

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED
1988 JUL -1 AM 42
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 & Safety TITLE NUMBER: 36

CITE AUTHORITY: WV Code 22-6-4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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 ADOPTED: 40

TITLE OF RULE BEING ADOPTED: Rules and Regulations Governing

The Use of Lifting Jacks

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 1, 1988

Burt B. Lay Jr.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

BOARD OF COAL MINE HEALTH AND SAFETY

TITLE 36 SERIES 40

TITLE: RULES AND REGULATIONS GOVERNING THE USE OF LIFTING
JACKS

FILED

1988 JUL -1 AM 1:42

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATION
BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36 SERIES 40

TITLE: Rules and Regulations Governing the Use of Lifting Jacks

I N D E X

General	Section 36.40.1
Scope	1.1
Authority	1.2
Effective Date	1.3
Definitions	Section 36.40.2
Requirements for Lifting Jacks	Section 36.40.3

FILED
1988 JUL -1 AM 1:42
STATE CLERK
SECRETARY OF STATE

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36 SERIES 40

TITLE: Rules and Regulations Governing the Use of Lifting Jacks

Section 36.40.1 General

1.1 Scope - These regulations are promulgated to require the use of lifting jacks on working sections at all times.

1.2 Authority - These rules and regulations are issued under authority of Chapter 22, Article 6, Section 4 of the West Virginia Code.

1.3 Effective Date - These rules and regulations were promulgated on June 21, 1988, and were filed and become effective this 1st day of July, 1988.

Section 36.40.2 Definitions

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

Section 36.40.3 Requirements for Lifting Jacks

3.1 A 10-ton lifting jack compatible with the seam height, or other equivalent lifting device in working condition, shall be stored within 800 feet of the working face at a specified location on each underground working section at all times when miners are working on such sections. All section employees shall be informed of such location.

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

M E M O R A N D U M

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

Date:

Subj: Title 36, Series 40, Rules and Regulations Governing Lifting
Jacks

1988 JUL -1 9 AM 1:42
SECRETARY OF STATE
FILED

ACTION: Final Rule

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

EFFECTIVE DATE: July 1, 1988

SUMMARY

The Board of Coal Mine Health and Safety has promulgated a rule to ensure the availability of a suitable lifting jack at each underground section for use in emergency situations.

The Board adopted the following findings of fact prior to the promulgation of this regulation:

1. During the investigation of Fatal 17-86, it was revealed that the process of recovering the victim following the accident was hindered by the fact that a properly sized lifting jack was not immediately available.
2. Following the investigation of Fatal 17-86, it was recommended by the Department of Energy's investigating team that a suitable lifting jack, in working condition, be stored at a strategic location on the section at all times. It was also recommended that employees be familiarized with such location.
3. Existing regulations would not provide for the availability of a suitable lifting device on sections not serviced by track-mounted or rubber-tired vehicles.

4. Existing regulations would provide for the availability of a suitable lifting device within 800 feet of the working face on sections serviced by track-mounted or rubber-tired vehicles.

The Board has issued the attached regulation to address these circumstances. This regulation will be designated as Title 36, Series 40.

Posting and Review of the Regulations

In accordance with West Virginia Administrative Regulations Title 36, Series 13, each operator of a mine shall:

1. Post the regulation for 30 days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of mine foreman and assistant mine foreman, during the posting period.
3. Review the regulation with all employees, during the week following the review with the mine foreman and assistant mine foreman.

Additional Information

Questions and requests for copies of this regulation should be addressed 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

TLF:te

Attachment

KEN HECHLER
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Deputy Secretary of State

RICHARD S. STEPHENSON
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STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

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DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Terry Farley, Coal Mine Health & Safety
FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.
DATE: July 29, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) 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 40

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: Terry L. Farley

TITLE OF PERSON SIGNING: H&S Administrator

DATE: 8-3-88

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____