



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1900 Kanawha Blvd. East, Suite 824, Bldg. 3. ☐ Charleston, WV 25311 ☐ Telephone 304-957.2306 ☐ Fax 304-558-1412

1 November 2017

Members of the Legislature of the State of West Virginia,

The Board has completed the review as required by SB619 (2016). Included in this report are the comments received on Title 36. The rules below are those with direct Federal counterparts and are deemed equal to or more stringent than Federal law.

The Board is mandated by the legislative body to:

22A-6-4(a): The board shall adopt as standard rules the "coal mine health and safety provisions of this chapter". Such standard rules and any other rules shall be adopted by the board without regard to the provisions of chapter twenty-nine-a of this code. The Board of Coal Mine Health and Safety shall devote its time toward promulgating rules in those areas specifically directed by this chapter and those necessary to prevent fatal accidents and injuries.

And

22A-6-4(b)2: No rules promulgated by the board shall reduce or compromise the level of safety or protection afforded miners below the level of safety or protection afforded by this chapter.

Accordingly, the report includes the following rules that equal to or are more stringent as viewed by this body. Additionally, the Board is committed to continuing the review and to make necessary edits by 1 July 2020, as dictated by SB619 (2016).

This report was adopted at the 25 October 2017 meeting of the Board of Coal Mine Health and Safety.

Joel L. Watts
Health and Safety Administrator
Board of Coal Mine Health and Safety.

TITLE 36, SERIES 1 — APPROVALS AND PERMITS, EXPLOSIVES AND VENTILATION FOR THE CONSTRUCTION OF SHAFT AND/OR SLOPE OPERATIONS

TITLE 36, SERIES 2 — EMERGENCY COMMUNICATIONS REQUIREMENTS FOR SHAFT AND/OR SLOPE OPERATIONS AND ARRANGEMENTS FOR EMERGENCY MEDICAL ASSISTANCE AND TRANSPORTING FOR INJURED PERSONS; REPORTING REQUIREMENTS; POSTING REQUIREMENTS AT SHAFT AND/OR SLOPE OPERATIONS

TITLE 36, SERIES 3- CERTIFICATION AND STATUTORY DUTIES OF SHAFT AND/OR SLOPE SUPERINTENDENT EXAMINER-FOREMAN AND EXAMINER-FOREMAN

TITLE 36, SERIES 4- MOVEMENT OF MINING EQUIPMENT WITHIN COAL MINES IN THE STATE OF WEST VIRGINIA

TITLE 36, SERIES 5- TELEPHONE SERVICE OR COMMUNICATION FACILITIES

TITLE 36, SERIES 6-LONGWALL MINING

TITLE 36, SERIES 7 -SHORTWALL MINING

TITLE 36, SERIES 8 -THE RIGHT OF A MINER TO REFUSE TO OPERATE ALLEGED UNSAFE EQUIPMENT

TITLE 36, SERIES 9- ELECTRICAL PROVISIONS IN SHAFT AND/OR SLOPE CONSTRUCTION OPERATIONS

TITLE 36, SERIES 10 -ROOF CONTROL

TITLE 36, SERIES 11 -WHEN UNDERGROUND MINE FOREMAN-FIRE BOSS REQUIRED; ASSISTANTS; CERTIFICATION; REOPENING OF ABANDONED MINES AND DEENERGIZATION OF SELF-PROPELLED ELECTRIC COAL FEEDERS; PERFORMANCE REQUIREMENTS

TITLE 36, SERIES 12 -ELECTRICAL PROVISIONS FOR UNDERGROUND MINING

TITLE 36, SERIES 14- ELECTRICAL EQUIPMENT IN MINES; REQUIRED EXAMINATIONS

TITLE 36, SERIES 15- VENTILATION BY USE OF MECHANICALLY OPERATED FANS

TITLE 36, SERIES 17- UNUSED AND ABANDONED PARTS OF MINE

TITLE 36, SERIES 19 -WRITTEN REPORTS OF ACCIDENTS

TITLE 36, SERIES 21- INSTRUCTION OF EMPLOYEES AND SUPERVISION OF APPRENTICES; ANNUAL EXAMINATION OF PERSONS USING FLAME SAFETY LAMPS; RECORDS OF EXAMINATION; MAINTENANCE OF METHANE DETECTORS

TITLE 36, SERIES 22 -NO ACT PERMITTED ENDANGERING SECURITY OF MINE; SEARCH FOR INTOXICANTS, MATCHES, ETC

TITLE 36, SERIES 23- SURFACE CONSTRUCTION OPERATIONS WITHIN COAL MINING INDUSTRY

TITLE 36, SERIES 24- RECORD KEEPING OF ALL CERTIFIED PERSONS EMPLOYED IN ALL MINES

TITLE 36, SERIES 26- CONSTRUCTION AND REHABILITATION OPERATIONS IN UNDERGROUND MINES

TITLE 36, SERIES 27 -SURFACE AREAS ON MINE PROPERTY AND LIMITATIONS ON MINING ADJACENT TO GAS FACILITIES

TITLE 36, SERIES 28- COAL AND ROCK OUTBURSTS

TITLE 36, SERIES 29 -COUPLING AND UNCOUPLING OF MINE CARS

TITLE 36, SERIES 30 -OPERATION OF SECTION HAULAGE EQUIPMENT

TITLE 36, SERIES 33 -UNDERGROUND MINE CAR LOADING POINT

TITLE 36, SERIES 35- AUGER-TYPE CONTINUOUS MINING MACHINES

TITLE 36, SERIES 38- PERSONAL PROTECTIVE EQUIPMENT.

TITLE 36, SERIES 39 -CAR DROPPING

TITLE 36, SERIES 41-SHEATHED EXPLOSIVE UNITS.

TITLE 36, SERIES 45- USE OF A SOLID TRIANGULAR TOW BAR TO TRANSPORT DISABLED UNDERGROUND RUBBER-TIRED MINING EQUIPMENT

TITLE 36, SERIES 46- SAFETY OF PERSONS EMPLOYED IN AND AROUND RIVER LOADOUTS

TITLE 36, SERIES 47- HIGH VOLTAGE LONGWALLS

TITLE 36, SERIES 48 -HIGH VOLTAGE CONTINUOUS MINERS

TITLE 36, SERIES 53- HOISTING MACHINERY; TELEPHONES; SAFETY DEVICES; HOISTING ENGINEERS AND DRUM RUNNERS IN UNDERGROUND COAL MINES

TITLE 36, SERIES 54 -MACHINE MOUNTED METHANE MONITORS IN UNDERGROUND COAL MINES

TITLE 36, SERIES 57 -PROXIMITY DETECTION SYSTEMS AND HAULAGE SAFETY GENERALLY