

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

Do Not Mark in this Box

Nov 28 11 07 AM '94

OFFICE OF THE SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

Jan. 9, 1995

AGENCY: Board of Miner Training, Education & Certification TITLE NUMBER: 48

CITE AUTHORITY: 22A-7-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Rules & Regulations Governing the
Safety Training Program for Prospective Surface Coal Miners in
West Virginia.

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

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE ^{WITHIN} ~~UPON~~ ~~FILED~~ 42 DAYS

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

THIS EMERGENCY RULE WILL MAKE IN STATE (WV) MINERS EQUAL TO OUT OF STATE MINERS GETTING THEIR MINERS CERTIFICATES. ALSO ENFORCEMENT ACTIVITIES WILL BE UNIFORM THROUGHOUT WEST VIRGINIA.

Use Additional Sheets If Necessary.

James B. Lawrence
Bureau Chief

12.50

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules & Regulations Governing the Safety Training Program for
Prospective Surface Coal Miners in West Virginia.

Type of Rule: X Legislative Interpretive Procedural

Agency: Office of Miner's Health, Safety & Training

Address: 1615 Washington Street East, Charleston, WV 25311-2126

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs & Alterations	-----	N O N E	-----	-----	-----
Equipment					
Other					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

4. Explanation of overall economic impact of proposed rule:

A. Economic impact on State Government

none

B. Economic impact on political subdivisions; specific industries;
specific groups of citizens

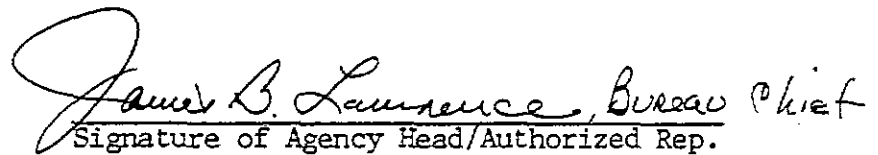
none

C. Economic impact on citizens/public at large

none

Date

11/21/94


Signature of Agency Head/Authorized Rep.

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

EMERGENCY RULE TITLE: Rules & Regulations Governing the Safety Training
Program for Prospective Surface Coal Miner in West
Virginia.

1. Date of filing: _____

2. Statutory authority for promulgating the emergency rule:

WVS 22A-7-6

3. Date of filing of proposed legislative rule: _____

4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?

Replaces 48.3 2.10 (b)

New 2.10 (f)

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare

THIS EMERGENCY RULE WILL MAKE IN STATE (WV) MINERS
EQUAL TO OUT OF STATE MINERS GETTING THEIR SURFACE
MINERS CERTIFICATES. ALSO ENFORCEMENT ACTIVITIES WILL
BE UNIFORM THROUGHOUT WEST VIRGINIA.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

NO!

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

THIS EMERGENCY RULE WILL ENHANCE THE WEST VIRGINIA MINERS AND
COMPANIES THAT OPERATE IN WEST VIRGINIA TO PERFORM WORK WITHIN
THE STATE.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION

SERIES 3

SUBJECT: RULES AND REGULATIONS GOVERNING THE SAFETY
TRAINING PROGRAM FOR PROSPECTIVE SURFACE COAL
MINERS IN WEST VIRGINIA

Title 48
Series 3

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SERIES 3

SUBJECT: RULES AND REGULATIONS GOVERNING THE SAFETY
TRAINING PROGRAM FOR PROSPECTIVE SURFACE COAL MINERS IN WEST
VIRGINIA.

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Title 48
Series 3

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF MINER TRAINING, EDUCATION AND CERTIFICATION

SERIES 3

Nov 23 11 07 AM '31
OFFICE OF THE SECRETARY
SECRETARIAT OF THE STATE

Subject: Rules and Regulations Governing the Safety
Training Program for Prospective Surface
Coal Miners in West Virginia

Section 1. General

1.1. Scope. --Rules and regulations governing the safety training program for prospective surface coal miners in West Virginia.

1.2. Authority. --WV Code 22A-9-6 and 29A

1.3. Filing Date

1.4. Effective Date

Section 2. Criteria for Health and Safety Training Program for Prospective Surface Coal Miners in West Virginia.

2.1. An approved training program must, as a minimum, include the topics described in the course outline in Section 3 of these rules and meet the training objectives specified in Section 4 of these rules. The time distribution for the subjects is a suggested one which can vary as long as the training objectives are achieved.

2.2. Any participating center may suggest modifications in the course outline, but such modifications must be approved by the Board of Miner Training, Education, and Certification. (See Section 5 of these rules for Program Approval Procedures.)

2.3. Training centers which offer this instruction may obtain the training materials developed specifically for the program from the West Virginia Department of Energy. Alternatively, a center may elect to develop or use its own materials which must be approved by the Board of Miner Training, Education, and Certification. (See Section for Approval Procedures).

2.4. Instructors for this program must be approved by the Department of Energy as having demonstrated sufficient experience and/or knowledge of surface coal mining. (See Section 6 of these rules for Instructor Approval Procedures.)

2.5. The training equipment necessary for implementation of the surface mine training program is as follows:

a. Audio-visual equipment suitable for presenting 16mm films, 35mm slides, transparencies and sound slide programs;

b. Personal safety equipment to include, as a minimum, hard hats, safety glasses, safety shoes, respirators, gloves, hearing protection, and personal dust sampler;

c. First-aid equipment and supplies including an appliance suitable for practicing C.P.R. and artificial respiration;

The training program suggested for instruction of the surface mine training program is as follows:

a. National Bituminous Coal Wage Agreement (latest copy);

b. Copy of laws pertaining to surface mines;

c. Samples of defective hand tools;

d. Tools used at surface mines (e.g. sledge hammer, spiking hammer, railroad jacks, hand shovel, pick and hammer);

e. Samples of shooting materials (e.g. blasting caps, lead wires, detonator, prime cord and anfo). All materials must be demonstration materials only;

f. Welding equipment;

g. Samples of electrical cable in good and bad condition.

2.6. Any person, regardless of race, creed, color, national origin, sex, or age is eligible for the training program. But it should be understood by all prospective trainees that upon completion of the training program and receipt of the permit of apprenticeship employment within the coal industry is not guaranteed. Each trainee will still be subject to their prospective employer's physical examination requirements and other employment standards. The Board of Miner Training, Education, and Certification assumes compliance with all equal opportunity employment requirements.

2.7. Issuance and expiration of initial apprentice miner's card.

a. Upon completion of the approved forty (40) hour pre-employment training program, a permit of apprenticeship shall be issued to any person who score a at least seventy-five percent (75%) on the final examination administered by the West Virginia Department of Energy: Provided, That such person passes the examination within forty-five (45) days after completing the forty (40) hour program.

b. The apprentice miner's card is valid for one (1) year.

c. If an apprentice begins apprenticeship ("on the job") training as a miner prior to the expiration date on the apprentice miner card, the card will remain valid until the completion of the apprenticeship training; Provided, that such training is continuous and a miner's certificate is obtained.

d. If the apprentice does not begin apprenticeship ("on the job") training as a miner prior to the expiration date on the apprentice miner card, the card will become invalid on the expiration date.

e. Any prospective miner who does not score at least seventy-five (75%) on the initial apprenticeship miner's examination will be given a second opportunity to retake such examination: Provided, That such person retakes and passes the exam within forty-five (45) days after completing the forty (40) hour program. In the event of failure on the second opportunity the prospective miner must repeat the approved forty (40) hour pre-employment training program in order to retake the examination.

2.8. Issuance and expiration of renewed apprentice miner's cards.

a. Apprentice miner's card may be renewed by retaking and passing with a score of at least seventy-five percent (75%) on the apprenticeship examination.

b. The renewed apprentice miner's card is valid for twelve (12) months.

c. If an apprentice does begins apprenticeship ("on the job") training as a miner prior to the expiration date on the renewed apprentice miner card, the card will remain valid until the completion of the apprenticeship training: Provided, That such training is continuous and a miner's certificate is obtained.

d. If the apprentice does not begin apprenticeship ("on the job") training as a miner prior to the expiration date on the renewed apprentice miner card, the card will become invalid on the expiration date.

e. Any prospective miner who does not score at least seventy-five percent (75%) on the apprenticeship miners examination in order to renew his apprentice certificate will be given a second opportunity to retake the examination: Provided, That such person retakes and passes the exam within thirty (30) days. In the event of failure to retake or pass the examination on the second opportunity, the prospective miner must repeat the approved forty (40) hour pre-employment training program in order to retake the examination.

2.9. Surface mine coal truck driver certification.

a. The purpose of this provision is to exempt independent (contracted) coal haulers who possess a surface coal truck driver's certificate from being required to complete the forty (40) hour apprenticeship program in order to drive a coal truck on surface mine property.

b. Surface mine coal truck drivers: Surface mine coal truck drivers who possess a surface coal truck driver's certificate do not have to complete the approved forty (40) hour pre-employment training program in order to drive a coal truck on surface mine property.

c. To obtain a surface coal truck driver's certificate, a prospective surface mine coal truck driver must have a first-aid card, a valid driver's license, and score at least eighty percent (80%) on the surface mine coal truck driver certification examination.

d. Note: Coal truck drivers who have not completed the approved forty (40) hour pre-employment training program and only possess a surface coal truck driver's certificate are to be limited to just driving coal trucks while on surface mine property and not to engage in reclamation work or other mining activities. This experience will not be recognized toward a miner's certificate.

2.10. Guidelines for issuing surface miner's certification.

a. After January 14, 1977, a certificate of competency and qualification as a surface miner shall be issued to any person who has successfully completed the forty (40) hour apprenticeship program and has at least six (6) months total experience, being one hundred eight (108) shifts; worked as an apprentice miner within this state and has demonstrated his competency as a miner by scoring at least eighty percent (80%) on the surface miner's certification examination.

b. ~~Any-miner-having-six-(6)-months-(one-hundred-eight-(108)-shifts)-verified-surface-mining-experience-in-the-State-of-West~~

~~Virginia prior to January 14, 1977, and having in their possession a first-aid certificate, is eligible to take the surface miner's certification examination.~~

Any miner having six (6) months (one hundred eight (108) shifts) verified surface mining experience in the State of West Virginia prior to June 1, 1995, and having in their possession a first-aid certificate, is eligible to take the surface miners' certification examination.

c. Any miner with at least six (6) months (one hundred eight (108) shifts) verified experience in a coal mine in another state and having in their possession a first-aid certificate is eligible to take the surface miner certification examination without attending and completing the approved forty (40) hour pre-employment training program. If the miner passes the examination with a score of at least eighty percent (80%) then that miner will be issued a surface miner's certificate.

If any miner fails to achieve a score of eighty percent (80%) on the second attempt, then such miner will be required to complete the approved forty (40) hour pre-employment training program.

d. Any miner with less than six (6) months (one hundred eight (108) shifts) experience in another state must complete the forty (40) hour pre-employment training program and work as an apprentice miner; however, the experience obtained in another state may be applied toward the six (6) month (one hundred eighty (108) shifts) apprenticeship period.

e. Experienced equipment operators: An equipment operator with experience operating surface mining equipment in an environment similar to a surface mine by having no surface mining experience is required to complete the approved forty (40) hour pre-employment training program. After completing such training, an experienced equipment operator may be immediately qualified as a surface miner, provided that equipment operator has verification of at least six (6) months (one hundred eight (108) shifts) experience as an operator on surface mining equipment in a similar environment and scores at least eighty percent (80%) on the surface miner certification examination.

f. The term "normal duties," as used in the aforementioned requirements, include all duties performed by surface or underground miners at a mine that are directly related to the production process, reclamation and routine maintenance activities, (excluding coal preparation and construction work pursuant to WV Rules and Regulations, Title 36, Series 23, Governing Surface Construction in Coal Mines).

48.3.3. Course Outline Of The Training Program For Prospective Surface Coal Mines.

This course outline is sequenced by instructional units for forty (40) hours of student-teacher contact. Implementation of this program may be achieved by using the training materials available through the Department of Energy. Alternatively, individual training centers may implement the outline through their own resources as approved by the Board of Miner Training, Education and Certification.

3.1. Miner and operator's rights and responsibilities --
Time : one (1) hour.

- a. UMWA Contract
- b. Company rules and regulations
- c. Legal rights and responsibilities
- d. Grievance procedures

3.2. State and federal laws and regulations -- Time: one
(1) hour.

State and federal laws that pertain to the new miner.

3.3. General orientation to surface mining -- Time: three
(3) hours.

- a. How coal is mined
- b. Types of surface coal mines

c. Types of surface mining methods

d. Basic surface coal mining terminology

3.4. Surface mine tour -- Time: two (2) hours.

Note: If the tour is not possible, films or other appropriate instructional experience may be substituted.

3.5. First-aid -- Part I -- Time: two (2) hours.

a. What first-aid is

b. How first-aid should be administered (treat life-threatening conditions first)

c. Demonstration and practice of cardiopulmonary resuscitation* (C.P.R. or heart massage)

d. Demonstration and practice of mouth-to-mouth resuscitation

Note: *Pending inclusion of C.P.R. in M.E.S.A.'s general first-aid course.

3.6. General Safety -- Time: one (1) hour.

a. Note: General safety includes noncoal mining specific safety procedures, precautions, and practices.

b. Recognition of potential accident-producing situations

c. Lifting procedures

d. Proper handling of supplies and materials

e. Accident causes and prevention

f. Tool care

g. Selection of appropriate tools for tasks

h. Communications

3.7. First-aid -- Part II - Time: two (2) hours.

a. Demonstration and practice of Holger-Nielson back pressure method of artificial respiration.

b. Control of bleeding

3.8. General mine safety -- Time: one (1) hour.

a. Personal safety equipment

b. Safety procedures for cleaning coal

c. good housekeeping practices

3.9. First-aid -- Part III - Time: two hours.

a. C.P.R. practice

b. Treatment of physical shock

c. Dressing of open wounds

3.10. Heavy equipment safety -- Time: three (3) hours.

a. Bulldozer safety

b. Front end loader safety

c. Slips and falls from equipment

d. Shovel and dragline safety

e. Scraper safety

f. Mounting and dismounting shovels and draglines

g. Pre-operational checks

- h. Safety practices around auger mining equipment
- i. Railroad car safety at tipples.
- j. Drilling machine safety
- 3.11. First-aid -- Part IV - Time: two (2) hours.
 - a. Practice of C.P.R. and artificial respiration
 - b. Treatment of burns, closed wounds, strains, sprains, and ruptures
- 3.12. Haulage safety -- Time: one (1) hour.
 - a. Haulage terms
 - b. Haulage road safety
 - c. Safe driving on haulage roads
- 3.13. Preparation plant and tipple safety -- Time: One (1) hour.
 - 3.14. First-aid -- Part V - Time: two (2) hours.
 - a. C.P.R. and artificial respiration practice
 - b. Treatment of fractures and dislocations
 - c. Transporting of injured.
 - 3.15. Welding safety -- Time: two (2) hours
 - a. Welding terms
 - b. Welding system components and functions
 - c. Safety in handling gas cylinders
 - d. Safety when welding near flammable material

e. Protective equipment for welding

3.16. Recognition and avoidance of electrical hazards --
Time: one (1) hour.

a. Basic electricity

b. Conductors and nonconductors of electricity

c. Recognition and prevention of electrical hazards

d. Removal and treatment of a person in contact with
dangerous electrical circuits

3.17. First-aid -- Part VI - Time: two (2) hours.

a. Location of first-aid materials at a surface coal mine

b. Review and practice of first-aid procedures

3.18. Fire prevention and control - Time: two (2) hours.

a. Causes of mine fires and explosions

b. Preventive measures

c. Primary and alternate methods of fire control

d. Demonstration and practice in using a portable fire
extinguisher

e. Location of fire fighting materials at the mine

3.19. Highwall and spoilbank safety - Time: two (2) hours.

a. Terms pertaining to highwall safety

b. Recognition of highwall hazards

c. Safety practices for highwall and spoilbanks

d. Recognition of warning signs of dangerous highwalls and spoilbanks.

3.20. Explosives and blasting safety - Time: two (2) hours.

- a. Blasting terms
- b. Safety in handling leadwires
- c. Hazards of thunderstorms to shooting safety
- d. Security for misfired shots
- e. Shot firer's warning

3.21. Health and sanitation - Time: thirty (30) minutes.

- a. Dust hazards
- b. Noise hazards
- c. Use of respirator and hearing protection

3.22. Summary and debriefing - Time: 2 1/2 hours

- a. Review of motor points
- b. Question and answer problem solving session
- c. Permit of apprenticeship examination

48.3.4. Training Objectives For Surface Coal Mine Health and Safety Training Course.

4.1. General orientation to surface mining

Unit objective:

4.1.1. Given verbal descriptions or pictures of surface mining terms, methods, procedures and machinery, you will demonstrate your knowledge of correct and incorrect usage of these items to assure health and safety.

Training Objectives:

4.1.2. Given a list of verbal descriptions or pictures of two (2) different types of surface coal mines, you will match each description or picture with the following types of surface mines: strip mine; auger mine.

4.1.3. Given verbal descriptions or pictures representing the following terms, you will correctly match each term with its description or picture. The terms include:

- a. Bench
- b. Highwall
- c. Overburden
- d. Pit
- e. Reclamation
- f. Seam
- g. Spoilbank; spoilpile; spoil
- h. Tipple
- i. Tram

4.1.4. Given a list of steps for surface mine operations, arranged out of sequence, you will arrange them in the correct sequence.

- a. Clearing surface
- b. Drilling
- c. Blasting overburden
- d. Stripping
- e. Clearing coal

- f. Shooting coal
- g. Loading coal
- h. Hauling coal
- i. Preparing coal
- j. Reclaiming coal

4.1.5. Given pictures of the following surface mining equipment, you will correctly match the pictures with the following terms:

- a. Auger
- b. Bulldozer
- c. Conveyor belt
- d. Dragline
- e. Drilling machine
- f. Front-end loader
- g. Grader
- h. Haulage trucks
- i. Scraper (pan)
- j. Shovel
- k. Supporting service trucks

4.2. General safety

Unit Objectives:

4.2.1. Given pictures of safe and unsafe surface mining tools and procedures, you will select the safe tools and procedures.

Training Objectives:

4.2.2. Given pictures of hand tools in safe and unsafe conditions, you will correctly identify tools in a safe condition. Unsafe conditions include:

- a. Mushroomed or cracked heads
- b. Jagged edges
- c. Cracked handles
- d. Broken points
- e. Dull edge or point
- f. Damaged insulation on electrical tools

4.2.3. Given pictures of mining accidents, you will match each picture to the basic type of accident. Five (5) basic types of accidents are:

- a. Struck by
- b. Struck against
- c. Caught between, in or on
- d. Strain or sprain
- e. Exposure to harmful conditions

4.2.4. Given pictures of accidents resulting in injuries to the fingers or hands and the following list of preventive measures, you will select the correct procedure to prevent such accident. Preventive measures include:

- a. Inspect materials for sharp or jagged edges, burrs, and rough or slippery surfaces.
- b. Grip objects firmly
- c. Keep fingers away from pinch points.
- d. Wipe greasy, wet, slippery, or dirty objects before handling them.
- e. Keep hands free of oil and grease.
- f. Coordinate each working movement with fellow workmen.
- g. Use the proper tool for the job. Do not improvise.
- h. Keep hands away from moving machinery
- i. Wear non-ragged gloves for hand protection only when gloves are not themselves a hazard.
- j.. Wear snug-fitting clothes.

4.2.5. Given pictures of correct and incorrect procedures for lifting objects, you will identify the correct procedures. The correct procedures include:

- a. Keep feet parted - one (1) alongside, one (1) behind the object.
- b. Keep back straight
- c. Tuck chin in.
- d. Grip object with whole hand.
- e. Tuck elbows and arms in.
- f. Keep body weight positioned directly over feet.

4.2.6. Given correct and incorrect examples of asking for instructions and giving instructions, you will select correct examples.

4.3. General mining safety.

Unit Objective:

4.3.1. Given appropriate examples or cues, you will demonstrate your ability to perform standard safety practices and procedures, and to recognize and respond correctly to commonly found surface mine conditions.

4.3.2. Given pictures of assorted personal mine equipment and clothing, you will select the appropriate items for work at a surface mine. Appropriate items include:

- a. Hard hat
- b. Safety shoes or boots
- c. Snug-fitting clothing and long hair control
- d. Safety glasses or goggles
- e. Respirators
- f. Hearing Protection
- g. Non-ragged clothing correctly to commonly found surface mine conditions

4.3.3. Given verbal descriptions of common tasks performed at the surface mine and pictures of common hand tools, you will match each task with the proper tool or tools to accomplish it. Examples include:

- a. Sledge hammer track work at tippie
- b. Railroad jacks - close railroad cars
- c. Hand shovel - clean cars and coal

- d. Pick - working inside bin
- e. Axes - cutting timber
- f. Hand tools - mechanical work
- g. Hand tools - electrical work

4.3.4. Given verbal descriptions of correct and incorrect procedures for cleaning coal, you will identify the correct procedures. Correct procedures include:

- a. Be alert for moving equipment
- b. Pay close attention to highwall and spoilbank, especially if coal is being shot.

4.3.5. Given pictures of correct and incorrect housekeeping practices that relate to slips, falls, and fire hazards, you will select the correct pictures.

4.4. Recognition and avoidance of electrical hazards.

Unit Objective:

4.4.1. Given verbal information or pictures, you will demonstrate your knowledge of electrical hazard and related safety procedures and practices. You will demonstrate knowledge and understanding of common terms concerning surface mine electrical systems.

Training Objectives:

4.4.2. Given verbal descriptions or pictures representing the following terms, you will match each term with its description or picture.

- a. Electrical conductor
- b. Ground/Grounding
- c. Electrical insulation

d. Power cables

4.4.3. Given pictures illustrating correct and incorrect methods of removing a person from contact with a dangerous electrical circuit, you will select the correct methods.

4.4.4. Given pictures of electrical accidents and verbal descriptions of causes, you will match each accident with its cause. These causes include:

- a. Improper grounding of electrical machinery
- b. Failure to wear proper protective equipment
- c. Failure to cut power on the system before starting repair
- d. Inattention to existence of power line near work areas.
- e. Performing of electrical repair and maintenance tasks by unauthorized or unqualified people

4.5. Fire prevention and control.

Unit Objective:

4.5.1. Given appropriate cues and illustrated examples, you will demonstrate understanding of surface mine fire hazards and their control.. You will demonstrate your knowledge of the rules pertaining to the location and operation of fire fighting equipment and your ability to apply that knowledge appropriately.

Training Objective:

4.5.2. Given pictures or verbal descriptions of potential fire hazards, you will select those hazards at the surface mine. Potential fire hazards include:

- a. Open flame
- b. Electrical failures

- c. Inadequately maintained equipment or equipment failure
- d. Improper equipment refueling methods.

4.5.3. Given pictures or verbal descriptions of locations of a surface mine, you will select those locations where the law requires storage of fire fighting equipment. These locations are:

- a. Equipment
- b. Temporary and permanent electrical installations
- c. Oil storage areas
- d. Welding, cutting, and soldering areas
- e. Tipple

4.5.4. Given correct and incorrect statements concerning general principles of fire fighting, you will select the correct statements. Correct statements include:

- a. Warn fellow workers and sound fire alarm if there is evidence of a fire.
- b. Know the location and use of available fire fighting equipment
- c. Shut off power in case of an electrical fire
- d. Direct stream of water or chemical at the base of the fire (not in the case of an oil or gas on water fire).
- e. Apply water or chemical in a rapid sweeping action starting at the edge of the fire and working inward.
- f. Keep yourself from being cut off by the fire so that you can retreat if necessary.
- g. Do not enter a smoke filled area.

4.6. Heavy equipment safety.

Unit Objective:

4.6.1. Given written statements or pictures of working conditions on or near surface mine heavy equipment, you will recognize safe surface mine practices and demonstrate your knowledge of safety principles and procedures.

Training Objective:

4.6.2. Given pictures of verbal descriptions of safe and unsafe practices for operating bulldozers, you will select the safe practices. These practices include:

- a. Keep the dozer safe distances from an overhanging edge.
- b. Keep a safe distance from the edge of a highwall or embankment.
- c. Exercise extreme caution when working or trimming on steep slopes.
- d. Only operate equipment you are familiar with and authorized to.
- e. Use caution when working near trees so that branches do not whip back on you.
- f. Use caution when trimming backwards.
- g. Pay attention to task at hand.

4.6.3. Given pictures or verbal descriptions of safe and unsafe practices for operating from-end loaders, you will select the safe practices. These practices include:

- a. Travel downgrades at safe speeds.
- b. Use caution when trimming over wet, frozen or rutted surfaces; and loose areas around the edges

c. Only operate equipment that you are familiar with and are authorized to operate.

d. Pay attention and know where others are at all times.

4.6.4. Given pictures of conditions associated with heavy equipment, you will select the conditions that could cause slips or falls.

4.6.5. Given pictures or verbal descriptions of safe and unsafe practices for working around shovels and draglines, you will select the safe practices. Safe practices include:

a. Place yourself in a safe position when performing maintenance

b. Repair or inspect equipment when it is not operating

c. Be sure your clothes are snug-fitting so you are not caught on moving equipment

4.6.6. Given pictures or verbal description of safe and unsafe practices for working around drilling machines, you will select the safe practices. These practices include:

a. Use a respirator and safety glasses at all times.

b. Keep the boom in a safe position when trimming

c. Keep your hands and fingers out of pinch points.

4.6.7. Given pictures or verbal descriptions of correct and incorrect methods of mounting and dismounting draglines and shovels, you will select the correct methods. The correct methods include:

a. Notify operator before mounting or dismounting

b. Use ladders when required.

c. Never put your hands on the track

4.6.8. Given correct and incorrect statements of the pre-operational checks that should be performed on equipment, you will select the correct checks. Correct checks include:

- a. Check tires for proper inflation and safe condition
- b. Check for required safety equipment on machine (guards on fans, fire extinguisher).
- c. Secure loose items.
- d. Check steering system for proper operation:
 - 1. Service system
 - 2. Emergency system
- e. Check braking system for proper operation:
 - 1. Service system
 - 2. Parking brake
- f. Check windows:
 - 1. Clean
 - 2. View not blocked by cracks
- h. Check air pressure for proper operating range.
- i. Check fluid levels:
 - 1. Hydraulic oil
 - 2. Engine oil
 - 3. Coolant
- j. Check visibility aids for good condition:

1. Mirrors
 2. Headlights and running lights
 3. Warning lights or flashers
- k. Check backup alarm for operation.
- l. Report to proper authority when a malfunction occurs that requires shop maintenance.
- m. All gauge readings correct:
1. Engine temperature
 2. Engine oil pressure and temperature
 3. Transmission oil pressure and temperature
 4. Hydraulic pressure

4.6.9. Given pictures of machines that have been prepared safely or unsafely for maintenance work, you will select those that are safely prepared. The safe preparations include:

- a. Machine on level, dry ground, and away from traffic.
- b. Wheels or tracks blocked.
- c. Buckets or blades supported with blocks, when raised for work.
- d. Raised truck beds secured with safety pins, safety bars, or blocked.

4.6.10. Given pictures or verbal descriptions of precautions to be taken when working on or near auger mining equipment, you will select appropriate precautions. Precautions include:

- a. Be clear when the operator moves the auger.

b. Take precautions against falling off the auger machine or into the flight.

c. Check highwall and spoilbank conditions frequently.

d. Assure clothes are snug fitting.

e. Never smoke around auger holes.

f. Test for methane regularly.

4.6.11. Given verbal descriptions of pictures of correct and incorrect practices when operating or working close to scraper (pans), you will select the correct practices. The correct practices include:

a. Check loading area, haul road and fill area for dangerous conditions.

b. Travel with pan close to the ground.

c. When parking or not working, lower the pan to the ground.

4.6.12. Given pictures or verbal descriptions of safe and unsafe practices for oilers or draglines and shovels, you will select the safe practices. These safe practices include:

a. Grease shovels and draglines when machine is not in operation.

b. Only one (1) person should do signaling.

c. Mount and dismount equipment only when stopped.

4.6.13. Given pictures or verbal descriptions of safe and unsafe practices entering auger holes, you will select the safe practices. Safe practices include:

a. A certified person will examine the face of the highwall for a distance of at least twenty-five (25) feet on each side of the auger hole immediately before any person enters the hole.

Any hazards found will be corrected before any persons enter the auger hole.

b. A responsible person will be assigned to observe the highwall for possible movement while any person is entering or is in the auger hole.

c. A qualified person will test for oxygen deficiency and methane with an approved type testing device at the collar of the hole before any persons enter.

d. Only a qualified person will be allowed to enter an auger hole and frequent tests for methane and oxygen deficiency will be made in the hole with approved type devices. If more than two percent (2%) of methane or less than nineteen and five tenths percent (19.5%) of oxygen is found, no further work will be performed in the hole until the atmosphere has been made safe.

e. The person entering the hole will wear a lifeline that extends to the hands of a person on the surface who will be someone other than the person assigned to observe the highwall.

f. The person entering the hole will examine and test the interior surfaces for dangers from falling materials. Any hazards found will be corrected immediately or the hole will be vacated.

g. Internal combustion engines in the vicinity of the auger hole will be stopped while any person is entering, exiting, or in the hole.

h. The results of the examination and action taken, date, time, and reasons for entering the hole will be recorded in a book, which shall be kept at the mine.

4.6. Haulage safety.

Unit Objective:

4.7.1. Given appropriate examples and cues, you will demonstrate understanding of the safety rules, practices and

procedures pertaining to surface mine haulage operations and equipment.

4.7.2. Given verbal descriptions or pictures representing the following terms, you will correctly match each term with its description or picture.

- a. Haulage
- b. Haulage road
- c. On-road haulage
- d. Off-road haulage

4.7.3. Given appropriate examples and cues, you will demonstrate understanding of the safety rules, practices, and procedures pertaining to surface mine haulage operations and equipment.

- a. Driving too fast
- b. Limited visibility
- c. Steep grades
- d. Making first trip of the day or first trip into a new area.
- e. Tailgating

4.7.4. Given pictures or verbal descriptions of good and bad haulage road characteristics, you will select the good characteristics. Good characteristics include:

- a. Sufficient haulage road width.
- b. Adequate road drainage.
- c. Proper road maintenance.
- d. Free from obstructions and debris.

e. Adequate signs and markings.

4.7.5. Given verbal statements or pictures representing correct and incorrect haulage road rules and practices, you will select the correct rules or practices. Correct rules and practices include:

- a. Loaded trucks have the right-of-way.
- b. Park where other vehicles can pass easily.
- c. Pass only when permitted and where vehicle power allows.

4.8. Preparation plant and tipple safety.

Unit Objective:

4.8.1. Given appropriate verbal, written, and pictorial examples of safety precautions and practices to use when working in or around tipples or prep plants, you will demonstrate your knowledge and understanding of these precautions and practices.

Training Objectives:

4.8.2. Given verbal descriptions or pictures representing the following terms, you will correctly match each term with its description or picture.

- a. Tipple
- b. Bin
- c. Preparation plant
- d. Car dropper
- e. Belt takeup
- f. Belt drive
- g. Slate Picker

4.8.3. Given pictures of tippie equipment, you will select the equipment that is the main cause of accidents to miners. The correct selection is conveyor belts.

4.8.4. Given safe and unsafe practices related to slips and falls at the tippie, you will select the safe practices. Safe practices include:

- a. Exercise caution when walking on icy or wet surfaces.
- b. Use handrails.
- c. Keep walkways clear and free of stumbling hazards.
- d. Never jump off an elevated area.

4.8.5. Given verbal descriptions or pictures of correct and incorrect ways of assuring electrical equipment has been locked out and made safe prior to maintenance, you will select the correct ways.

4.8.6. Given verbal descriptions or pictures of correct and incorrect procedures when crossing conveyor belts, you will select the correct procedures.

4.8.7. Given pictures of correct and incorrect procedures for shoveling coal onto a conveyor belt, you will select the correct procedures. Correct procedures include:

- a. Work facing the direction of belt travel
- b. Keep clothes snug-fitting so that they won't catch on belt.
- c. Turn belt off before shoveling coal from under belt head.
- d. Keep guards in place at the belthead or taildrive.
- e. Keep long hair confined to prevent it from being caught by moving parts.

4.8.8. Given verbal descriptions or pictures of safe and unsafe practices when working with railroad cars at tipples, you will select the safe practices. Safe practices are:

- a. Assume a safe body position.
- b. Position yourself where you can operate the brake on either car when possible.
- c. Assure coupler alignment is correct.
- d. Maintain adequate clearance between the edge of the car and obstacles.
- e. Pay attention and notify others of changes in operational routine.
- f. Assure brakes are set on remaining cars when dropping operations begin.

4.9. Miner and operator rights and responsibilities.

Unit Objective:

4.9.1. Given appropriate operator and miner rights and responsibilities governing current UMW contract, grievance procedures and company rules and regulations, you will demonstrate your ability to recognize and understand them as they pertain to a new surface miner.

Training Objectives:

4.9.2. Given correct and incorrect statements regarding operator responsibilities to the miners' employment, health, and safety as specified in the 1974 Bituminous Wage Agreement, you will select the correct statements. Correct statements include:

The operator is responsible to:

- a. Provide a safe and healthful place to work.
- b. Provide continuous employment.

c.. Provide proper supervision so that employees can work safely and men and equipment can work efficiently.

d.. Provide sufficient supplies and materials at proper locations for the employees' safety and the safety of the equipment.

e. Provide specific job training.

4.9.3. Given correct and incorrect statements regarding miners' responsibilities to his employment, health, and safety, you will select the correct statements. Correct statements include:

The miner is responsible to:

a. Work with operator in making the mine a safe and healthy place to work.

b. Supply the labor and know how to properly operate equipment and other work.

c. Protect and safeguard the company's equipment and property.

d. Comply with company rules and state and federal laws.

e. Work regularly.

4.9.4. Given correct and incorrect statements regarding grievance procedures for settlement of health or safety disputes as specified in the 1974 Bituminous Wage Agreement, you will select the correct statements.

4.9.5. Given correct and incorrect statements regarding discharge procedures as specified in the 1974 Bituminous Wage Agreement, you will select the correct statements.

4.9.6. Given correct and incorrect statements regarding the following employee benefits as specified in the 1974 Bituminous Wage Agreement, you will select the correct statements. Benefits include:

- a. Bereavement pay
 - b. Jury duty
 - c. Reporting pay
 - d. Sick pay
 - e. Vacations
 - f. Paid holidays
 - g. Clothing allowance.
- 4.10. State and federal laws and regulations.

Unit Objective:

4.10.1. Given the appropriate cues, you will demonstrate your knowledge and understanding of the laws and regulations pertaining to the certification of miners, health and safety standards and inspection for surface mines.

Training Objectives:

4.10.2. Given correct and incorrect statements or pictures representing the law pertaining to smoking, smoking materials or intoxicants, you will select the correct picture or statement.

4.10.3. Given correct and incorrect statements regarding the requirements for a permit of apprenticeship you will select the correct statements, Permit requirements include:

a. Completion of a forty (40) hour course of instruction in surface mining.

b. Satisfactory completion of an examination conducted by the West Virginia Department of Energy.

4.10.4. Given correct and incorrect statements regarding certification requirements, you will select the correct statements. Certification requirements include:

a. At least six (6) months experience.

b. Successful completion of an examination conducted by the West Virginia Department of Energy.

4.10.5. Given correct and incorrect statements about the penalties prescribed by law for willful violations of any health and safety standard by a miner or an operator, you will select the correct statements.

4.10.6. Given correct and incorrect statements regarding mining related job titles, which include responsibility for inspection of surface coal mines, you will select the correct statements. This list includes state and federal officials, safety committeemen and company officials.

4.10.7. Given correct and incorrect statements about employment regulations which apply to employment as an apprentice miner (red hat) at a surface mine, you will select the correct statements.

a. An apprentice must wear a red hat for six (6) months to identify him as an inexperienced miner.

b. An apprentice must be under the immediate supervision of a certified miner or foreman.

4.10.8. Given correct and incorrect statements about the term immediate supervision, you will select the correct statements.

4.11. Welding safety.

Unit Objective:

4.11.1. Given verbal descriptions or pictures of welding systems and components found at the surface mines, you will recognize and understand their function. You will also recognize the safe practices that prevent injury to welders and to others who work around cutting or welding operations.

Training Objectives:

4.11.2. Given verbal descriptions or pictures representing the following terms, you will match each term with its description or picture. The terms are:

- a. Gas welding
- b. Arc welding
- c. Cutting
- d. Flash burn

4.11.3. Given verbal descriptions or pictures of the basic gas welding system and statements about the components' functions, you will match each component with its function. The components are:

- a. Oxygen cylinder
- b. Fuel gas cylinder
- c. Pressure reducing regulator
- d. Hoses
- e. Torch

4.11.4. Given correct and incorrect verbal statements concerning how to safely open and close valves and to use gas welding equipment, you will select the correct statements.

4.11.5. Given pictures or verbal descriptions of safe and unsafe methods of handling compressed gas cylinders, you will select the safe methods.

4.11.6. Given verbal descriptions or pictures of safe and unsafe materials placed near welding operations, you will identify the unsafe materials. The safe materials include:

- a. Flammable gas
- b. Fuel vapors (gasoline)
- c. Liquids (gasoline;oil)
- d. Dust (coal dust)

4.11.7. Given pictures of welders and helpers dressed properly and improperly, you will select those dressed properly.

4.12. Highwall and spoilbank safety

Unit Objective:

4.12.1. Given appropriate cues, you will demonstrate your understanding and recognition of the terms associated with highwall and spoilbank safety hazards, precautions, and procedures.

Training Objectives:

4.12.2. Given verbal descriptions or pictures representing the following terms, you will match each term with its description or picture. The terms include:

- a. Scaling
- b. Undercutting
- c. Weathering
- d.. Crack
- e. Slip

4.12.3. Given pictures of highwall hazards and statements describing the hazards, you will match each picture with the correct statement. Statements include:

- a. Freezing and thawing of a highwall.

- b. Loose material in a highwall
- c. Overhanging trees or material on top of a highwall.
- d. Cracks in a highwall.
- e.. Heavy rain causing erosion of a highwall
- f. Presence of auger holes or deep mines in or at a highwall.

4.12.4. Give verbal descriptions or pictures of safe and unsafe practices near highwalls and spoilbanks, you will select the safe practices. Safe practices include:

- a. Proper highwall inspection
- b. Safe body position
- c. Constant attention

4.12.5. Given pictures of correct and incorrect warning signs that precede falls of highwalls or spoilbanks, you will select the correct signs. Signs include:

- a. Falling material (working)
- b. Visual movement of spoilbank (will be slow at first)
- c. Cracks in the highwall

d.. Content of material in spoilbank (if more than fifty percent (50%) of spoil is sand or other fine material, its condition is likely to be unstable.)

4.13. Explosives and blasting safety.

Unit Objective:

4.13.1. Given visual and verbal presentations of safe blasting methods and procedures, you will demonstrate your

ability to recognize correct shooting and handling procedures and methods.

Training Objectives:

4.13.2. Given verbal descriptions or pictures representing the following terms, you will match each term with its description or picture. These terms include:

- a. Blasting cap
- b. Fertilizer (Blasting agent)
- c. Primer cord
- d. Magazine
- e. Detonator

4.13.3. Given verbal descriptions or pictures of safe and unsafe practices in handling lead wires, you will select the safe practices. Safe practices include:

- a. Lead wires protected from power conductors.
- b. Lead wires beyond twenty feet (20') from bare power lines.
- c. Lead wires protected from thunderstorms and lightning.

4.13.4. Given correct and incorrect statements that explain why lead wires are to be kept electrically connected together prior to shooting, you will select the correct statements.

4.13.5. Given correct and incorrect statements of the steps to be taken in the event of a misfired shot, you will select the correct statements.

4.13.6. Given correct and incorrect examples of actions to be taken upon hearing the shot firer's signal, you will select the appropriate action to be taken

4.13.7. Given correct and incorrect statements that identify the hazards created by overshooting an undershooting overburden, you will select the correct statements. The correct statements are:

a. The fractures material in new highwall creates a potential rock fall hazard.

b. The new face is broken, causing weathering to accelerate and increasing rock fall possibility.

4.13.8. Given correct and incorrect statements regarding the operation of two-way radio equipment near blasting areas, you will select the correct statements. Correct statements include:

a. Two-way radio equipment shall be turned off prior to the handling and use of electric detonators.

b. Turn off two-way radio within six hundred fifty feet (650') of a blasting area.

4.14. Health and sanitation

Unit Objective:

4.14.1. Given appropriate cues and visual or verbal examples, you will demonstrate your understanding of the hazards of, and protection against coal dust and excessive noise at the surface mines.

Training Objectives:

4.14.2. Given verbal descriptions or pictures representing the following terms, you will match each term with its description or picture. The terms are:

a. Personal dust sampler

b. Respirable dust

c. Respirator

4.14.3. Given verbal descriptions or pictures of correct and incorrect procedures for using a respirator, you will select the correct procedures.

4.14.4. Given correct and incorrect statements regarding prolonged exposure to high noise levels, you will select the correct statements that indicate prolonged exposure to high noise levels can cause damage to your hearing.

4.15. First-Aid

Unit Objective:

4.15.1. Given the proper cues, verbal descriptions or pictures, or supplies and equipment, you will demonstrate your knowledge of and ability to administer emergency medical attention when it is required. You will demonstrate your ability to recognize and correctly define common terms relating to the certain emergency medical procedures properly and in correct sequence.

Training Objectives:

4.15.2. Given verbal descriptions or pictures of the following terms, you will correctly match each term with its description or picture. The terms are:

- a. Artificial respiration
- b. First-Aid
- c. Fainting
- d. Open wounds
- e. Abrasions
- f. Dislocation
- g. Simple fracture
- h. Compound fracture

- i. Splint
- j. Pressure points
- k. Closed wounds
- l.. Strains
- m. Sprains
- n. Rupture (hernia)
- o. 1st, 2nd, & 3rd degree burns
- p. Scalds
- q. Incision
- r. Laceration
- s. Puncture wound
- t. Bruises
- u. Shock

4.15.3. Given the following steps for administering first aid, arranged out of sequence, you will arrange them in correct sequence.

- a. Locate the injury
- b. If needed, give artificial respiration.
- c. Look for and control bleeding.
- d. Treat for physical shock.
- e. Treat wounds and burns.

- f. Look for fractures and apply appropriate treatment.
- g. Transport patient

4.15.4. Given an appliance used for artificial respiration practice, you will correctly demonstrate:

- a. Mouth-to-mouth artificial respiration.
- b. Back pressure method of artificial respiration

4.15.5. Given a chart of the human body with various points marked on it, you will select the points that represent pressure points.

4.15.6. Given a chart of the human body marked with locations of serious wounds and possible pressure points, you will select the correct pressure point to control bleeding for each wound.

4.15.7. Given pictures of the steps in applying a tourniquet, arranged out of sequence, you will arrange them in correct sequence. The correct sequence of steps for applying a tourniquet are:

- a. Use a strong, wide piece of cloth.
- b. Select a solid, padded object and wrap the arm or leg with it next to the arterial pressure point.
- c. Tie a half knot on the distal portion (away from center of body) of the arm or leg.
- d. Insert a strong stick over the half knot and tie it in place.
- e. Twist the stick to apply pressure until bleeding slows.
- f. Loosen tourniquet after ten (10) minutes.
- g. If bleeding begins again, tighten tourniquet after a few seconds.

h. Tell doctor when and how long tourniquet was applied.

4.15.8. Given verbal descriptions or pictures of correct and incorrect causes of physical shock, you will select the correct causes. The correct causes include:

- a. Severe loss of blood
- b. Intense pain
- c. Severe or extensive injury
- d. Burns
- e. Anxiety
- f. Poisonous gases
- g. Sight of blood or injury to fellow worker

4.15.9. Given verbal descriptions of physical and emotional reactions, you will select the symptoms of physical shock. These symptoms include:

- a. Chalk-like appearance
- b. Dull or anxious expression
- c. Shallow breathing
- d. Cold, moist skin

4.15.10. Given pictures of correct and incorrect procedures for treating physical shock, you will select the correct procedures. The correct procedures include:

- a. Lay the victim flat
- b. Elevate feet six inches (6")
- c. Clear mouth of foreign object

- d. Loosen clothing
- e. Keep the victim warm

4.15.11. Given pictures of correct and incorrect procedures for treating open wounds, you will select the correct procedures. The procedures are:

- a. Stop the bleeding.
- b. Cut or tear away the clothing around the wound.
- c. Wipe away foreign particles from wound with a piece of sterile gauze.
- d. Cover entire wound with sterile compresses or gauze.
- e. Apply bandages securely.

4.15.12. Given pictures of correct and incorrect methods of dressing wounds, you will select the correct methods. The wounds include:

- a. Head wounds
- b. Injured eyes
- c. Arm wounds
- d. Leg wounds
- e. Foot wounds
- f. Hand wounds

4.15.13. Given pictures of correct and incorrect treatments for closed wounds, you will select the correct treatments for closed wounds.

4.15.14. Given pictures of correct and incorrect procedures for treating a rupture or hernia in the abdomen, you will select the correct procedures. The procedures are:

- a. Lay the victim flat on his back and draw his knees up.
- b. Center one (1) narrow cravat bandage along the top of the thighs halfway between the hips and knees.
- c. Pass the ends around the thighs and cross them under the bend in the knees.
- d. Carry the ends around the ankles and tie them in front and between the ankles.
- e. Place a pillow or rolled up blanket under the knees.
- f. Place a second cravat bandage underneath the padding and bring the ends up over the thighs near the knees and tie them securely.
- g. If swelling remains, place a cold appliance over the site.

4.15.15. Given pictures of correct and incorrect methods of treating foreign bodies in the eyes, ears, nose, and throat, you will select the correct methods.

4.15.16. Given pictures of correct and incorrect procedures for general care and treatment of non-chemical burns, you will select the correct procedures. The correct procedures include:

- a. Remove clothing from burned area (unless clothing sticks to the skin).
- b. Cover burn with cool, moist dressing.
- c. Cover the victim with a blanket
- d.. Treat for shock.

4.15.17. Given pictures of correct and incorrect treatments for fractures of the following parts of the body: head, neck, back, rib, pelvis, arm, hand, leg, and foot, you will select the correct treatments.

4.15.18. Given pictures of correct and incorrect methods of moving an injured person from a surface mine, you will select the correct method.

4.15.19 Given a list of places at a surface mine, you will select the places where first-aid equipment must be located. Correct place are:

- a. At or near each working place that coal is being mined.
- b. At each preparation plant.
- c. At shops.
- (10) d. At other surface installations that regularly employ ten or more people.

4.16. Training course measurement criteria.

Unit Objective:

4.16.1. The purpose of the Likert scale attitude tests is to measure attitudinal changes of the trainees as a result of this course. This will be accomplished by administration of this test before and after the training.

4.16.2. Given a ten (10) item Likert scale attitude test at the beginning and end of the course, the trainee will display positive attitudes toward coal mining by scoring seventy percent (70%) or higher.

4.16.3. Given a ten (10) item Likert scale attitude test at the beginning and end of the course, the trainee will display a positive attitude toward safety by scoring at least seventy percent (70%) on the test.

48.3.4. Approval Procedures for Training Programs.

5.1. All training centers planning to participate in the forty (40) hour training effort must be approved by the Board of Miner Training, Education and Certification. Each prospective training center must send to the Department of Energy, 1615

Washington Street East, Charleston, West Virginia 25311.
Attention: Board of Miner Training, Education and Certification
the following information.

- a. Address and location of the training center.
- b. Description of equipment and facilities available.
- c. List of participating instructors (see Section 6 for approval procedures for instructors).
- d. Classroom dimensions and approximate number of students per class.
- e. Name and address of person(s) responsible for training program.

5.2. Any training center not using the training course available through the Department of Energy must obtain approval of its program by submitting the additional information.

- a. An outline of the proposed course showing how it meets the criteria established by the Board of Miner Training, Education and Certification.

- b. A list of instructional material to be used (e.g., films, programmed material, etc.) and noting where it would be used within the instructional sequence.

- c. A description of the instructional methods to be used throughout the course (e.g., lecture demonstration, personalized instruction, team teaching, etc.)

48.3.6. Approval Procedures For Instructors.

6.1. Each instructor who will be teaching the forty (40) hour course must seek approval by the Department of Energy by

sending the following information to the Department of Energy ,
1615 Washington Street East, Charleston, West Virginia 25311.

a. A summary of the individual's teaching experience and related credentials (e.g: M.E.S.A. teaching certificates)

b. A description of the individual's work experience, surface mining or otherwise, in sufficient detail to determine the individual's exposure to the unit operations of coal mining.

c. The content area(s) in the training program for which he/she will be responsible.

d. The name and address of the person who should be notified as to the candidate approval or disapproval.



STATE OF WEST VIRGINIA
BUREAU OF COMMERCE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 WASHINGTON STREET, EAST • CHARLESTON, WEST VIRGINIA, 25311-2126 • TELEPHONE: (304) 558-1423 • FAX: (304) 568-1282

Gaston Caperton
Governor

James B. Lawrence
Commissioner

Stephen F. Webber
Director

January 9, 1995

The Honorable Ken Hechler
Secretary of State
State of West Virginia
Secretary of State's Office
State Capitol Building - Suite 157K
Charleston, West Virginia 25305

Dear Mr. Secretary:

Per our telephone conversation of today, January 9, 1995, I will attempt to explain in writing why the emergency amendment to existing rule Title 48, Series 3 was filed as an emergency amendment with your office.

- ◆ Several months ago the agency's surface mine inspectors found that many miners were working without the required surface miner certification.
- ◆ After reviewing the 1977 regulations which stated that anyone working after January 14, 1977 had to take a 40-hour pre-employment apprenticeship class to qualify for a surface miner certificate.
- ◆ Any person out-of-state, at any time after January 14, 1977 having 108 shifts or six (6) months experience could take an examination given by the State of WV and receive a certificate but not in-state, WV workers.
- ◆ This we thought as an agency and a board governing training that this was discriminatory.
- ◆ Therefore through many hours of discussions between the director and the board, management and labor representatives attended our monthly meeting and agreed that something should be done to keep qualified WV miners working.
- ◆ After the director set a deadline date of August 30, 1994, for everyone in the industry to comply with the current regulations, he was asked by the board members to extend the strict enforcement of the present regulations thus another extension was given by the director to November 1, 1994.

OFFICE OF THE SECRETARY OF STATE

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Secretary of State
Ken Hechler
Page Two
January 9, 1995

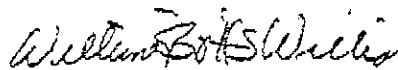
- Since this time, it has become very clear that in the last six (6) months approximately 1,000 miners in WV had the 108 shifts or six (6) months experience and there was no way they could continue to work without taking the 40-hour pre-employment apprentice training class to receive their surface miner certificate. This would have literally shut down almost all construction work at surface mines in the state.
- Therefore, the director after meeting with the board and the industry (management and labor) with unanimous consent of the board, the director submitted an emergency amendment to the existing regulations.

There are two major points to look at I feel if this emergency rule is rejected by your office. The operators of surface mines may be forced to use unqualified people to do work at their job sites because of a lack of certified, not qualified miners.

The only other option the operators would have to take would be to lay off thousands of miners for an indefinite period until they could take the 40-hour pre-employment apprentice training class, which would do little to enhance a persons' training that already has several years experience in the industry but has not had the 40-hour class.

As we discussed on the phone we feel as an agency that a rejection of the filing of these as an emergency would cause much confusion and chaos in the industry, as well as in our agency. Today with the cooperation we have, these emergency regulations as they were submitted are a God send to the workers of West Virginia.

Sincerely,



William R. Willis, Chairman
Board of Miner Training, Education
and Certification

WRW:ks

cc: Judy Cooper, SOS
Stephen F. Webber, Director, OMHST

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

January 9, 1995

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE


AGENCY: Miner Training, Education & Certification

RULE: Amendments, Series 3, Rules & Regulations Governing the Safety Training Program for Prospective Surface Coal Miners in West Virginia

DATE FILED AS AN EMERGENCY RULE: November 28, 1994

DECISION NO. 1-95

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.


KEN HECHLER
Secretary of State

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JAN 9 4 55 PM '95

FILED

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

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EMERGENCY RULE DECISION (ERD 1-95)

AGENCY: Miner Training, Education & Certification
RULE: Amendments, Series 3, Rules & Regulations Governing the Safety Training Program for Prospective Surface Coal Miners in West Virginia

FILED AS AN EMERGENCY RULE: November 28, 1994

- par. 1 The Board of Miner Training, Education & Certification (Board) has filed the above amendments to an existing rule as an emergency rule.
- par. 2 West Virginia Code 29A-3-15a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-15a(b)].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the thirty-five day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6 The Board filed this emergency rule with supporting documents with the Secretary of State November 28, 1994 and with the LRMRC November 28, 1994.

par. 7 It is the determination of the Secretary of State that the Board has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code §22A-7-6 reads in part:

The director shall be empowered to promulgate, pursuant to §29A-1-1 et seq. of this code, such reasonable rules as are necessary to establish a program to implement the provisions of this article.

par. 9 It is the determination of the Secretary of State that the Board has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency -- WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.

par. 12 The facts and circumstances as presented by the Board are as follows:

This emergency rule will make in State (WV) miners equal to out of state miners getting their miners certificates. Also enforcement activities will be uniform throughout West Virginia.

par. 14 Further facts and circumstances were submitted after the Board was contacted. These comments are:

Several months ago the agency's surface mine inspectors found that many miners were without the required surface miner certification.

After reviewing the **1977** regulations which stated that anyone working after **January 14, 1977** had to take a 40-hour pre-employment apprenticeship class to qualify for a surface miner certificate.

Any person out-of-state, at any time after January 14, 1977 having 108 shifts or six (6) months experience could take an examination given by the State of WV and receive a certificate but not in-state, WV workers.

This we thought as an agency and a board governing training that this was discriminatory.

Therefore through many hours of discussions between the director and the board, management and labor representatives attended our monthly meeting and agreed that something should be done to keep qualified WV miners working. After the director set a deadline date of August 30, 1994, for everyone in the industry to comply with the current regulations, he was asked by the board members to extend the strict enforcement of the present regulations thus another extension was given by the director to November 1, 1994.

Since this time, it has become very clear that in the last six (6) months approximately 1,000 miners in WV had the 108 shifts or six (6) months experience and there was no way they could continue to work without taking the 40-hour pre-employment apprentice training class to receive their surface miner certificate. This would have literally shut down almost all construction work at surface mines in the state.

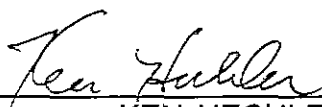
Therefore, the director after meeting with the board and the industry (management and labor) with unanimous consent of the board, the director submitted an emergency amendment to the existing regulations.

There are 2 major points to look at I feel if this emergency rule is rejected by your office. The operators of surface mines may be forced to use unqualified people to do work at their job sites because of a lack of certified, not qualified miners.

The only other option the operators would have to take would be to lay off thousands of miners for an indefinite period until they could take the 40-hour pre-employment apprentice training class, which would do little to enhance a persons' training that already has several years experience in the industry but has not had the 40-hour class.

par. 15 It is the determination of the Secretary of State **qualifies** under the definition of an emergency as defined in §29A-3-15(g).

par. 16 This decision shall be cited as Emergency Rule Decision 1-95 or ERD 1-95 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the Board of Miner Training, Education and Certification, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER
Secretary of State

Entered _____

OFFICE OF THE SECRETARY OF STATE

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