

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

AUG 15 10 10 AM '96

OFFICE OF 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: West Virginia Code 22-6-4

RULE TYPE: PROCEDURAL XX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
West Virginia Code 22-6-4

AMENDMENT TO AN EXISTING RULE: YES XX, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 18

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing the
Responsibility For Care and Maintenance of Equipment

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS October 15, 1996

Ronald L. Harvis

Summary of Regulation:

The Board of Coal Mine Health and Safety recently completed a review of two (2) underground mine fatalities in which raised equipment parts were being repaired without having adequate blocking material to support the raised equipment parts. Although regulations are in place, (Title 36, Series 16, Section 4.2), which require raised equipment parts to be securely blocked before work is performed under these parts, the Board felt that if load lock valves were on either of these machines the accident could possibly have been prevented. All newer models of the machines involved come from the manufacturer with the load lock valves in place. Both these machines involved in separate fatalities were older models. The Board feels the requirement of load-lock valves will add an extra measure of safety to persons working under raised equipment parts. This new regulation is not intended to replace the regulation that requires the raised equipment to be securely blocked.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 18
RULES AND REGULATIONS GOVERNING THE
RESPONSIBILITY
FOR CARE AND MAINTENANCE OF EQUIPMENT

Sec. 36-18-1. General

1.1 Scope. - Rules and regulations governing the responsibility for care and maintenance of equipment.

1.2 Authority - WV Code Sec. 22-6-4

1.3. Filing date - August 15, 1996

1.4 Effective date - October 15, 1996

Sec.36-18-2. Effect of Regulations.

2.1. These rules and regulations shall have the same effect of law and violations shall be deemed a violation of the law and so cited with the same effect as law. All provisions of WV Code Sec. 22A-1A relative to enforcement are applicable to the enforcement of these rules and regulations.

Sec.36-18-3. Definitions.

3.1. All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in WV Code 22A-1A-1.

3.2. Unsafe Equipment: The term "Unsafe Equipment" shall mean any equipment designed to be operated by a miner that has a defect which is covered by state law, or rule or regulation, and that creates a condition which involves a potential hazard that could reasonably be expected to cause a miner in the vicinity to be placed in danger of injury or death.

Sec.36-18-4. Responsibility For Care And Maintenance of Equipment.

4.1. Mine operators shall maintain equipment in safe operating condition. Equipment operators shall exercise reasonable care in the operation of the equipment entrusted to them and shall promptly report defects known to them, provided,

if equipment has been taken out of service, by being properly tagged out, the operator shall not be issued a violation under the provision of this section; provided however, such tag placed on such equipment shall indicate the date and time such equipment was removed from service. The person removing the equipment from service and tagging such equipment shall place his signature upon the tag.

Sec.36-18-5. Pre-Operational Equipment Check.

5.1. Each working shift prior to its operation, all self-propelled section equipment to be operated during that shift shall be examined by the equipment operator for safety defects and/or unsafe conditions.

5.2. Pre-Operational equipment examination required under 5.1 of this rule shall include the following items at a minimum. In addition, a list of these items shall be maintained on such equipment.

- 5.2.1. Stop/Start Control
- 5.2.2. Panic Bar
- 5.2.3. Tram Controls
- 5.2.4. Steering
- 5.2.5. Service Brakes
- 5.2.6. Automatic Emergency Brakes
- 5.2.7. Lights
- 5.2.8. Warning Devices
- 5.2.9. Canopies Where Required
- 5.2.10. ATRS System and Boom Controls on Roof Bolting Machines

5.3. Upon completion of the required examination under 5.1, if the equipment is determined to be unsafe, the individual making the examination shall report such unsafe equipment to his/her foreman. Any unsafe equipment shall be taken out of service and tagged until such unsafe condition is corrected. Before the unit of equipment can be placed back into service, the operator of such unit shall make a pre-operational examination.

Sec.36-18-6 Load locking valves

6.1. All continuous-mining machines and loading machines shall be equipped with load-locking valves in the boom and head lift cylinders.

Rule Title:

Title 36, Series 18

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: August 15, 1996

Signature of Agency Head or Authorized Representative

Ronald L. Harner

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JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Plus all the volunteer
help we can get)

TO: RON HARRIS (MR. TROUBLE!!!)

AGENCY: COAL MINE HEALTH & SAFETY

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 10, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 18 TITLE: 36 COAL MINE HEALTH & SAFETY

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Ronald L. Harris

TITLE OF PERSON SIGNING: Administrator

DATE: 9-13-96

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.