



State of West Virginia

Department of Mines

Charleston 25305

JOHN D. ROCKEFELLER, IV.
Governor

WALTER N. MILLER
Director

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

FROM: Mark A. Scott, Administrator *MAAS*

RE: Regulations Governing Prevention of Injuries Due to Handling of Materials

DATE: June 1, 1984

ACTION: Final rule.

AUTHORITY:

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 6-1-84
Administrative Law Division

These regulations are promulgated in accordance with Chapter 22, Article 2A, Section 4 of the West Virginia Code. These regulations are also promulgated in accordance with the decision of the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al., which held that regulations issued by the Board in response to mining fatalities and injuries are not subject to the public review and comment provisions of Code 22-2A-4.

SUMMARY:

The Board has found that nearly one-third (31.4%) of all non-fatal lost-time accidents that occurred in West Virginia mines in 1982 and 1983, were caused by improper handling of materials such as supplies, timbers, and power cables. The accidents occurred while persons were lifting, carrying, or otherwise hauling these materials. The accidents resulted in a substantial number of back strains and sprains, lacerations, and fractures.

The Board determined that existing state laws and regulations are inadequate to prevent similar occurrences of these injuries because there are no provisions concerning proper materials handling procedures. However, the Board also determined that the potential for these accidents is based on many factors, including: the type of material being handled, and its weight and bulk; the physical characteristics of the person handling the material; the manner in which the material is being handled; and whether the mine is in low,

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medium, or high coal. Further, the Board determined that these accidents can most effectively be prevented through proper training of individuals, and through established procedures on a mine-by-mine basis for handling materials.

Therefore, the Board has issued the following regulation to assist in preventing materials handling accidents. The regulation provides the Director of the Department of Mines the authority to require an operator to include a component in the mine's comprehensive safety program addressing ways to reduce materials handling accidents, whenever the Director determines that the mine is experiencing a substantial number of such injuries.

POSTING AND REVIEW OF THIS REGULATION:

In accordance with WV Administrative Regulation Series 30 (amended 1983), each operator shall :

1. Post the regulation for thirty(30) days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of underground mine foreman and assistant mine foreman, during the posting period.
3. Review the regulation with all management personnel and safety committee representatives (if part of the comprehensive safety program process at the mine) during the week following the review with the mine foremen and assistant mine foremen.

ADDITIONAL INFORMATION:

Questions and requests for copies of this regulation should be addressed to:

Mark A. Scott, Administrator
Board of Coal Mine Health and Safety
West Virginia Department of Mines
Room E-153, State Capitol
Charleston, West Virginia 25305
(304) 348-3937

MAS/dao

Attachment

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 46

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING PREVENTION OF INJURIES DUE TO
HANDLING OF MATERIALS

PROMULGATED
REGULATION

FINAL
REGULATION

I N D E X

RULES AND REGULATIONS GOVERNING PREVENTION OF INJURIES DUE TO HANDLING OF MATERIALS

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority of Section 4, Article 2A, Chapter 22 of the Code.

1.02 Effective Date - These rules and regulations were promulgated on the 25th day of May, 1984, and become effective on the 1st day of July, 1984.

1.03 Effect of Regulations - 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 Article 1, Chapter 22 of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

Section 2. Definitions

2.01 All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Section 1, Article 1, Chapter 22 of the Code.

Section 3. Prevention of Injuries Due to Handling of Materials

3.01 Whenever the Director of the Department of Mines determines that a mine has experienced a substantial number of injuries due to materials handling, he shall require the mine operator to include a component in the mine's comprehensive safety program which identifies procedures for reducing such injuries.