



State of West Virginia

WV Office of Miners' Health, Safety & Training
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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, Director