Plus all the volunteer  
help we can get)

TO: Chris Quasebarth

AGENCY: Division of Labor

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 8, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 15 TITLE: 42 Division of Labor

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Asst To Commissioner

DATE: 5/20/96

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.