

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

Form #1

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1987 NOV 20 PM 3:39

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

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

RULE TYPE: Legislative; CITE AUTHORITY WV Code 22-6-4

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

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 40

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing  
The Use of Lifting Jacks

DATE OF PUBLIC HEARING: December 22, 1987 TIME: \*\*

\*\*Public Hearing will be held immediately following Hearing for Car Droppers  
LOCATION OF PUBLIC HEARING: DOE Charleston Regional Office

322 70th Street, S.E.

Charleston, WV 25304

COMMENTS LIMITED TO: ORAL\_\_\_, WRITTEN\_\_\_, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Same

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

*Mark A. Smith*

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE

COMMENT PERIOD

Agency: West Virginia Department of Energy

Rule Type: Proposed Regulations

Rule Title: Title 36, Series 40 - Rules and Regulations Governing  
The Use of Lifting Jacks

A comment period on the above proposed rule has been scheduled and will end on October 30, 1987. Written comments are to be mailed to the

following address: West Virginia Department of Energy

1615 Washington Street, East, Charleston, WV 25311

Attention: Terry L. Farley, Health and Safety Administrator

The issues to be heard shall be limited to the proposed rule.

Mark A. Scott

Mark A. Scott, Chairman

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WEST VIRGINIA LEGISLATIVE RULE  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36 SERIES 40

TITLE: RULES AND REGULATIONS GOVERNING THE USE OF  
LIFTING JACKS

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WEST VIRGINIA LEGISLATIVE RULE  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36 SERIES 40

Title: Rules and Regulations Governing the Use of Lifting Jacks

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|                      |                 |
|----------------------|-----------------|
| General              | Section 36.40.1 |
| Scope                | 1.1             |
| Authority            | 1.2             |
| Effective Date       | 1.3             |
| Definitions          | Section 36.40.2 |
| Use of Lifting Jacks | Section 36.40.3 |

WEST VIRGINIA LEGISLATIVE RULE  
BOARD OF COAL MINE HEALTH AND SAFETY  
TITLE 36 SERIES 40

TITLE: Rules and Regulations Governing the Use of Lifting Jacks

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Section 36.40.1 General

1.1 Scope - This legislative rule establishes safety requirements relating to the location of suitable lifting jacks.

1.2 Authority - West Virginia Code Chapter 22, Article 6, Section 4

1.3 Effective Date -

Section 36.40.2 Definitions

2.1 All terms used in this rule, not defined herein, shall have the meanings set forth in Chapter 22A, Article 1, Section 1 of the West Virginia Code.

Section 36.40.3 Use of Lifting Jacks

3.1 A suitable lifting jack and bar, in working condition, shall be stored at a strategic location on each underground working section at all times. Employees shall be familiarized with such location(s).

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY  
Board of Coal Mine Health & Safety  
Charleston 25311

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

From: Terry L. Farley, Health and Safety Administrator *T.L.F.*

Date: November 25, 1987

Subj: Proposed Regulations: (1) Car Droppers; (2) Lifting Jacks

ACTION: Notice of Public Hearing

AUTHORITY: These regulations are proposed in accordance with Chapter  
22, Article 6, Section 4 of the West Virginia Code.

SUMMARY (Proposed Car Dropping Regulations)

The Board of Coal Mine Health and Safety is proposing a rule regarding the establishment of safe operating procedures for all mining operations which employ car droppers. These requirements are being proposed following the Board's review and investigation of two separate fatal accidents in 1985 and 1986.

SUMMARY (Proposed Lifting Jack Regulations)

The Board of Coal Mine Health and Safety is proposing a rule to ensure the availability of a suitable lifting jack at each underground section for use in emergency situations. This requirement is being proposed following the Board's review of the recommendations of the investigating team who had examined the causes of a 1986 fatal underground mining accident.

PUBLIC HEARING NOTICE

A comment period on the above proposed rules ended on October 30, 1987. In addition, a public hearing to receive additional testimony on the proposed rules will be held on Tuesday, December 22, 1987, at the Department of Energy's Charleston Regional Office at 322 70th Street, S.E., Charleston, West Virginia. The first hearing will be held on the Car Dropping regulations, and will begin at 9:00 a.m. The hearing on Lifting Jack regulations will be held immediately following the first hearing. Comments should be limited to the content of the two proposals. We would also request that written copies of your comments be presented at the hearings.

FOR FURTHER INFORMATION

Requests for additional copies of the regulations and any questions on the proposals should be directed to Terry L. Farley, Administrator, Board of Coal Mine Health and Safety, at (304) 348-3500.

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STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY  
Board of Coal Mine Health & Safety  
Charleston 25311

To: All Persons Interested in rules and regulations constructed by  
the Board of Coal Mine Health and Safety

From: Terry L. Farley, Health and Safety Administrator *T.L.F.*

Date: September 21, 1987

Subject: Lifting Jacks

Action: Proposed rule; request for comments

Authority: These regulations are proposed in accordance with Chapter  
22, Article 6, Section 4 of the West Virginia Code.

Summary

The Board of Coal Mine Health and Safety is proposing a rule to ensure the availability of a suitable lifting jack at each underground section for use in emergency situations. This requirement is being proposed following the Board's review of the recommendations of the investigating team who had examined the causes of a 1986 fatal underground mining accident. The victim in this accident was fatally injured by a roof fall, and it was revealed during the investigation that the process of recovering the victim was hindered by the fact that a proper-sized lifting jack was not immediately available.

The Board determined that the unavailability of a proper lifting jack was not a contributing factor to the accident or death of the victim. However, the Board determined that the unavailability of a proper lifting jack could contribute to a fatality if the recovery process of an accident victim is hindered.

Request for Comments

Comments are invited from interested persons on the proposed regulation requiring that a proper-sized lifting jack be made available at all times at each underground section. Comments should be limited to the content of the proposal. All comments should be in writing and mailed no later than Wednesday, October 30, 1987, to:

Terry L. Farley, Health and Safety Administrator  
Board of Coal Mine Health and Safety  
West Virginia Department of Energy  
1615 Washington Street, East  
Charleston, West Virginia 25311

For Further Information

Requests for copies and questions on the proposal should be directed to:

Terry L. Farley, Health and Safety Administrator  
Board of Coal Mine Health and Safety  
West Virginia Department of Energy  
1615 Washington Street, East  
Charleston, West Virginia 25311  
(304) 348-3500

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Proposed Drafted Language - Lifting Jacks

The following language has been drafted regarding the storage of suitable lifting jacks. The proposed language will either be drafted as a new regulation, or will be revised as an amendment to an existing regulation following the close of the comment period.

A suitable lifting jack and bar, in working condition, shall be stored at a strategic location on each underground working section at all times. Employees shall be familiarized with such location(s).

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