



State of West Virginia

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MEMORANDUM

DATE: April 28, 2017

S.B. 134 is the bundled rules bill for the Department of Commerce. As it relates to coal mining, this bill does two things:

- (1) It authorizes the final filing of the EMT-M rule (56 CSR 22). The EMT-M rule has been in effect, as an emergency rule, since last summer and will continue to be in effect after the after the West Virginia Office of Miners' Health, safety and Training (WVOMHST) final files the rule.
- (2) The bill directs the Board of Coal Mine Health and Safety (Board) to promulgate its rule (filed on July 1, 2014 relating to proximity detection systems and haulage safety generally – 36 CSR 57) amending subsection 4.3 to remove the July 1, 2017 date, for which all place change continuous miners in operation shall be refitted with a proximity detection system, and insert the following language "the timeframe set forth in the federal rule relating to proximity detection systems." WVOMHST interprets the language in the bill to mean that until the Board does as the Legislature directed and promulgates the rule with the legislature's amendment, the date by which all place change continuous miners must be refitted remains July 1, 2017.

S.B. 687 generally relates to two topics. Changes to the Department of Environmental Protection statutes (WVOMHST will not address those changes) and changes to Chapter 22A which WVOMHST will address:

- (1) Amends WV Code §22A-2-59 to require all underground coal mines, preparation plants and all other entities covered under WV Code §22A-2-59 in this state to include as part of each first aid box an automated external defibrillator (AED). Since S.B. 687 is "in effect from passage," the law requires all underground mines to have the AED now. This requires all underground coal mines, preparation plants and entities covered under WV Code §22A-2-59 to take immediate action to purchase an AED and train all employees to use an AED.
- (2) Directs the Director of WVOMHST to review the diesel rules currently found at 196 CSR 1 to make nine specified changes. The Legislature gave the Director until August 31, 2017 to revise the rule. WVOMHST intends to file this rule as an emergency in either May or June, 2017. If the Secretary of State (SOS) approves the rule as an emergency, those changes will go in effect on the day the SOS approves the rule as an emergency. If the SOS does not approve the rule as an emergency, those changes will go into effect sometime after the 2018 Legislative Session.
- (3) Abolishes the Board of Miner Training, Education and Certification, the Mine Inspectors' Examining Board, and the Mine Safety Technology Task Force and transfers those Boards' powers and duties to the Board of Coal Mine Health and Safety. This change occurs July 1, 2017.
- (4) Extends the terms of the Board members on the Board of Coal Mine Health and Safety to June 30, 2020.