



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-11
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes
RULE NAME: 56-11 Rule Governing First-Aid Training of Shaft and Slope Employees

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §§22A-1-6 and 22A-7-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The statutory authority for this rule is W. Va. Code §§22A-1-6 and 22A-7-6, which provide the Director of the Office of Miners Health, Safety and Training with authority to promulgate general legislative rules and specifically rules related to training, which includes first-aid training.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 5/7/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/7/2021

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Office of Miners' Health, Safety and Training website.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The first-aid training requirement for shaft and slope employees has been moved to 36 CSR §1-33, which went into effect on March 27, 2021. Since the first-aid training requirements for shaft and slope employees is now contained in 36 CSR §1-33, 56 CSR §11 should be repealed.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The first-aid training requirements for shaft and slope employees is now contained in 36 CSR §1-33, which was effective March 27, 2021. 56 CSR §11 should be repealed.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No economic impact on revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

No economic impact on special revenue accounts.

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

No economic impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.0	0.0	0.0
Personal Services	0.0	0.0	0.0
Current Expenses	0.0	0.0	0.0
Repairs and Alterations	0.0	0.0	0.0
Assets	0.0	0.0	0.0
Other	0.0	0.0	0.0
2. Estimated Total Revenues	0.0	0.0	0.0

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

N/A

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

Yes

Jack M Rife -- 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 56
LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

SERIES 11
RULE GOVERNING FIRST-AID TRAINING
OF SHAFT AND SLOPE EMPLOYEES

~~§56-11-1. General:~~

- ~~1.1. Scope. -- This rule governs first-aid training for shaft and slope employees.~~
- ~~1.2. Authority. -- W. Va. Code §22A-7-8.~~
- ~~1.3. Filing Date. -- April 22, 1994~~
- ~~1.4. Effective Date. -- May 1, 1994~~
- ~~1.5. Applicability. -- This rule applies to all mine shaft and slope construction and operation sites.~~

~~§56-11-2. Effect of Law and Rule:~~

- ~~2.1. This rule has the effect of law and violations are a violation of law and so cited with the same effect as law.~~

~~§56-11-3. First-Aid Training of Shaft and/or Slope Employees:~~

- ~~3.1. Each employer at a shaft and slope site shall provide every new employee within six (6) months of the date of hire with the opportunity for first-aid training as prescribed by the Director of the Office of Miners' Health, Safety and Training, unless the employee has previously received such training. Each employee is required to take a refresher first-aid training of not less than five (5) hours within each twenty-four (24) months of employment. The employee shall be paid regular wages, and overtime pay if applicable, for all periods of first-aid training.~~