



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-59
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
Exempt
RULE NAME: Supervision of Underground Apprentices in Areas
Other than the Working Section

CITE STATUTORY AUTHORITY: W. Va. Code 22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2023 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Kevin Kidd
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Charleston, WV 25305
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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule pertains to the supervision of apprentices in underground coal mines in locations other than the working section operating in West Virginia.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Rule sets forth supervision requirements and practices.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

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

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

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

No fiscal impact.

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

Yes

Graham Platz -- 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.

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TITLE 36
LEGISLATIVE EXEMPT RULE
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 59
SUPERVISION OF UNDERGROUND APPRENTICES IN AREAS OTHER THAN THE WORKING
SECTION

§36-59-1. General.

- 1.1. Scope. -- This rule pertains to the supervision of apprentices in underground coal mines in locations other than the working section operating in West Virginia.
- 1.2. Authority. -- W. Va. Code §§22A-6-4 and 22A-6-5.
- 1.3. Filing File Date. --
- 1.4. Effective Date. --

§36-59-2. Definitions.

- 2.1. Apprentice -- Apprentice shall mean the holder of a permit of apprenticeship issued by the Director.
- 2.2. Director. -- Director shall mean the Director of the Office of Miner's Health, Safety, and Training or the Director's authorized representative.
- 2.3. Working section -- The term "working section" means all areas of the coal mine from the loading point of the section to and including the working faces.

§36-59-3. Supervision of apprentices

3.1. As stated in §22A-8-5 on the working section:

- 3.1.1. Any miner holding a certificate of competency and qualification (experienced miner) may have one (1) person working with him or her, and under his or her supervision and direction, as an apprentice, for the purpose of learning and being instructed in the duties and calling of mining.
- 3.1.2. Any mine foreman or fire boss, or assistant mine foreman or fire boss, may have three (3) persons working with him or her under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining:

3.2. In areas other than the working section:

- 3.2.1. Any miner holding a certificate of competency and qualification having a minimum of two (2) years total mining experience may have two (2) persons working with him or her, and under his or her supervision and direction, as an apprentice, for the purpose of learning and being instructed in the duties and calling of mining.
- 3.2.2. That a mine foreman, assistant mine foreman, or fire boss supervising apprentices in an area where no coal is being produced or which is outby the working section may have as many as five (5)

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apprentices under his or her supervision and direction, as apprentices, for the purpose of learning and being instructed in the duties and calling of mining or where the operator is using a production section under program for training of apprentice miners, approved by the Board of Coal Mine Health and Safety.