

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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2012 APR -9 PM 1:27

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative Exempt CITE AUTHORITY: 22A-6

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 PROPOSED: 51

TITLE OF RULE BEING PROPOSED: Escapeway maps and drills for underground coal mines

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 10 May AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Joel L. Watts
Board of Coal Mine Health and Safety

Board of Coal Mine Health
- and Safety _____
Building 6, Suite 652
- 1900 Kanawha Blvd., E. _____
Charleston, WV 25305

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Escapeway Maps and Drills for Underground Coal mines

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Coal Mine Health and Safety

Address: 1900 Kanawha BLVD East State Capitol Complex Bldg 6, ste 652
Charleston, WV 25301

Phone Number: 304.957.2306 Email: joel.l.watts@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

N/A

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

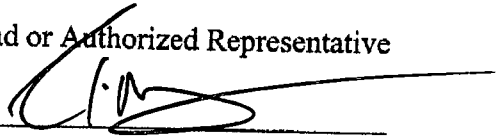
MEMORANDUM

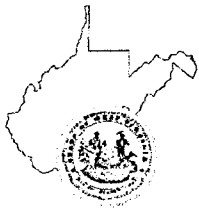
Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: 9 April 2012

Signature of Agency Head or Authorized Representative





WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1615 Washington Street, E. • Charleston, West Virginia 25311 • Telephone 304-558-1425 • Fax 304-558-6091

PROPOSED REGULATIONS

To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: Escapeway maps and drills for underground coal mines. Title 36, Section 51

Date: 9 April 2012

End Date for Comments: 10 May 2012

Authority: §22.6.4

The Board of Coal Mine Health and Safety is posting a proposed regulation which amends the current statute into regulatory format to increase the degree of safety. This is a new rule requiring escapeway maps and drills.

You may send all written comments to

ATTN: Joel L. Watts
Board of Coal Mine Health and Safety
1900 Kanahwa BLVD East
State Capitol Complex Building 6, ste 652
Charleston, WV 25305

All comments must be post-marked by 10 May in order to be accepted by the Board for consideration.

Title 36
Legislative Rules
Board of Coal Mine Health and Safety

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Series 51
Escapeway maps and drills in underground coal mines

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§36-51-1. General.

1.1 Scope: Rules and Regulations Governing Underground Coal Mines in the State of West Virginia

1.2 Authority. W. Va. Code 22A-6-4

1.3 Filing Date.

1.4 Effective Date.

§36-51-2. Escapeway maps and drills in underground coal mines.

Each operator of an underground coal mine shall conduct mine emergency evacuation training and drills and require all miners to participate.

1. Schedule of training and drills. Each miner shall participate in a mine emergency evacuation training and drill once each quarter. Quarters shall be based on a calendar year (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec). In addition--
 - a. A newly hired miner, who has not participated in a mine emergency evacuation training and drill at the mine within the previous 3 months, shall participate in the next applicable mine emergency evacuation training and drill.
 - b. Prior to assuming duties on a section or outby work location, a foreman shall travel both escapeways in their entirety.
2. Content of quarterly training and drill. Each quarterly evacuation training and drill shall include the following:
 - a. Hands-on training on all types of self-rescue devices used at the mine, which includes--
 - i. Instruction and demonstration in the use, care, and maintenance of self-rescue devices;

- ii. The complete donning of the SCSR by assuming a donning position, opening the device, activating the device, inserting the mouthpiece, and putting on the nose clip; and
 - iii. Transferring between all applicable self-rescue devices.
 - b. Training that emphasizes the importance of--
 - i. Recognizing when the SCSR is not functioning properly and demonstrating how to initiate and reinitiate the starting sequence;
 - ii. Not removing the mouthpiece, even to communicate, until the miner reaches fresh air; and
 - iii. Proper use of the SCSR by controlling breathing and physical exertion.
 - c. A realistic escapeway drill that is initiated and conducted with a different approved scenario each quarter and during which each miner--
 - i. Travels the primary or alternate escapeway in its entirety, alternating escapeways each quarter;
 - ii. Physically locates and practices using the continuous directional lifelines or equivalent devices and tethers, and physically locates the stored SCSRs and refuge alternatives;
 - iii. Traverses undercasts or overcasts and doors;
 - iv. Switches escapeways, as applicable; and
 - v. Negotiates any other unique escapeway conditions.
 - d. A review of the mine and escapeway maps, the firefighting plan, and the mine emergency evacuation plan in effect at the mine, which shall include:
 - i. Informing miners of the locations of fire doors, check curtains, changes in the routes of travel, and plans for diverting smoke from escapeways.
 - ii. Locating escapeways, exits, routes of travel to the surface, abandoned areas, and refuge alternatives.
 - e. Operation of the fire suppression equipment available in the mine and the location and use of firefighting equipment and materials.
 - f. Reviewing the procedures for deploying refuge alternatives and components.
 - g. For miners who will be constructing the 15 psi stoppings prior to an event, reviewing the procedures for constructing them.

- h. Reviewing the procedures for use of the refuge alternatives and components.
 - i. Task training in proper transportation of the refuge alternatives and components.
3. Annual expectations training. Over the course of each year, each miner shall participate in expectations training that includes the following:
- a. Donning and transferring SCSRs in smoke, simulated smoke, or an equivalent environment.
 - b. Breathing through a realistic SCSR training unit that provides the sensation of SCSR airflow resistance and heat.
 - c. Deployment and use of refuge alternatives similar to those in use at the mine, including--
 - i. Deployment and operation of component systems; and
 - ii. Instruction on when to use refuge alternatives during a mine emergency, emphasizing that it is the last resort when escape is impossible.
 - d. A miner shall participate in expectations training within one quarter of being employed at the mine.
4. Certification of training and drills. At the completion of each training or drill required in this section, the operator shall certify by signature and date that the training or drill was held in accordance with the requirements of this section.
- a. This certification shall include the names of the miners participating in the training or drill. For each miner, this certification shall list the content of the training or drill component completed, including the escapeway traveled and scenario used, as required in paragraphs (b) and (c) of this section.
 - b. Certifications shall be kept at the mine for one year.
 - c. Upon request, the certifications shall be made available to an authorized representative of the Secretary and the representative of the miners.
 - d. Upon request, a copy of the certification that shows his or her own training shall be provided to the participating miner.

§36-51-3 Escapeway maps.

A. Content and accessibility. An escapeway map shall show the designated escapeways from the working sections or the miners' work stations to the surface or the exits at the bottom of the shaft or slope, refuge alternatives, and SCSR storage locations. The escapeway map shall be posted or readily accessible for all miners--

1. In each working section;
2. In each area where mechanized mining equipment is being installed or removed;
3. At the refuge alternative; and
4. At a surface location of the mine where miners congregate, such as at the mine bulletin board, bathhouse, or waiting room.

B. Keeping maps current. All maps shall be kept up-to-date and any change in route of travel, location of doors, location of refuge alternatives, or direction of airflow shall be shown on the maps by the end of the shift on which the change is made.

C. Informing affected miners. Miners underground on a shift when any such change is made shall be notified immediately of the change and other affected miners shall be informed of the change before entering the underground areas of the mine.