



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

1/11/2021 11:39 AM

Office of West Virginia  
Secretary Of State

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

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-13

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

RULE NAME: Regulatory Review Procedures

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:

February 11, 2021

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

**Yes**

**Jack M Rife -- 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.**

36CSR13

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

SERIES 13  
REGULATORY REVIEW PROCEDURES

**§36-13-1. General.**

- 1.1. Scope. -- Rule governing regulatory review procedures.
- 1.2. Authority. -- W. Va. Code §§22A-6-4 and 22A-6-5.
- 1.3. Filing Date. -- January 11, 2021.
- 1.4. Effective Date. -- February 11, 2021.

**§36-13-2. Effect of Regulations.**

2.1. This Series shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of W. Va. Code §22A-1-1 *et seq.*, relative to enforcement are applicable to the enforcement of this Series.

**§36-13-3. Definitions.**

3.1. All terms used in this Series, not defined herein, shall have the meanings set forth in W. Va. Code §22A-1-2.

**§36-13-4. Regulatory Review Procedures.**

4.1. The Director of the Office of Miners' Health, Safety and Training shall provide each operator and the mine foreman at each mine site with a copy of newly promulgated regulations and changes to regulations, as soon as practicable but no later than fourteen (14) days after the date on which the regulations become effective. The Director shall also provide each operator and the mine foreman at each mine site with a copy of all relevant State court decisions, and interpretations of regulations by the Director, as soon as practicable but no later than thirty (30) days after the date such material is issued. The Director will identify those persons with whom the material is to be reviewed at the mine site.