



**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #7

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Filing Date

FILED

MAR 31 11 41 AM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

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

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

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 11

TITLE OF RULE BEING FILED AS AN EMERGENCY: RULE GOVERNING FIRST-AID TRAINING
OF SHAFT AND/OR SLOPE EMPLOYEES

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Following a fatal accident at a coal mine shaft construction, it was determined that W. Va. Code § 22-12-2, relating to first-aid training of mine employees, did not have clear application to shaft and slope operations. This rule clarifies the statutory language, and will help prevent loss of life following accidents at such operations.

3.60

Use additional sheets if necessary

Stephen F. Webber
Signature

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第 31 号 11 月 18 日

第 31 号 11 月 18 日



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
EMERGENCY 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 EMERGENCY 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.

DATE: 3/25/93

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
RULE GOVERNING FIRST-AID TRAINING OF SHAFT
EMERGENCY RULE TITLE: AND/OR SLOPE EMPLOYEES

1. Date of Filing _____

2. Statutory authority for promulgating emergency rule:

W. Va. Code §§ 22A-7-8 and 22-9-6, following recommendation by
Board of Miner Training, Education and Certification.

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?

Adopt new language.

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.

Following a fatal accident at a coal mine shaft construction, it was
determined that W. Va. Code § 22-12-2, relating to first-aid training
of mine employees, did not have clear application to shaft and slope
operations. This rule clarifies the statutory language, and will help
prevent loss of life following accidents at such operations.

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.

N/A

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

See #6.

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	THEREAFTER
<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.

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

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: _____

Signature of Agency Head or Authorized Representative

Stephen J. Webber