

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

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

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

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

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

Stephen F. Webber

FILED

56 CSR 11

JUL 27 10 27 AM '93

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.



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

SUMMARY OF PROPOSED RULE

This rule, previously filed as an emergency 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.

Note that § 1.6 of the proposed rule has been deleted upon reconsideration for the following reasons:

- 1) the definition of "mine" in the statute (W. Va. Code § 22A-1A-1(a)(7)) covers all shafts and slopes, making § 1.6 redundant;
- 2) the Director has appointed a task force to recommend which of the current statutes and regulations have direct applicability to shaft and slope construction operations, and to recommend further regulations deemed necessary.

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	RENT	DEPRECIATION
<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.

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

1. Authorizing statute(s) citation W.Va. Code §§ 22-9-6 and 22A-7-8

2. a. Date filed in State Register with Notice of Hearing
March 31, 1993 (Public Comment Period)

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

None

c. Date of Hearing(s) Public Comment Period Closed

May 3, 1993

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

Attached _____ No comments received X

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

July 26, 1993

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

Stephen F. Webber, Director 558-1425

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A