



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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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: 36-41

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

RULE NAME: Rule Governing Additional Requirements for Sheathed Explosive Units

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.**

36CSR41

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

SERIES 41  
RULE GOVERNING ADDITIONAL  
REQUIREMENTS FOR SHEATHED EXPLOSIVE UNITS

**§36-41-1. General.**

1.1. Scope. -- Rule Governing The Use Of Sheath Explosive Units For Underground Coal Mining in the State of West Virginia in Addition to the Requirements of W. Va. Code §§22A-2-29 through 22A-2-34.

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.

1.5. Effect of Regulations. -- This rule 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 rule.

**§36-41-2. Definitions.**

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

**§36-41-3. Requirements for the Use of Sheathed Explosives in Underground Mining.**

3.1. Notwithstanding W. Va. Code §22A-2-33(d), sheathed explosives that are approved by the Mine Safety and Health Administration shall be permitted for use in West Virginia coal mines, provided however, that they are used in accordance with Sections 3.2. through 3.8. as stated herein.

3.2. Sheathed explosives units shall be primed and placed in a position for firing and detonated by a certified shot firer designated by mine management. To prime a sheathed explosive unit, the entire detonator shall be inserted into the well of the unit and be held securely in place.

3.3. A separate instantaneous detonator shall be used to fire each sheathed explosive unit.

3.4. Use, transportation, handling and storage of sheathed explosives shall be in accordance with the manufacturer's specifications and applicable state and federal law.

3.5. Sheathed explosive units shall not be primed until immediately before units are placed where they are to be fired. A sheathed explosive unit shall not be primed if it is damaged or deteriorated.

3.6. No more than three sheathed explosive units shall be fired at one time.

3.7. No sheathed explosive unit shall be fired in contact with another sheathed explosive unit.

**36CSR41**

3.8. Certified shot firers and all persons responsible for the use, transportation and handling of sheathed blasting explosives shall be trained in the care and use of sheathed explosives.