



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: Miners Health Safety And Training TITLE-SERIES: 56-11
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes
RULE NAME: Rule Governing First-Aid Training of Shaft and Slope Employees
CITE STATUTORY AUTHORITY: W. Va. Code §§22A-1-6 and 22A-7-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/07/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Eugene White, Director
ADDRESS: Office of Miners' Health, Safety and Training
7 Players Club Dr., Suite 2, Charleston, WV 25311
EMAIL: eugene.e.white@wv.gov

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:

The first-aid training requirement for shaft and slope employees has been moved to 36 CSR §1-33, which went into effect on March 27, 2021. Since the first-aid training requirements for shaft and slope employees is now contained in 36 CSR §1-33, 56 CSR §11 should be repealed.

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

The first-aid training requirements for shaft and slope employees is now contained in 36 CSR §1-33, which was effective March 27, 2021. 56 CSR §11 should be repealed.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No economic impact on revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

No economic impact on special revenue accounts.

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

No economic impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.0	0.0	0.0
Personal Services	0.0	0.0	0.0
Current Expenses	0.0	0.0	0.0
Repairs and Alterations	0.0	0.0	0.0
Assets	0.0	0.0	0.0
Other	0.0	0.0	0.0
2. Estimated Total Revenues	0.0	0.0	0.0

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

N/A

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.

56CSR11

TITLE 56
LEGISLATIVE RULE
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

SERIES 11
RULE GOVERNING FIRST-AID TRAINING
OF SHAFT AND SLOPE EMPLOYEES

~~§56-11-1. General:~~

- ~~1.1. Scope. -- This rule governs first-aid training for shaft and slope employees.~~
- ~~1.2. Authority. -- W. Va. Code §22A-7-8.~~
- ~~1.3. Filing Date. -- April 22, 1994~~
- ~~1.4. Effective Date. -- May 1, 1994~~
- ~~1.5. Applicability. -- This rule applies to all mine shaft and slope construction and operation sites.~~

~~§56-11-2. Effect of Law and Rule:~~

- ~~2.1. This rule has the effect of law and violations are a violation of law and so cited with the same effect as law.~~

~~§56-11-3. First-Aid Training of Shaft and/or Slope Employees:~~

- ~~3.1. Each employer at a shaft and slope site shall provide every new employee within six (6) months of the date of hire with the opportunity for first-aid training as prescribed by the Director of the Office of Miners' Health, Safety and Training, unless the employee has previously received such training. Each employee is required to take a refresher first-aid training of not less than five (5) hours within each twenty-four (24) months of employment. The employee shall be paid regular wages, and overtime pay if applicable, for all periods of first-aid training.~~