

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: OFFICE OF MINERS' HEALTH, SAFETY & TRAINING TITLE NUMBER: 56

RULE TYPE: LEGISLATIVE; CITE AUTHORITY W.Va. Code §§ 22-9-6 and 22A-7-8

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 11

TITLE OF RULE BEING PROPOSED: RULE GOVERNING FIRST-AID TRAINING OF SHAFT
AND/OR SLOPE EMPLOYEES

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 3, 1993 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Stephen F. Webber, Director
Office of Miners' Health, Safety & Training
1615 Washington Street, East
Charleston, WV 25311

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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STATE OF WEST VIRGINIA
 OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
 DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
 1615 WASHINGTON STREET, EAST • CHARLESTON, WEST VIRGINIA 25311-2126 • TELEPHONE: (304) 558-1425

GASTON CAPERTON
 GOVERNOR

STEPHEN F. WEBBER
 DIRECTOR

March 26, 1993

The Honorable Ken Hechler
 Secretary of State
 State of West Virginia
 State Capitol Building
 Charleston, West Virginia 25305

Dear Secretary Hechler:

I have reviewed the attached regulations, Title 56, Series 11, "Rule Governing First-Aid Training of Shaft and/or Slope Employees" and request they be filed with the Secretary of State's Office.

If you have any further questions, please advise.

Sincerely,

John M. Ranson, Cabinet Secretary
 Department of Commerce, Labor and
 Environmental Resources

JMR:ks
 Attachment

OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

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TITLE 56
LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 11
RULE GOVERNING FIRST-AID TRAINING
OF SHAFT AND/OR SLOPE EMPLOYEES

§56-11-1. General.

1.1. Scope.--This rule governs first-aid training for shaft and/or slope employees.

1.2. Authority.--W. Va. Code §§22-9-6 and 22A-7-8.

1.3. Filing Date.--

1.4. Effective Date.--

1.5. Applicability.--This rule applies to all mine shaft and/or slope construction and/or operation sites.

1.6. Other law applicable.--All provisions of the mining law of this State, specifically Chapters 22 and 22A of this Code, are applicable to shaft and/or slope construction and operations.

§56-11-2. Effect of Law and Rule.

2.1. This rule shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law.

§56-11-3. First-Aid Training of Shaft and/or Slope Employees.

3.1. Each employer at a shaft and/or slope site shall provide every new employee within six (6) months of the date of hire with the opportunity for first-aid training as prescribed by the Director of the Office of Miners' Health, Safety and Training, unless such employee has previously received such training. Each employee is required to take a refresher first-aid training of not less than five (5) hours within each twenty-four (24) months of employment. The employee shall be paid regular wages, and overtime pay if applicable, for all periods of first-aid training.

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SUMMARY OF PROPOSED LEGISLATIVE RULE

This rule clarifies the applicability of W. Va. Code § 22-12-2, relating to first-aid training of new coal mine employees, to employees at mine shaft and/or slope construction projects. This rule is enacted, upon recommendation of the Board of Miner Training, Education and Certification, to the Director of the Office of Miners' Health, Safety and Training, following a fatal accident at a coal mine shaft construction site.

An emergency exists inasmuch as proper first-aid training for employees at a shaft or slope construction site is imperative to help prevent loss of life following an accident at such site. Proper first-aid training required by this rule is necessary for the immediate preservation of the public health, safety and welfare.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: RULE GOVERNING FIRST-AID TRAINING OF SHAFT AND/OR SLOPE EMPLOYEES

Type of Rule: X Legislative Interpretive Procedural

Agency OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Address 1615 WASHINGTON STREET, EAST

CHARLESTON, WEST VIRGINIA 25311-2126

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THREE/FIFTEEN
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

No additional enforcement or implementation costs incurred by this rule.

3. Objectives of these rules:

Clarify application of first-aid training to coal mine shaft and slope employees. First-aid training necessary to prevent loss of life following accidents.