



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-16

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: RULES AND REGULATIONS GOVERNING THE
BLOCKING OF EQUIPMENT PRIOR TO
PERFORMING WORKING ON SUCH
EQUIPMENT

CITE STATUTORY AUTHORITY: W. Va. Code §22A-6-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/25/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

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Charleston, West Virginia 25311

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The Series governs the blocking of equipment prior to performing work on such equipment.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18, the proposed legislative-exempt rules modify and update Series 16 of Title 36 of the Code of State Rules to cross-reference the correct authorizing portions of the West Virginia Code, to correct several typographical errors, and to utilize the current citation formats. The proposal also adds against movement to W. Va. Code R. § 36-16-4.2 for the sake of clarity.

Finally, the proposal moves W. Va. Code R. § 36-18-7, in its entirety which governs lock loading valves to W. Va. Code R. § 36-16-5. This addition to W. Va. Code R. § 36-16-5 is not intended to affect a substantive change to the requirements for load locking valves but is made for the sake of clarity and ease of comprehension.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

The proposed legislative-exempt rule is not anticipated to impact the revenues of State Government. The proposal simply updates Series 16 of Title 36 of the Code of State Rules to reflect proper citations to the West Virginia Code, the proper names of certain State agencies, and the current citation and numbering formats pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18. The proposal also adds clarifying language to W. Va. Code R. § 36-16-4.2 and moves the provision governing load locking valves from W. Va. Code R. § 36-18-7 to W. Va. Code R. § 36-16-5. But changes are made for the sake of clarification and easy of comprehension and are not intended to alter the substantive requirements of the Series.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

The proposed legislative-exempt rule is not anticipated to economically impact the State or its residents. The proposal simply updates Series 16 of Title 36 of the Code of State Rules to reflect proper citations to the West Virginia Code, the proper names of certain State agencies, and the current citation and numbering formats pursuant to the regulatory review and reform initiatives established in West Virginia Code § 29A-3-20 (2016) and Executive Order No. 3-18. The proposal also adds clarifying language to W. Va. Code R. § 36-16-4.2 and moves the provision governing load locking valves from W. Va. Code R. § 36-18-7 to W. Va. Code R. § 36-16-5. But changes are made for the sake of clarification and easy of comprehension and are not intended to alter the substantive requirements of the Series.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs and Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

The proposed legislative-exempt rule is not anticipated to have a fiscal impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 36
LEGISLATIVE RULE
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 16
RULES AND REGULATIONS GOVERNING THE BLOCKING
OF EQUIPMENT PRIOR TO PERFORMING WORKING ON SUCH EQUIPMENT

§36-16-1. General.

1.1. Scope. -- Rules and regulations governing the blocking of equipment prior to performing work on such equipment.

1.2. Authority. -- W. Va. Code ~~22-6-4~~ §22A-6-4.

1.3. Filing Date. -- ~~January 6, 1982~~.

1.4. Effective Date. -- ~~February 15, 1982~~.

§36-16-2. Effect Of Regulations.

2.1. ~~These rules and regulations~~ This Series 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 one A, Chapter twenty-two A of the Code~~ W. Va. Code §22A-1-1 et seq. relative to enforcement are applicable to the enforcement of ~~these rules and regulations~~ this Series.

§36-16-3. Definitions.

All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in ~~Section one, Article one A, Chapter twenty-two A of the Code~~ W. Va. Code § 22A-1-2.

§36-16-4. Performing Work From A Raised Position: Safeguards.

4.1. Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

4.2. No work shall be performed under machinery or equipment that has been raised until such machinery or equipment has been securely blocked ~~in position~~ against movement.

§36-16-5. Load Locking Valves.

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