

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

Form #5

Do Not Mark In This Box

FILED

2010 MAY -4 PM 4:18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: 22A-6-4

RULE TYPE: PROCEDURAL  INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

22A-6-4

AMENDMENT TO AN EXISTING RULE: YES  NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: EMERGENCY COMMUNICATIONS REQUIREMENTS FOR SHAFT  
AND/OR SLOPE OPERATIONS AND ARRANGEMENTS FOR EMRG  
MEDICAL ASST AND TRANSPORTING FOR INJURED PERSONS;  
REPORTING REQUIREMENTS; POSTING REQUIREMENTS AT  
SHAFT AND/OR SLOPE OPERATIONS

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS MAY 4 2010

  
Authorized Signature



---

---

## **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

---

---

### **FINAL 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: **EMERGENCY COMMUNICATIONS REQUIREMENTS FOR SHAFT AND/OR SLOPE OPERATIONS AND ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTING FOR INJURED PERSONS; REPORTING REQUIREMENTS; POSTING REQUIREMENTS AT SHAFT AND/OR SLOPE OPERATIONS**, Title 36, Section 2

Effective Date: 4 May 2010

Authority: §22.6.4

---

The Board of Coal Mine Health and Safety is filing a rule per the request of the WV Secretary of State. The Board considers this rule effective from the original effective date which was July 1, 1979 as it has been filed in the Code of State Regulations.

TITLE 36  
LEGISLATIVE RULES  
BOARD OF COAL MINE HEALTH AND SAFETY

FILED

2010 MAY -4 PM 4:18

SERIES 2

**EMERGENCY COMMUNICATIONS REQUIREMENTS FOR SHAFT AND/OR SLOPE OPERATIONS AND ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTING FOR INJURED PERSONS; REPORTING REQUIREMENTS; POSTING REQUIREMENTS AT SHAFT AND/OR SLOPE OPERATIONS**

**§36-2-1. General.**

1.1 Scope. Rules and regulations governing emergency communications requirements for shaft and/or slope operations and arrangements for emergency medical assistance and transporting for injured persons; reporting requirements; posting requirements at shaft and/or slope operations.

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

1.3 Filing Date. May 4, 2010

1.4 Effective Date. May 4, 2010

**§36-2-2. Emergency Communications Requirements.**

2.1. Each operator of a shaft and/or slope shall establish and maintain a communication system from the shaft and/or slope to the nearest point of medical assistance for use in an emergency.

2.2. The emergency communications system required to be maintained under section 2.1. of these regulations may be established by telephone or radio transmission or by any other means or prompt approved communications to any facility (for example, the local sheriff, the state police or local hospital) which has available the means of communication with the person or persons providing emergency medical assistance or transportation in accordance with the provisions of section 2.1. of these regulations.

2.3. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by mobile transmitters. The following precautions are recommendations of the Institute of the Makers of Explosives publication No. 20, March 1971, shall be complied with. (See Table 36-2A found at the end of this regulation.)

**§36-2-3. Arrangements for Emergency Medical Assistance and Transportation for Injured Persons; Reporting Requirements; Posting Requirements.**

3.1. While employees are on duty each operator of a shaft and/or slope shall have made arrangements with a licensed physician, medical service, medical clinic, or hospital to provide emergency medical assistance for any person injured at any shaft and/or slope.

3.2. While employees are on duty each operator shall have made arrangements with an ambulance service, or otherwise provided for emergency transportation for any person injured at the shaft and/or slope.

3.3. After the effective date of these rules and regulations, each operator shall report to the Director of the Department of Energy the name, title and address of the physician, medical service, medical clinic, hospital, or ambulance service with whom arrangements have been made or otherwise provided, in accordance with the provisions of sections 3.1. and 3.2. of these rules and regulations.

3.4. Each operator shall, within ten (10) days after any change of the arrangements required to be reported under the section 3.3. of these rules and regulations, report such changes to the Director of the Department of Energy. If such changes involve a substitution of persons, the operator shall provide the name, title, and address of such persons together with the name and addresses of the medical service, medical clinic, hospital, or ambulance service.

3.5. Each operator shall immediately after making arrangements required under the provisions of section 3.1. and 3.2. of these rules and regulations, or immediately after any changes of such agreement, post at appropriate places at the shaft and/or slope the name, titles, and addresses, and telephone numbers of all persons or services correctly available under such arrangements to provide medical assistance and transportation at the shaft and/or slope.

**§36-2-4. Effective Date of Rules and Regulations.**

4.1 These rules and regulations will become effective six (6) months after they are filed in the Office of the Secretary of State.