



*State of West Virginia*  
DEPARTMENT OF COMMERCE

FILED

2020 AUG 13 P 2:31

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

August 7, 2020

The Honorable Mac Warner  
Secretary of State  
State Capital Complex  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25301

Secretary Warner:

RE: Repeal of Series 21, 28, 32, 37, 39, 54, and 55 of Title 36; and Series 6 of Title 48 of the Code of State Rules

The Board of Coal Mine Health and Safety (hereinafter, the "Board") organized under the West Virginia Department of Commerce has voted to authorize the repeal of **SERIES 21, 28, 32, 37, 39, 54, 55 OF TITLE 36 AND SERIES 6 OF TITLE 48 OF THE CODE OF STATE RULES** pursuant to the regulatory review and reform initiatives established in West Virginia Code §29A-3-20 (2016) and Executive Order No. 3-18. The Board has determined that Series 21, 28, 32, 37, 39, 54, 55 of Title 36 and Series 6 of Title 48 of the Code of State Rules are outmoded, unnecessary and duplicative of the West Virginia Code.

W. Va. 36 CSR 21: Rules and Regulations Governing Instruction of Employees and Supervision of Apprentices; Annual Examination of Persons Using Flame Safety Lamps; Records of Examination; Maintenance of Methane Detectors; effective May 4, 2010; repeal effective September 15, 2020.

W. Va. 36 CSR 28: Rules and Regulations Governing Coal and Rock Outbursts; effective July 1, 1984; repeal effective September 15, 2020.

W. Va. 36 CSR 32: Rules and Regulations Governing Housekeeping Practices in Underground Mines and Surface Areas of Underground Mines; effective July 1, 1984; repeal effective September 15, 2020.

W. Va. 36 CSR 37: Rules and Regulations Governing Rulemaking Procedures for the Board of Coal Mine Health and Safety; effective February 21, 1987; repeal effective September 15, 2020.

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W. Va. 36 CSR 39: Rules and Regulations Governing Car Dropping; effective April 11, 1988; repeal effective September 15, 2020.

W. Va. 36 CSR 54: Rules and Regulations Governing Machine Mounted Methane Monitors in Underground Coal Mines; effective November 1, 2013; repeal effective September 15, 2020.

W. Va. 36 CSR 55: Rules and Regulations Governing the Reporting of Failed Substance Abuse Pre-Employment Screenings and Tests and Approval of Rehabilitation Programs by the Board of Appeals; effective July 1, 2013; repeal effective September 15, 2020.

W. Va. 48 CSR 6: Rules and Regulations Governing Certification of Surface Mine Foreman; effective May 4, 2010; repeal effective September 15, 2020.

As the Cabinet Secretary with the authority to grant or withhold consent to this repeal (W. Va. Code § 5F-2-2(a)(13)), I respectfully request that the repeal of these series be effected on **September 15, 2020** pursuant to W. Va. Code R. § 153-1-5.17.

Please let me know if you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Edward Gaunch", written in a cursive style.

C. Edward Gaunch  
Cabinet Secretary

CEG/JMR:tw