



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-59

RULE TYPE: Legislative Exempt Amendment to Existing Rule: No Repeal of existing rule: No

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

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

October 11, 2023

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.

**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 Date. -- September 11, 2023.
- 1.4. Effective Date. -- October 11, 2023.

§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) 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.