



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

Joel L. Watts, Administrator ▪ Phone 304-957-2306 ▪ Fax 304-558-1224

1900 Kanawha Blvd. E. ▪ Capitol Complex Building #3, Suite 824 ▪ Charleston, West Virginia 25305-0027

To Whom it May Concern:

During the 2016 legislature, SB619 was passed requiring all executive agencies with rule making authority to review and determine if their rules, regulations, policies, and guidelines are more stringent than the federal counterpart. Further, as part of this review process, a comment period was to be requested, with comments solicited from the stakeholders.

The Board of Coal Mine Health and Safety has undertaken this charge and as such, now turns to the stakeholders.

The Board now requests any and all comments related to the attached rules under Title 36. You will note that some rules have no federal counterpart. Others have portions that have no federal counterparts. We invite all comments, notes, and highlights as to what rules, parts of rules, or portions of rules are likely to be seen as more stringent than the federal counterparts.

The community period will close on 22 September 2017. A public board meeting will be held on 25 September 2017 at the Holiday Inn at Southridge at 9am. At that time, we will examine the comments. All comments will be included in our report to the legislature.

Please send all comments to:

Joel L. Watts
Health and Safety Administrator
Bldg 3, Ste 824
1900 Kanawha Blvd
Charleston, WV 25305

You may also email them to me at joel.l.watts@wv.gov or fax them to 304.558.1224.

Thank you,

Joel L. Watts
Health and Safety Administrator
Board of Coal Mine Health and Safety

TITLE 36, SERIES 1 — APPROVALS AND PERMITS, EXPLOSIVES AND VENTILATION FOR THE CONSTRUCTION OF SHAFT AND/OR SLOPE OPERATIONS

TITLE 36, SERIES 2 — 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

TITLE 36, SERIES 3- CERTIFICATION AND STATUTORY DUTIES OF SHAFT AND/OR SLOPE SUPERINTENDENT EXAMINER-FOREMAN AND EXAMINER-FOREMAN

TITLE 36, SERIES 4- MOVEMENT OF MINING EQUIPMENT WITHIN COAL MINES IN THE STATE OF WEST VIRGINIA

TITLE 36, SERIES 5- TELEPHONE SERVICE OR COMMUNICATION FACILITIES

TITLE 36, SERIES 6-LONGWALL MINING

TITLE 36, SERIES 7 -SHORTWALL MINING

TITLE 36, SERIES 8 -THE RIGHT OF A MINER TO REFUSE TO OPERATE ALLEGED UNSAFE EQUIPMENT

TITLE 36, SERIES 9- ELECTRICAL PROVISIONS IN SHAFT AND/OR SLOPE CONSTRUCTION OPERATIONS

TITLE 36, SERIES 10 -ROOF CONTROL

TITLE 36, SERIES 11 -WHEN UNDERGROUND MINE FOREMAN-FIRE BOSS REQUIRED; ASSISTANTS; CERTIFICATION; REOPENING OF ABANDONED MINES AND DEENERGIZATION OF SELF-PROPELLED ELECTRIC COAL FEEDERS; PERFORMANCE REQUIREMENTS

TITLE 36, SERIES 12 -ELECTRICAL PROVISIONS FOR UNDERGROUND MINING

TITLE 36, SERIES 13 -AUTHORITY, ACCOUNTABILITY AND RESPONSIBILITY OF UNDERGROUND MINE FOREMAN; RESPONSIBILITY OF OPERATOR IN RELATION TO MINE FOREMAN; AND REGULATORY REVIEW PROCEDURES

TITLE 36, SERIES 14- ELECTRICAL EQUIPMENT IN MINES; REQUIRED EXAMINATIONS

TITLE 36, SERIES 15- VENTILATION BY USE OF MECHANICALLY OPERATED FANS

TITLE 36, SERIES 16 -THE BLOCKING OF EQUIPMENT PRIOR TO PERFORMING WORK ON SUCH EQUIPMENT

TITLE 36, SERIES 17- UNUSED AND ABANDONED PARTS OF MINE

TITLE 36, SERIES 18 -RESPONSIBILITY FOR CARE AND MAINTENANCE OF EQUIPMENT

TITLE 36, SERIES 19 -WRITTEN REPORTS OF ACCIDENTS

TITLE 36, SERIES 20- INDEPENDENT CONTRACTORS

TITLE 36, SERIES 21- INSTRUCTION OF EMPLOYEES AND SUPERVISION OF APPRENTICES; ANNUAL EXAMINATION OF PERSONS USING FLAME SAFETY LAMPS; RECORDS OF EXAMINATION; MAINTENANCE OF METHANE DETECTORS

TITLE 36, SERIES 22 -NO ACT PERMITTED ENDANGERING SECURITY OF MINE; SEARCH FOR INTOXICANTS, MATCHES, ETC

TITLE 36, SERIES 23- SURFACE CONSTRUCTION OPERATIONS WITHIN COAL MINING INDUSTRY

TITLE 36, SERIES 24- RECORD KEEPING OF ALL CERTIFIED PERSONS EMPLOYED IN ALL MINES

TITLE 36, SERIES 25 -OPERATION OF TRACK HAULAGE LOCOMOTIVES

TITLE 36, SERIES 26- CONSTRUCTION AND REHABILITATION OPERATIONS IN UNDERGROUND MINES

TITLE 36, SERIES 27 -SURFACE AREAS ON MINE PROPERTY AND LIMITATIONS ON MINING ADJACENT TO GAS FACILITIES

TITLE 36, SERIES 28- COAL AND ROCK OUTBURSTS

TITLE 36, SERIES 29 -COUPLING AND UNCOUPLING OF MINE CARS

TITLE 36, SERIES 30 -OPERATION OF SECTION HAULAGE EQUIPMENT

TITLE 36, SERIES 31- PREVENTION OF INJURIES DUE TO HANDLING MATERIALS

TITLE 36, SERIES 32- HOUSEKEEPING PRACTICES IN UNDERGROUND MINES AND SURFACE AREAS OF UNDERGROUND MINES

TITLE 36, SERIES 33 -UNDERGROUND MINE CAR LOADING POINT

TITLE 36, SERIES 34- UNDERGROUND MINING EQUIPMENT TO CONFORM WITH HEIGHT OF SEAM

TITLE 36, SERIES 35- AUGER-TYPE CONTINUOUS MINING MACHINES

TITLE 36, SERIES 36 -TROLLEY POLE SWING LIMITERS

TITLE 36, SERIES 37- RULEMAKING PROCEDURES FOR THE BOARD OF COAL MINE HEALTH AND SAFETY

TITLE 36, SERIES 38- PERSONAL PROTECTIVE EQUIPMENT.

TITLE 36, SERIES 39 -CAR DROPPING

TITLE 36, SERIES 40 -THE USE OF LIFTING JACKS

TITLE 36, SERIES 41-SHEATHED EXPLOSIVE UNITS.

TITLE 36, SERIES 42- SEALING PERMANENTLY CLOSED OR ABANDONED MINES

TITLE 36, SERIES 43 -REMOTE CONTROLLED EXTENDED OR DEEP-CUT MINING OPERATIONS

TITLE 36, SERIES 44 -MINE RESCUE REQUIREMENTS FOR THE OFFICE OF MINERS' HEALTH, SAFETY & TRAINING

TITLE 36, SERIES 45- USE OF A SOLID TRIANGULAR TOW BAR TO TRANSPORT DISABLED UNDERGROUND RUBBER-TIRED MINING EQUIPMENT

TITLE 36, SERIES 46- SAFETY OF PERSONS EMPLOYED IN AND AROUND RIVER LOADOUTS

TITLE 36, SERIES 47- HIGH VOLTAGE LONGWALLS

TITLE 36, SERIES 48 -HIGH VOLTAGE CONTINUOUS MINERS

TITLE 36, SERIES 53- HOISTING MACHINERY; TELEPHONES; SAFETY DEVICES; HOISTING ENGINEERS AND DRUM RUNNERS IN UNDERGROUND COAL MINES

TITLE 36, SERIES 54 -MACHINE MOUNTED METHANE MONITORS IN UNDERGROUND COAL MINES

TITLE 36, SERIES 55 -REPORTING OF FAILED SUBSTANCE ABUSE PRE-EMPLOYMENT SCREENINGS AND TESTS AND APPROVAL OF REHABILITATION PROGRAMS BY THE BOARD OF APPEALS

TITLE 36, SERIES 56- ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTATION FOR INJURED PERSONS

TITLE 36, SERIES 57 -PROXIMITY DETECTION SYSTEMS AND HAULAGE SAFETY GENERALLY

TITLE 36, SERIES 58-IMPOUNDMENT SAFETY PROCEDURES