



State of West Virginia

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

March 16, 2022

The Honorable Mac Warner
Secretary of State
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305

RE: West Virginia Office of Miners' Health, Safety and Training
Termination of the April 7, 2020 Suspension of W. Va. Code R. § 56-19-5.4 and 5.5

Dear Secretary Warner:

By letter dated April 7, 2020, the West Virginia Office of Miners' Health, Safety and Training (WVOMHST) suspended certain requirements in W. Va. Code Rule § 56-19 pertaining to the pre-employment and random breath tests for alcohol for coal miners while still allowing coal operators/employers to conduct breath tests for alcohol when there is reasonable suspicion to suspect a coal miner has been drinking alcohol and/or after a serious accident has occurred at a mine. West Virginia Code R. § 56-19-5.4 and 5.5 were thus suspended in their entirety while the rule suspension time period existed pursuant to Executive Order 9-20 dated March 23, 2020.

The current risks of transmitting the Covid-19 virus and serious illness through pre-employment and random breath alcohol tests have diminished. These health risks no longer outweigh the ongoing safety concerns and risks to miners due to coal operators/employers not conducting pre-employment and random breath alcohol tests of certified persons under W. Va. Code Rule § 56-19. WVOMHST finds that the suspension of W. Va. Code R. § 56-19-5.4 and 5.5 are no longer warranted.

WVOMHST therefore is terminating the April 7, 2020 suspension of W. Va. Code R. § 56-19-5.4 and 5.5. West Virginia Code Rule § 56-19 is in full force and effect as to each and every section of the rule.

Thank you for your time and attention to this matter.

Very truly yours,

Eugene White
Eugene White, Director