

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

FILED
1990 JUN 12 AM 9:35
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: Board of Mines Training, Ed. and Cert. TITLE NUMBER: 48

CITE AUTHORITY: W. Va. Code 22-1-15 and 22-9-6

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing
the Standards for Certification of Blasters for Surface Coal Mines

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: N/A

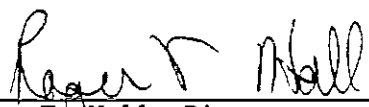
TITLE OF RULE BEING FILED AS AN EMERGENCY: N/A

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:

See attached minutes - Board of Miner Training, Education, and Certification

Use Additional Sheets If Necessary.


Roger T. Hall, Director
Research, Special Projects, and
Regulatory Affairs



STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
1616 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-3500

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1990 JUN 12 AM 9:35

GASTON CAPERTON
GOVERNOR

May 24, 1990

OFFICE OF THE WEST VIRGINIA
SELWEN GEORGE EDWARDS
COMMISSIONER

Mr. John Ranson
Secretary
Department of Commerce, Labor
and Environmental Resources
R151 Capitol Complex
Charleston, West Virginia 25301

Dear Mr. Ranson:

In accordance with the Governor's August 2, 1989 letter referencing Chapter 5F of the West Virginia Code, I am submitting for your approval the attached proposed emergency regulations.

This emergency regulation would amend existing regulation (CSR 48-5) by removing the requirement that an applicant for blaster's certification hold a fire marshall's permit. Although such a permit is required for any person to perform blasting operations, it should not be a prerequisite to certification.

Your approval of the subject amendment is very much appreciated.

Sincerely,

Roger T. Hall, Director
Research, Special Projects,
and Regulatory Affairs

GED:cc

Attachment

Approved: _____

John Ranson

Date: _____

6/7/90



STATE OF WEST VIRGINIA
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION
CHARLESTON
25305

MINUTES

March, 16, 1990

The monthly scheduled meeting of the Miner Training, Education and Certification Board was held on Friday, February 23, 1990 at Peabody Coal Company conference room, Laidley Tower, Charleston, West Virginia.

Board Members Present:

Anthony M. Grbac, Safety & Training Coordinator

Clifford Stevens
Jim Justus
Dave Ashby

William Raney
Chris Hamilton

Chairman Lay was absent.
Member Porter Cotton was absent.

Other Persons in Attendance:

Mike Rutledge
Kenny Frye
Robert Porter

John Spatafore
Tyrone Coleman

Tony Grbac called the meeting to order and directed the board members to review the minutes of January 19, 1990.

Jim Justus made a motion to accept the minutes of January 19, 1990, this motion was seconded by Dave Ashby. The minutes were unanimously approved by the Board.

~~Member Raney reviewed with the Board members, proposed changes in the surface blaster's certification regulations.~~

A motion was made by Bill Raney, seconded by Jim Justus, recommending the Commissioner to file the changes as emergency regulations. The motion passed unanimously. Member Hamilton and Member Raney suggested to file the regulations as emergency now, and set the public hearing for the next MTEC board meeting.

Tony Grbac distributed to the Board members, copies of certification examinations reflecting the current revisions that have been. Tony Grbac also distributed a copy of the coal miner experience document, reflecting revisions for the Board's review and approval.

Member Raney expressed that the Board did not have to review and/or approve any documents that the Department of Energy felt necessary in verifying experience/qualifications in the performance of their jobs in administering examinations. Member Raney directed that the minutes clearly state that the safety instructors adopt whatever forms necessary, in administering certification examinations. Member Hamilton stated that he agreed with Member Raney, as long as the forms adopted, did not contradict or alter existing laws or regulations.

A general discussion was held on coal truck driver's certifications. Member Ashby suggested that the safety instructors looked carefully at the present requirements in the certification of coal truck drivers, both surface and underground.

Safety instructor, Mike Rutledge indicated that he would like to see means provided for having all persons at surface mines certified, as well as independent contractors.

Safety instructor, Kenny Frye asked the Board to give some direction to the department, as to a clear definition of a "technical person". Kenny Frye indicated that there were persons performing work as technical people at both surface and underground mines and receiving no training. Member Hamilton requested that the instructors check with small engineering firms to see what type of training was received by their technical people and stated that they should have documented proof.

Member Raney recommended that the safety instructors give to the Board, their definition of a "technical person" and who it should include. Member Raney further stated that the Director make a recommendation to the Board in a formal request. The Board at that point could review the issue. Member Stevens expressed that he shared the same overview of the issue, as Members Raney and Hamilton.

Member Justus requested that Tony mail the proposed revisions to the surface blaster's regulations to the Board members.

The meeting was adjourned.

The next scheduled meeting of the Board of Miner Training, Education and Certification will be held on Friday, March 23, 1990 at the Air Pollution Control Commission conference room located at 1558 Washington Street, East, Charleston, West Virginia.

At the March 16, 1990 meeting of the Board of Miner Training, Education and Certification, the members unanimously approved a change to the Title 48, Series 5 rules and regulations, relating to the certification of blasters on coal mining operations. The Board further recommended, unanimously, that these proposed changes be filed with the Secretary of State's Office on an emergency basis.

The recommended changes need to be immediately implemented so as to relieve unnecessary administrative burdens on the Department of Energy's Division of Health, Safety and Training. This change will permit the Division personnel to accommodate the initial issue and renewal of certification for coal mine blasters in a much more direct and efficient manner.

Currently, the Division personnel must confirm that each applicant for initial certification or renewal of certification holds a valid permit issued by the Fire Marshal's Office. At the time this blaster certification program was started, in 1987, such confirmation was not a problem because the Fire Marshal issued permits for a three year period, which was the same time period for which DoE blaster certifications were approved.

However, the 1989 Legislature approved an amendment to the Fire Marshal's Code (Chapter 29, Article 12, Sections 12 and 12b) which changed the validity period for such permits to one year and established a fee schedule to pay for compliance monitoring by that Office. Because the Fire Marshal's permit is now issued for only one year, the renewal of blaster certifications by the DoE is being inordinately delayed as a result of the inconsistent terms of each permit. In addition, since the Fire Marshal is collecting revenue for its own compliance program, it is not necessary that the DoE continue monitoring adherence to another agency's law, at the expense of efficient and effective administration by the DoE. The Fire Marshal does not now, nor has it ever, monitored compliance for the DoE program.

This regulation change does not, in any way, affect the authority of the Fire Marshal's Office or the Department of Energy requirements relative to blasters on coal mining operations. It simply allows each agency to pursue its own statutory requirements, independent of each other.

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OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

Section 48.5.3 Criteria for Certification of Blasters

3.1 Certified Blaster. (a) One year after the effective date of these regulations a certified blaster will be responsible for the handling and use of explosives for each and every blast on every surface coal mine or surface area of an underground mine on which blasting operations are being conducted. (b) Each applicant for certification as a blaster shall:

(1) Have had at least one year active blasting experience within the past five (5) years; and

~~(2) -- Hold a current permit issued by the State Fire Marshal's Office; and~~

(2) ~~--~~ Have demonstrated his knowledge and skill of the use, handling, and storage of explosives, and all State and Federal laws pertaining thereto by completing such training and certification examinations as may be required by these regulations.

(c) Initial and annual refresher training requirements shall include, but are not limited to those subject areas set forth in subsections 5.2 (a) (1) and 5.3 (a) (1) of these regulations and 30 CFR part 48 of federal regulations promulgated under the federal Mine Health and Safety Act.

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

TITLE 48 SERIES 5

TITLE: RULES AND REGULATIONS GOVERNING THE STANDARDS FOR
CERTIFICATION OF BLASTERS FOR SURFACE COAL MINES
AND SURFACE AREAS OF UNDERGROUND COAL MINES

TYPE OF RULE: LEGISLATIVE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION

TITLE 48 SERIES 5

TITLE: Rules and Regulations Governing the Standards for
Certification of Blasters for Surface Coal Mines and
Surface Areas of Underground Coal Mines

TYPE OF RULE: Legislative

I N D E X

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Filing Date	1.4
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Certified Blaster Examiners/Inspectors	Section 48.5.4
Examinations	Section 48.5.5
Certification Procedures	Section 48.5.6
Recertification Requirements for Certified Blaster	Section 48.5.7
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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF MINER TRAINING, EDUCATION, AND CERTIFICATION

TITLE 48 SERIES 5

TITLE: Rules and Regulations Governing the Standards for
Certification of Blasters for Surface Coal Mines
and Surface Areas of Underground Coal Mines

Section 48.5.1 General

1.1 Scope - These rules and regulations pertain to the certification of blasters for surface coal mines and surface areas of underground coal mines by the Department of Energy, for the Department of Energy.

1.2 Authority - These rules and regulations are issued under authority of West Virginia Code Chapter 22, Article 9, Section 6, as amended, in accordance with the provisions of Chapter 29A, Article 3 of the West Virginia Code, and in accordance with the Resolution of Understanding by the Board of Miner Training, Education, and Certification, dated December 4, 1979.

1.3 Effective Date - These rules and regulations meet the requirements of Chapter 29A, Code of West Virginia, as amended, are promulgated on the 12th day of May, 1987, and become effective on the 12th day of May, 1987.

1.4 Filing Date - These rules and regulations were filed in the Office of the Secretary of State on the 12th day of May, 1987.

1.5 Certification - These rules and regulations are certified authentic by the Commissioner of the Department of Energy for those portions under his jurisdiction.

Section 48.5.2 Definitions

2.1 Blast - Any and all detonator(s), explosive(s), and/or blasting agent(s) being initiated simultaneously by a single energy source.

2.2 Detonation - Any explosive reaction, also called a detonation wave, that moves through the material at a velocity greater than the speed of sound in the material.

2.3 Certified - Shall mean a person who has successfully completed an examination in accordance with Section 5.3 of these rules and regulations, and is considered certified on record by

the Department of Energy per Section 3.1 of these rules and regulations.

2.4 Explosive(s) - Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; including, but not limited to, water gel, slurries, emulsions, dynamites, permissibles, pellet powder, blasting caps, cast primers and boosters, detonating cord, detonating cord delay connectors, and blasting agents.

2.5 Surface Mine and Surface Area of Underground Mines - Shall mean all areas surface mined or being surface mined, as well as adjacent areas ancillary to the operations, together with preparation and processing plants, storage areas and haulageways, roads, shops and trails, which are covered by the provisions of Chapter 22a, Article 3 of the Code of West Virginia, as amended.

Section 48.5.3 Criteria for Certification of Blasters

3.1 Certified Blaster. (a) In every surface coal mine or surface area of any underground coal mine when blasting operations are being conducted one year after the effective date of these regulations, a certified blaster will be responsible for the handling and use of explosives for each and every blast in accordance with the blasting plans approved for the permit. Each applicant for certification as a blaster shall:

- (1) Have had at least one year active blasting experience within the past five (5) years;
- ~~(2) -- Hold a current permit issued by the State Fire Marshall's office; and~~
- (32) Have demonstrated his knowledge and skill of the use, handling, and storage of explosives, and all State and Federal laws pertaining thereto by completing such training and certification examinations as may be required by these regulations.

(b) Training requirements shall include, but are not limited to, those subject areas set forth in Section 5.2(a)(1) and Section 5.3(a)(1) of these regulations, and the requirements of 30 CFR Part 48 for initial and annual refresher training. One year of active blasting experience, with on-the-job training, shall be required prior to certification.

Section 48.5.4 Certified Blaster Examiners/Inspectors

4.1 All persons employed by the Department of Energy, whose duties will include examining and certifying blasting personnel and/or inspecting blasting operations shall be certified blaster examiners/inspectors.

Section 48.5.5 Examinations

5.1 Certification under the provisions of 5.2 does not constitute certification under the provisions of Section 3.1; however, certification under Section 5.3 would suffice for certification under Section 4.

5.2 Examinations for Certified Blaster Examiners/Inspectors. (a) Examination for certified blaster examiner/inspector shall include information presented in the STUDY GUIDE FOR WEST VIRGINIA SURFACE MINE BLASTERS, and shall consist of three parts:

- (1) Written multiple choice examination covering:
 - (a) Types of explosives and their properties, to include selection;
 - (b) Blasting equipment and accessories, to include blasting machines;
 - (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
 - (d) Delay systems, to include pattern design, field layout, and initiation systems;
 - (e) Timing;
 - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
 - (g) Loading and shooting, to include priming, scheduling, site control, warning signals and unpredictable hazards;
 - (h) Storage and transportation of explosives
 - (i) Record keeping and reporting
 - (j) Current State and Federal laws and regulations relating to the use, storage and transportation of explosives, the training and certification of blasting personnel, and blasting signs; and
 - (k) Responsibilities of a certified blaster.
- (2) Written simulation. Correctly and properly completing a blasting log.
- (3) Hands-on simulation. Wiring, checking, and shooting a blast.

(b) A score of 70 percent (70%) for part (1), and satisfactory completion of parts (2) and (3) are required for successful passage of the examination. An individual who fails to achieve a passing score may retake the examination subject to the Department of Energy's direction.

5.3 Examination for Certified Blaster, (a) Examination for certified blaster shall include information presented in the STUDY GUIDE FOR WEST VIRGINIA SURFACE MINE BLASTERS and shall consist of three (3) parts:

- (1) Written multiple choice examination covering:
 - (a) Types of explosives and their properties, to include selections;
 - (b) Blasting equipment and accessories, to include blasting machines;
 - (c) Blast dimensions and calculations, to include geologic and topographic considerations, blast hole design, flyrock control, secondary blasting, and blast plans;
 - (d) Delay systems, to include pattern design, field layout, and initiation systems;
 - (e) Timing;
 - (f) Blast vibration and vibration control, to include airblast, monitoring techniques, and use of pre-blast surveys;
 - (g) Loading and shooting, to include priming, scheduling, site control, warning signals, and unpredictable hazards;
 - (h) Storage and transportation of explosives;
 - (i) Record keeping and reporting;
 - (j) Current State and Federal laws and regulations relating to the use, storage, and transportation of explosives; the training and certification of blasting personnel, and blasting signs; and
 - (k) Responsibilities of a certified blaster.
- (2) Written simulation. Correctly and properly completing a blasting log.
- (3) Hands-on simulation. Wiring, checking, and shooting a blast.

(b) A score of 80 percent (80%) for part (1), and a "passing grade" on parts (2) and (3), which are graded on a pass/fail basis, are required for successful passage of the examination.

(c) All individuals shall be notified of their scores within 30 days of completing the examination. An individual who fails to achieve a passing score on any of the three (3) parts of the examination, may apply within thirty (30) days of the receipt of his examination results from the Department to retake the entire examination or any portions the individual failed to pass.

Section 48.5.6 Certification Procedures

6.1 Conditions or Practices Prohibiting Certification. (a) Certification as a certified blaster shall not be issued to persons who:

- (1) Are currently addicted to alcohol, narcotics, or other dangerous drugs; or
- (2) Have exhibited a pattern of conduct inconsistent with acceptance of responsibility for blasting operations.

(b) Addiction to, or unlawful use of, alcohol, narcotics, or other dangerous drugs in the work place shall cause any blaster's certification already in force to be suspended or revoked.

(c) A pattern of conduct which is not consistent with acceptance of responsibility for blasting operations, (i.e., repeated or willful violations of State or Federal laws pertaining to explosives), shall be grounds for suspension or revocation of a blasters certification.

6.2 Application for Certification as a Certified Blaster. Prior to taking an examination for certification, an individual must submit an application to take such examination on a form prescribed by the Commissioner of the Department of Energy. Upon receipt of an application for examination, the Department shall, after determining compliance with the provisions of Section 3 of these regulations, notify the applicant of the date, time, and location of the scheduled examination. Prior to the effective date as shown in Section 1.3 of these rules and regulations, examinations will be scheduled based upon facility and manpower availability at the various division locations. Following the effective date as shown in Section 1.3 of these rules and regulations, examinations will be regularly scheduled on a monthly basis.

6.3 Certification. Upon determination that an applicant for certification has satisfactorily passed the examination, the Department shall, within 30 days of the examination date, issue to such individual a certificate indicating that he is a Certified Blaster.

Section 48.5.7 Recertification Requirements for Certified Blaster

7.1 Recertification. (a) Recertification of all certified blasters is required every three (3) years. Each applicant for recertification must be currently certified and submit validated documentation to the Department of Energy of conformance with the

requirements of Section 3.1 of these rules and regulations on forms to be prescribed by the Commissioner.

(b) Validated proof of one shift of refresher training, as provided for in Section 3.1(b), within the previous 12 calendar months, must be submitted along with the other validation required by this section unless the applicant's one year of active blasting experience was completed any time during the previous 12 calendar months.

(c) Compliance with 6.1 of these rules and regulations shall be required for recertification in the same manner as for certification.

7.2 Re-examination. No certified blaster shall be recertified two consecutive times unless, upon the second application, the applicant also successfully passes the examination as required in Section 5.3 of these rules and regulations.

Section 48.5.8 Presentation of Certificate; Transfer; and, Delegation of Authority

8.1 (a) Upon certification, each blaster shall comply with Section 6 of the West Virginia Department of Energy's Administrative Regulations, Chapter 22-4, Title 36, Series 24, formerly Series 37.

(b) Upon request of an authorized representative of the Commissioner, of the West Virginia Department of Energy; or, Director, Office of Surface Mining, U. S. Department of the Interior, a certified blaster shall exhibit his or her certificate to the requesting representative.

(c) The certified blaster shall take all reasonable means to protect his certificate from loss or unauthorized duplication, and shall immediately report any such loss or duplication to the Department of Energy.

8.2 Transfer. Blaster's certifications shall not be transferred or assigned.

8.3 Delegation of Authority. Certified blasters shall not delegate their authority or responsibility to any individual who is not a certified blaster in accordance with these rules and regulations.

8.4 Withdrawal of Certification. Pursuant to Chapter 22A, Article 1A, Section 29, the Commissioner of the Department of Energy may initiate proceedings charging a person certified in accordance with Chapter 22A, Article 3, Section 31, with neglect

or failure to perform duties mandated by Chapter 22A, Article 1A and 2, and regulations promulgated thereto; Chapter 22A, Article 3, and regulations promulgated thereto; or, these rules and regulations.

Section 48.5.9 Blasting Crew

9.1 Persons who are not certified and who are assigned to a blasting crew, or assist in the use of explosives, shall receive directions and on-the-job training from a certified blaster.

Section 48.5.10 Reciprocity With Other States

10.1 Upon a recommendation by the Board of Miner Training, Education, and Certification, the Commissioner may enter into a reciprocal agreement with other states wherein persons holding a valid certification in that state may apply for certification in West Virginia, and upon approval by the Board, be certified without undergoing the training or examination requirements set forth in these regulations.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

January 15, 1991

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

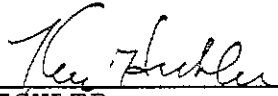
AGENCY: Board of Miner Training, Education & Certification

RULE: Amendments, Series 5, Standards for Certification of Blasters for Surface Coal Mines and Surface Areas of Underground Coal Mines

DATE FILED AS AN EMERGENCY RULE: December 14, 1990

DECISION NO. 3-91

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 JESSI V. COOPER
SECRETARY OF STATE

1991 JAN 23 PM 2:53

FILED

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

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Special Assistant

(Plus all the volunteer
help we can get)

DECISION EMERGENCY RULE DECISION (ERD 3-91)

AGENCY: Board of Miner Training, Education and Certification
RULE: Amendments, Series 5, Standards for Certification of
Blasters for Surface Coal Mines and Surface Areas of
Underground Coal Mines

FILED AS AN EMERGENCY RULE: December 14, 1990

- par. 1 The Board of Miner Training, Education and Certification (Board) has filed emergency amendments to the above 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(a)].
- 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 ERD is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6 The Board has filed this emergency rule with supporting documents with the Secretary of State on December 14, 1990, and with the LRMRC on December 14, 1990.

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 §22-9-6 reads in part:

The commissioner shall be empowered to promulgate, pursuant to §29A-1-1 et seq. of this code, such reasonable rules and regulations as are necessary to establish a program to implement the provisions of this article. Such program shall include, but not be limited to, implementation of a program of instruction in each of the miner occupational specialties and the conduct of examinations to test each applicant's knowledge and understanding of the training and instruction which he is required to have prior to the receipt of a certificate.

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.

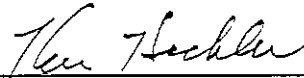
par. 12 The facts and circumstances as presented by the Board are as follows:

It has come to the attention of the Division of Energy, Board of Miner Training, Education and Certification, that because of misinterpretations of the term "active blasting experience" certain individuals are applying for, and becoming certified without the required experience necessary.

It is important that all applicants clearly understand the definition of the term, otherwise such individuals may be conducting blasting operations without the necessary knowledge and experience, thus conducting blasting operations in an unsafe manner. The result is that the lives of miners working in and around blasting operations may be endangered; therefore justifying this emergency amendment to an existing emergency rule.

par. 13 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(g) . . ."immediate preservation of public peace, health, safety or welfare."

par. 14 This decision shall be cited as Emergency Rule Decision 3-91 or ERD 3-91 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 Committee.



KEN HECHLER
SECRETARY OF STATE

Entered _____

FILED
1991 JAN 23 PM 2:54
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE