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*State of West Virginia*  
DEPARTMENT OF COMMERCE

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

March 24, 2021

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

Dear Secretary Warner:

RE: Repeal of Series 2, 3, 9, 29, 30, 31, 33, 34, 35, 36, 40 and 45 of Title 36 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 2, 3, 9, 29, 30, 31, 33, 34, 35, 36, 40 AND 45 OF TITLE 36 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 2, 3, 9, 29, 30, 31, 33, 34, 35, 36, 40 and 45 of Title 36 of the Code of State Rules are outmoded, unnecessary and duplicative of the West Virginia Code.

W. Va. 36 CSR 2: Rules and Regulations Governing Emergency Communications Requirements for Shaft and/or Slope Operations and Arrangements for Emergency Medical Assistance and Transporting for Injured Persons; Reporting Requirements Posting Requirements at Shaft and/or Slope Operations; effective January 24, 2017; repeal effective April 1, 2021.

W. Va. 36 CSR 3: Rules and Regulations Governing the Certification and Statutory Duties of Shaft and/or Slope Superintendent-Examiner-Foreman and Examiner-Foreman; effective September 4, 1978; repeal effective April 1, 2021.

W. Va. 36 CSR 9: Electrical Provisions in Shaft and/or Slope Construction Operations; effective May 4, 2010; repeal effective April 1, 2021.

W. Va. 36 CSR 29: Rules and Regulations Governing Coupling and Uncoupling of Mine Cars; effective July 1, 1984; repeal effective April 1, 2021.

W. Va. 36 CSR 30: Rules and Regulations Governing Operation of Section Haulage Equipment; effective December 1, 1984; repeal effective April 1, 2021.

W. Va. 36 CSR 31: Rules and Regulations Governing Prevention of Injuries Due to Handling Materials; effective July 1, 1984; repeal effective April 1, 2021.

W. Va. 36 CSR 33: Underground Mine Car Loading Points; effective April 11, 1988; repeal effective April 1, 2021.

W. Va. 36 CSR 34: Underground Mining Equipment to Conform with Height of Seam; effective August 30, 1985; repeal effective April 1, 2021.

W. Va. 36 CSR 35: Rules and Regulations Governing Auger-Type Continuous Mining Machines; effective November 14, 1986; repeal effective April 1, 2021.

W. Va. 36 CSR 36: Rules and Regulations Governing Trolley Pole Swing Limiters; effective August 10, 1987; repeal effective April 1, 2021.

W. Va. 36 CSR 40: The Use of Lifting Jacks; effective July 1, 1988; repeal effective April 1, 2021.

W. Va. 36 CSR 45: Rules and Regulations Governing the Use of a Solid Tow-Bar to Transport Disabled Underground Mining Equipment; effective January 27, 1992; repeal effective April 1, 2021.

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 **April 1, 2021**, pursuant to W. Va. Code R. § 153-1-5.17.

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

Sincerely,



C. Edward Gaunch  
Cabinet Secretary