

**PURSUANT TO SENATE BILL 619 (2016 LEGISLATIVE SESSION)  
THE OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING  
REQUESTS PUBLIC COMMENTS ON ITS  
REVIEW AND EVALUATION OF STATE RULES  
VERSUS THEIR FEDERAL COUNTERPARTS**

**PLEASE SUBMIT WRITTEN COMMENTS TO:**

**WILLIAM A. TUCKER, ADMINISTRATOR**

**WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING**

**7 PLAYERS CLUB DRIVE, SUITE 2**

**CHARLESTON, WV 25311**

**OR BY E-MAIL TO:**

**WILLIAM A. TUCKER@WV.GOV**

**COMMENTS MUST BE RECEIVED NO LATER THAN 4:00 P.M. ON SEPTEMBER 29, 2017.**

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WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
<b>Title 37, Series 1 -- Procedures and Practice Before the Board of Appeals</b>						
37-1-1.6	29 CFR 2700.4	Parties			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.7	29 CFR 2700.4	Intervention			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.8	29 CFR 2700.5&6	Form of Documents			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.9	29 CFR 2700.5&6	Filing and Service of Documents	X			<b>Differences:</b> West Virginia Office of Miners' Health, Safety and Training (hereafter "WVOMHST") only allows filing by personal delivery or US mail. Mine Safety and Health Administration (hereafter "MSHA") also allows fax filing and electronic filing.
						<b>Justification:</b>
37-1-1.10		Amendments to Pleadings	X			<b>Differences:</b> WVOMHST allows liberal amendments to pleadings so long as it is done at least 10 days before the hearing. 29 CFR 2700 does not address amendments.
						<b>Justification:</b>
37-1-1.11	29 CFR 2700.10	Motions			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.12	29 CFR 2700.12	Consolidation of Proceedings			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.13	29 CFR 2700 Subpart G	Hearings	X			<b>Differences:</b>
						<b>Justification:</b>
37-1-1.14		Public Access to Board Records	X			<b>Differences:</b> WVOMST allows public access to Board records. MSHA does not address public access to documents.
						<b>Justification:</b>

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			More	Less	Equal	
37-1-1.15	29 CFR 2700.8	Time	X			<b>Differences:</b> WVOMHST allows three additional days if service is by mail. MSHA allows five additional days if service is by mail.
						<b>Justification:</b>
37-1-1.16		Action by Board (Vacancies)	X			<b>Differences:</b> WVOMHST utilizes a three person Board to hear and decide cases. MSHA uses Administrative Law Judges (ALJ) so MSHA does not address vacant Board member seats.
						<b>Justification:</b>
37-1-1.17	29 CFR 2700.56-59	Discovery			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.18	29 CFR 2700.82	Ex Parte Communications			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-1.19		Hearing Examiners	X			<b>Differences:</b> Board can appoint a hearing examiner to hear a case. MSHA uses ALJ's in lieu of a Board.
						<b>Justification:</b>
37-1-2.2	29 CFR 2700.55	Conduct of Hearings			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-2.3	29 CFR 2700.55	Powers of Board	X			<b>Differences:</b> Board can request Director to investigate the charge filed in a decertification proceeding.
						<b>Justification:</b>
37-1-2.4	29 CFR 2700.54	Notice of Hearing			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-2.5	29 CFR 2700.51	Date, Time and Place of Hearing			X	<b>Differences:</b>
						<b>Justification:</b>
37-1-2.6	29 CFR 2700.3	Representation at Hearings			X	<b>Differences:</b>
						<b>Justification:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
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37-1-2.7		Burden of Proof	X			<b>Differences:</b> WVOMHST requires the party initiating the proceeding to have the burden of proof by a preponderance of the evidence standard. MSHA does not address burden of proof.
<b>Justification:</b>						
37-1-2.8		Proposed Findings, Conclusions, Orders and Briefs			X	<b>Differences:</b>
<b>Justification:</b>						
37-1-2.9		Hearing Open to the Public	X			<b>Differences:</b> Board hearings are open to the public. MSHA's rule does not address whether hearings are open to the public.
<b>Justification:</b>						
37-1-3.1-12		Rules Applicable to Proceedings Initiated to Withdraw Certification	X			<b>Differences:</b> MSHA has no rules applicable to proceedings to withdraw certifications.
<b>Justification:</b>						
37-1-4.2-3	29 CFR 2700 Subpart D	Initiating Discrimination Proceedings with Board	X			<b>Differences:</b> WVOMHST only allows a miner or his representative to file. MSHA allows a miner or his representative to file as well as the Secretary of MSHA.
<b>Justification:</b>						
37-1-4.4	29 CFR 2700.42	Contents of the Application			X	<b>Differences:</b>
<b>Justification:</b>						
37-1-4.5&6	29 CFR 2700.43	Answer	X			<b>Differences:</b> WVOMHST - Answer due in fifteen days. MSHA - Answer due in thirty days.
<b>Justification:</b>						
37-1-4.7	29 CFR 2700.40&41	Investigation of Application	X			<b>Differences:</b> Board shall cause an investigation to be made. Secretary files discrimination case if a violation is found to have occurred.
<b>Justification:</b>						
37-1-4.8	29 CFR 2700.42	Notice of Application			X	<b>Differences:</b>
<b>Justification:</b>						



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			More	Less	Equal	
37-1-4.9&10	29 CFR 2700.45	Notice of Hearing			X	Differences:
						Justification:
37-1-4.11		Public Hearing	X			Differences:
						Justification:
37-1-4.12		Final Decisions		X		Differences:
						Justification:
37-1-4.13		Final Decisions Relative to Discharge		X		Differences:
						Justification:
37-1-4.14		Request by Applicant for Costs	X			Differences:
						Justification:
37-1-4.15		Judicial Review			X	Differences:
						Justification:
37-1-4.16		Deferral	X			Differences:
						Justification:
<b>Title 37, Series 2 -- Temporary Suspension of Certificates</b>						
37-2-2.1-5		Procedures for Temporary Suspension of Certificates Issued to Persons	X			Differences:
						Justification:
						This rule was written following a West Virginia Supreme Court of Appeals case styled <i>State ex rel. Perry v. Miller</i> , 171 W. Va. 509, 300 S.E.2d 622 (1983). This case held that since the Director has the power to certify miners he has the power to temporarily suspend those certificates. Court suggested that a rule be filed and this rule is the result.

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<b>Title 48, Series 1 -- Standards for Certification of Underground Belt Examiners for Underground Coal Mines</b>						
48-1-1	None	Education and Certification Standards for Underground Belt Examiners	X			<b>Differences:</b> MSHA does not have any training, education and certification standards for belt examiners. MSHA accepts State's certification for belt examiners.
						<b>Justification:</b>
48-1-2	None	Definitions for Belt Examiners, Experience	X			<b>Differences:</b> MSHA does not have any regulatory standards for belt examiners. MSHA relies on WVOMHST belt examiner certification for compliance records.
						<b>Justification:</b>
48-1-3	None	Criteria for Belt Examiners' Certification	X			<b>Differences:</b> MSHA has no regulations for certification of belt examiners. MSHA accepts WVOMHST's program of certification.
						<b>Justification:</b>
48-1-4	None	Examination Components for Belt Examiners	X			<b>Differences:</b> No MSHA regulations.
						<b>Justification:</b>
48-1-5	None	Application for Certification and Testing Procedures for Belt Examiners	X			<b>Differences:</b> No MSHA regulations.
						<b>Justification:</b>
<b>Title 48, Series 2 -- Safety Training Program for Prospective Underground Coal Miners</b>						
48-2-1	48.1	General -- Scope			X	<b>Differences:</b>
						<b>Justification:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
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48-2-2-4	48.5	Training of Apprentice Miners	X			<b>Differences:</b> WVOMHST requires 80 hours of training for new miners. MSHA requires 40 hours. WVOMHST covers coal use, mining methods, types of mines and mining terminology, first-aid. MSHA plans do not. WVOMHST requires 80 hours of instruction and 6 hours at the mine as follows: 1 hour for above-ground briefing, 4 hour mine tour, 1 hour for debriefing.
<b>Justification:</b>						
48-2-5	48.3 Subpart A and 48.24 Subpart B	Approval Procedures for Training Programs	X			<b>Differences:</b> MSHA accepts or recognizes WVOMHST training programs to meet its approval of training programs for MSHA training. Operator training programs not using WVOMHST criteria must obtain approval by the Board of Miner Training, Education and Certification (now the Board of Coal Mine Health and Safety).
<b>Justification:</b>						
48-2-6	None	Approval Procedures for Instructors	X			<b>Differences:</b> MSHA provides an instructor approval course at the Mine Academy to recognize qualified instructor candidates. Approval by the District Manager of each District MSHA office allows these instructors to participate in MSHA training programs. WVOMHST certifies instructors. MSHA does not.
<b>Justification:</b>						
<b>Title 48, Series 3 -- Safety Training Program for Prospective Surface Coal Miners</b>						
48-3-1	30 C.F.R. 48, Subpart B	Criteria for Health and Safety Training Program for Surface Miners	X			<b>Differences:</b> WVOMHST gives certifications to new miners and experienced miners. MSHA does not have this authority. MSHA recognizes and accepts WVOMHST miner certificates.
<b>Justification:</b>						
48-3-2	Part 48, Subpart B, Section 48.23	Criteria for Health and Safety Training Programs for Prospective Surface Miners	X			<b>Differences:</b> WVOMHST training program criteria requires each miner to receive a copy of the laws pertaining to surface mining. MSHA does not. 30 C.F.R. Part 48.23 does not contain any criteria for training surface miners.
<b>Justification:</b>						

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			More	Less	Equal	
48-3-3	Not in Part 48 of 30 C.F.R.	Course Outline of the Training Program for Prospective Surface Coal Miners	X			<b>Differences:</b> Course outline criteria is not addressed in the 30 C.F.R. Part 48 regulations. WVOMHST provides independent coal truck driver certification. MSHA does not. MSHA uses WVOMHST criteria for recognizing black hat miners and state certifications.
<b>Justification:</b>						
48-3-4	Not in Part 48 of 30 C.F.R.	Training Objectives for Surface Mine Training Course	X			<b>Differences:</b> MSHA training regulations do not contain training objectives for surface miner training courses.
<b>Justification:</b>						
48-3-5	Part 48, Subpart B, Section 48.24(a)(b)	Approval Procedures for Training Programs	X			<b>Differences:</b> WVOMHST requires that training plans, not using WVOMHST criteria, must obtain approval of the plan by the Board of Miner Training, Education and Certification (now Board of Coal Mine Health and Safety).
<b>Justification:</b>						
48-3-6	Part 48, Subpart B, Section 48.23 (i)(1)(2)(3)(4)	Approval Procedures for Instructors	X			<b>Differences:</b> MSHA provides an instructor training course at the national Mine Academy. Upon completion of the course, the District Managers give instructors approval to teach MSHA training for miners in their respective Districts (12 altogether). WVOMHST is the only agency that certifies training instructors.
<b>Justification:</b>						
<b>Title 48, Series 4 -- Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements</b>						
48-4-2.1.a.	49.17	Physical Requirements	X			<b>Differences:</b> WVOMHST - 50-year age limit for initial training. MSHA - No age limit for initial training.
<b>Justification:</b>						Age limit of 50 years is health protection for the new initial team member due to the strenuous activity of mine rescue work.
48-4-2.1.b.	49.17	Physical Requirements	X			<b>Differences:</b> WVOMHST - Physical required 30 days prior to training. MSHA - Physical required 60 days prior to training.
<b>Justification:</b>						Physicals should be done just prior to the training to insure that the person is fit to perform mine rescue work.
48-4.3.1.	49.12	Experience			X	<b>Differences:</b>

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						<b>Justification:</b>
48.4.4.1.	49.18(a)	Training	X			<b>Differences:</b> WVOMHST - Requires 32 hours initial training. MSHA requires 20 hours initial training.
						<b>Justification:</b> WVOMHST training is an outlined course for mine rescue team members. MSHA training is use and care of the breathing apparatus.
48.4.4.1.a.	49.18(b)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.2.	N/A	Training	X			<b>Differences:</b> WVOMHST requires 8 hours training for a different apparatus.
						<b>Justification:</b> When a mine rescue team member changes apparatus from one type or brand to another, additional training is needed.
48.4.3.	N/A	Training	X			<b>Differences:</b> WVOMHST requires a first-aid course. MSHA does not require a first-aid course.
						<b>Justification:</b> It is very important that mine rescue team members know basic first aid.
48.4.4.	49.18(b)(2)	Training	X			<b>Differences:</b> WVOMHST - Teams train at intervals not exceeding 30 days for 4 hours each session. MSHA - 8 hours every 2 months.
						<b>Justification:</b> A total of 96 hours training is required per year. Training is conducted every month.
48.4.4.	49.18(b)(2)	Training	X			<b>Differences:</b> WVOMHST - Team members wearing apparatus under oxygen 1 hour per month. MSHA - Team members wearing apparatus under oxygen 8 hours every 2 months.
						<b>Justification:</b> Wearing the apparatus every month becomes a part of the monthly training requirements to insure that the person is knowledgeable of the apparatus and its functions, especially in the event of an apparatus failure.
48.4.4.a.	49.18(b)(1)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.b.	49.18(b)(3)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.c.	49.18(b)(4)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.d.	49.18(b)(5)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.e.	49.18(b)(6)	Training			X	<b>Differences:</b>
						<b>Justification:</b>
48.4.4.5.	49.18(c)	Training			X	<b>Differences:</b>

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<b>Justification:</b>						
48.4.4.6.	49.18(g)	Training			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.5.1.	49.18(c)	Instructor Requirements	X			<b>Differences:</b> WVOMHST - Instructor requires 2 years mine rescue experience. MSHA requires 1 year experience.
<b>Justification:</b>						
48.4.5.2.	49.18(d)	Instructor Requirements	X			<b>Differences:</b> WVOMHST - Instructor requires 3 years underground experience. MSHA requires 1 year underground experience.
<b>Justification:</b>						
48.4.5.3.	N/A	Instructor Requirements	X			<b>Differences:</b> WVOMHST - Instructors training in instruments and apparatus. MSHA - No requirements for this training.
<b>Justification:</b>						
48.4.5.4.	49.18(d)(2)	Instructor Requirements	X			<b>Differences:</b> WVOMHST - Instructor must demonstrate his qualifications to be an instructor. MSHA - Instructor is designated by the District Manager.
<b>Justification:</b> A written exam and hands-on demonstration is required by WVOMHST to qualify to be an instructor. MSHA only requires the experience.						
48.4.5.5.	49.18(d)(2)	Instructor Requirements			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.6.1.	49.18(a)	Course Outline	X			<b>Differences:</b> WVOMHST - Initial course of 32 hours required. MSHA - 20 hour initial course required.
<b>Justification:</b> WVOMHST training is an outlined course for mine rescue team members. MSHA training is use and care of the breathing apparatus.						
48.4.8.1.	N/A	Certification	X			<b>Differences:</b> WVOMHST - Written exam/hands on. MSHA - No examination required.
<b>Justification:</b>						
48.4.9.2.	49.20(a)	Requirements for Coal Mines			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.9.2.a.	49.20(a)(1)	Requirements for all Coal Mines			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.9.2.b.	49.20(a)(2)	Requirements for all Coal Mines	X			<b>Differences:</b> WVOMHST - Annual Mine Emergency Response Development Exercise (MERD) required per team. MSHA - MERD is not required.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
Justification: WVOMHST requires 2 local contests and a MERD per year. MSHA requires only two local contests. A MERD can be substituted for a contest.						
48.4.9.3.a.	49.20(b)(1)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.b.1.	49.20(b)(2)(i)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.b.2.	49.20(b)(2)(ii)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.b.3.	49.20(b)(2)(iii)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.c.	49.20(b)(3)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.c.1.	49.20(b)(3)(i)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.3.c.2.	49.20(b)(3)(ii)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.4.	49.20(c)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.5.	49.20(d)	Requirements for all Coal Mines			X	Differences:
Justification:						
48.4.9.6.	49.20(2)(f)	Requirements for all Coal Mines			X	Differences:
Justification:						

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
48.4.10.	49.3	Requirements for all Small Coal Mines	X			<b>Differences:</b> WVOMHST - Hands-on fire-fighting. MSHA - No law.
<b>Justification:</b>						
48.4.11.	49.4	Requirements for all Large Coal Mines	X			<b>Differences:</b> WVOMHST - Hands-on fire-fighting. MSHA - No law.
<b>Justification:</b>						
48.4.12.1.	49.50(a)	Certification of Coal Mine Rescue Teams			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.12.2.	49.50(b)	Certification of Coal Mine Rescue Teams			X	<b>Differences:</b>
<b>Justification:</b>						
48.4.13.1.	N/A	Other Individuals in Mine Rescue Operation	X			<b>Differences:</b> WVOMHST - Duly-qualified emergency service workers. MSHA - No law.
<b>Justification:</b>						
48.4.14.1.	N/A	Additional Mine Rescue Equipment	X			<b>Differences:</b> WVOMHST - 60-minute oxygen resuscitator shall be provided at each mine rescue station. MSHA - No law.
<b>Justification:</b>						
48.4.15	49.6	Requirements for Local Mine Rescue Contest			X	<b>Differences:</b>
<b>Justification:</b>						
<b>Title 48, Series 6 -- Certification of Surface Mine Foreman</b>						
48-6-1	None	General Scope and Authority	X			<b>Differences:</b> MSHA has no regulations.
<b>Justification:</b>						
48-6-2	None	Criteria for Certification of Surface Mine Foremen	X			<b>Differences:</b> MSHA has no regulations.
<b>Justification:</b>						



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			More	Less	Equal		
48-6-3	None	Criteria for Mine Foreman Examiner for Surface Mine Foremen	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	
48-6-4	None	Criteria for Duties of Mine Foreman Examiner	X			<b>Differences:</b>	MSHA Code of Federal Regulations (30 C.F.R.) does not have or contain criteria for mine foreman examiner requirements.
						<b>Justification:</b>	
48-6-5	None	Criteria for Location and Time of Mine Foreman Examinations	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	
48-6-6	None	Criteria for Preparation of Exams; Notice of Intention to Take Exam; Investigation and Applicants	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	
48-6-7	None	Criteria for Mine Foreman Examiner to Certify Successful Applicants	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	
48-6-8	None	Criteria for Record of Examinations	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	
48-6-9	None	Surface Mine Foreman and Assistant Mine Foreman Certification Required	X			<b>Differences:</b>	MSHA has no regulations.
						<b>Justification:</b>	

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA? More Less Equal			DIFFERENCES/JUSTIFICATIONS	
<b>Title 48, Series 7 -- Standards for Certification of Coal Mine Electricians</b>							
48-7	75.153	Underground Electrical Certification	X			<b>Differences:</b>	WVOMHST requires an electrical apprenticeship. MSHA does not. To become a certified electrician, West Virginia requires the candidate to pass an electrical test. MSHA does not administer an electrical test.
						<b>Justification:</b>	WVOMHST makes sure a person is under the supervision of a qualified person and the qualified person has to sign for the apprentices' activities.
48-7	77.103	Surface Electrical Certification	X			<b>Differences:</b>	WVOMHST requires an electrical apprenticeship. MSHA does not. To become a certified electrician, West Virginia requires the candidate to pass an electrical test. MSHA does not administer an electrical test.
						<b>Justification:</b>	WVOMHST makes sure a person is under the supervision of a qualified person and the qualified person has to sign for the apprentices' activities.
<b>Title 48, Series 8 -- Criteria and Standards for Alternative Training Programs for Apprentice Coal Mine Electricians</b>							
48-8	75.153	Underground Electrical Certification	X			<b>Differences:</b>	This is an alternative plan. It has much more detail and is an advanced plan. To become a certified electrician, West Virginia requires the candidate to pass an electrical test. MSHA does not administer an electrical test.
						<b>Justification:</b>	WVOMHST makes sure a person is under the supervision of a qualified person and the qualified person has to sign for the apprentices' activities. MSHA has no electrical apprentice plan.
48-8	77.103	Surface Electrical Certification	X			<b>Differences:</b>	This is an alternative plan. It has much more detail and is an advanced plan. To become a certified electrician, West Virginia requires the candidate to pass an electrical test. MSHA does not administer an electrical test.
						<b>Justification:</b>	WVOMHST makes sure a person is under the supervision of a qualified person and the qualified person has to sign for the apprentices' activities. MSHA has no electrical apprentice plan.

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<b>Title 56, Series 1 -- Procedures and Practice Before the Department of Energy</b>							
56-1	100	Procedures and Practice Before OMHS&T			X	<b>Differences:</b>	
						<b>Justification:</b>	
<b>Title 56, Series 2 -- Safety Provisions for Clearing Crews</b>							
56-2	N/A	Provisions for Clearing Crews	X			<b>Differences:</b>	
						<b>Justification:</b>	MSHA has no applicable rule for clearing crews while on mine property. This rule governs safety provisions for clearing crews while on mine property in the State of West Virginia. It does not extend to commercial logging operations that may be on mine property and are regulated by OSHA and the WV Division of Forestry.
<b>Title 56, Series 3 -- Safety of Those Employed in and Around Surface Mines</b>							
56-3-1	N/A	General Overview	X			<b>Differences:</b>	Applicable only to WVOMHST. Does not apply to MSHA.
						<b>Justification:</b>	
56-3-2	N/A	Effect of Law and Regulations	X			<b>Differences:</b>	Administrative guidelines to enforcement policy of WVOMHST. Does not apply to MSHA regulations.
						<b>Justification:</b>	

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-3-3	Part 77.2; Part 77.100(B)(1)	Definitions	X			<b>Differences:</b> MSHA recognizes the WVOMHST electrical training and certification for electrical work in underground and surface mines. MSHA does not certify mine electricians. MSHA recognizes persons to perform electrical work based on training, education and experience per 30 C.F.R. 77.2.
<b>Justification:</b> WVOMHST regulations identify more areas by definitions and enhance miner safety and awareness of what the law says and what it means.						
56-3-4	N/A	Applicability and Enforcement of Laws Safeguarding Life and Property. Authority of Department of Energy to Enforce Safety Laws.	X			<b>Differences:</b> MSHA does not have regulations to cover the preservation of mine property from damage or loss. MSHA regulations only apply to the operator and/or his agents to be responsible for the safety of miners and their mine property.
<b>Justification:</b>						
56-3-5	N/A	Appointment of Director; Term of Office				<b>Differences:</b> Administrative procedures. Not applicable to MSHA.
<b>Justification:</b>						
56-3-6	N/A	Powers and Duties of the Director				<b>Differences:</b> Administrative procedures. Not applicable to MSHA.
<b>Justification:</b>						
56-3-7	N/A	Eligibility and Salary of the Director				<b>Differences:</b> Administrative procedures. Not applicable to MSHA.
<b>Justification:</b>						
56-3-8	N/A	Oath and Bond of the Director				<b>Differences:</b> Administrative procedures. Not applicable to MSHA.
<b>Justification:</b>						
56-3-9	N/A	Mine Inspector Appointment	X			<b>Differences:</b> Administrative procedures for WVOMHST. Not applicable to MSHA. MSHA does not have inspector hiring criteria in its regulations.
<b>Justification:</b>						

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			More	Less	Equal	
56-3-10	N/A	Appointment of Surface Mine Inspectors; Qualifications, Salary, Expenses and Removal	X			<b>Differences:</b> MSHA has no regulatory guidelines for removal of surface mine inspectors other than MSHA policy. MSHA does not have any criteria in its regulations (30 C.F.R.).
<b>Justification:</b>						
56-3-11	N/A	Mine Inspector Examining Board	X			<b>Differences:</b> MSHA guidelines are policy procedures for disciplinary action. MSHA does not address these issues in 30 C.F.R.
<b>Justification:</b>						
56-3-12	1977 Mine Act, Section 103(a), (b), (d), (F)	Director/Inspectors Authorized to Enter Mine; Duties of Inspectors to Examine Mine; No Advance Notice; Reports of Fatal Accidents; Accompany Inspectors by Authorized Miner Representatives			X	<b>Differences:</b> No differences noted.
<b>Justification:</b>						
56-3-13	1977 Mine Act, Section 104(a),(b),(C), 104(D)(1),(2)	Findings and Notices			X	<b>Differences:</b>
<b>Justification:</b>						
56-3-14	ACT, Sec. 105	Review of Orders and Notices by the Director			X	<b>Differences:</b>
<b>Justification:</b>						
56-3-15	ACT, Sec. 109	Posting of Orders and Procedures			X	<b>Differences:</b>
<b>Justification:</b>						

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56-3-16	ACT, Sec. 106	Judicial Review			X	Differences:
						Justification:
56-3-17	ACT, Sec. 108	Injunctions			X	Differences:
						Justification:
56-3-18.1(a)(1)	100.3	Civil Penalties		X		Differences: WV MHST - Not more than \$3,000. MSHA - Not more than \$70,000.
						Justification:
56-3-18.1(a)(2)	100.5	Civil Penalties	X			Differences: WV MHST - Any miner can be assessed not more than \$250 for violating regulations. MSHA - Can only fine miners for violating safety standards relating to smoking or carrying smoking materials in mines. Fine is \$375.
						Justification: Makes every miner responsible for safety in mining.
56-3-18.1(a)(3)		Civil Penalties	X			Differences:
						Justification: The miner who is assessed a civil penalty has the opportunity for a hearing.
56-3-18.1(a)(4)		Civil Penalties	X			Differences:
						Justification: After person against whom the civil penalty is assessed fails to pay, circuit court action can be filed.
56-3-18.1(b)	ACT 110, ACT 110(d)	Civil Penalties		X		Differences: WV MHST - Any operator who knowingly violates or refuses to comply with order issued shall be assessed a civil penalty of not more than \$5,000 and for a second or subsequent violation, not more than \$10,000. MSHA - \$25,000 or by imprisonment for not more than one year or both, except for a violation committed after the first conviction of such operator. MSHA - Punishment shall be by a fine of \$50,000 or by imprisonment for 6 months or both.
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-3-18.1(c)	ACT 110(c)	Civil Penalties		X		<b>Differences:</b> WVOMHST - Penalties are the same as stated in 56-3-18.1(a) and (b). MSHA - Penalties are the same as stated in the ACT 110(a) and (d). <b>Justification:</b>
56-3-18.1(d)	ACT 110(f)	Penalty	X			<b>Differences:</b> WVOMHST - Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed shall be guilty of misdemeanor, and upon conviction fined \$5000 or imprisoned in county jail or both and all certifications revoked for at least one year. MSHA - Fine is \$10,000 or 5 years in prison or both. <b>Justification:</b> WVOMHST can seek revocation of any certificates held under W. Va. Code Chapter 22 and shall bar him from being issued any such license except a miner's certification, for not less than one year or for such longer period as may be determined by the Director. MSHA does not certify coal miners.
56-3-18.1(e)	ACT 110(h)	Penalty		X		<b>Differences:</b> WVOMHST - Penalties are the same as stated in 56-3-18.1.(d). MSHA - Penalties are the same as stated in the ACT 110(f). <b>Justification:</b>
56-3-19	1969 Federal Act	Discrimination			X	<b>Differences:</b> Same <b>Justification:</b>
56-3-20	50.1	Record and Reports			X	<b>Differences:</b> Same <b>Justification:</b>
56-3-21	N/A	Mine Foreman Examiner	X			<b>Differences:</b> No MSHA regulation. <b>Justification:</b>
56-3-22	N/A	Withdrawal of Certification	X			<b>Differences:</b> WVOMHST controls all certifications that it issues. <b>Justification:</b>
56-3-23	N/A	Certification of Mine Foreman or Assistant Mine Foreman Whose License to Engage in Similar Activities Suspended in Another State	X			<b>Differences:</b> Not addressed in MSHA law. <b>Justification:</b>

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			More	Less	Equal	
<b>Justification:</b>						
56-3-24		Board of Appeals			X	<b>Differences:</b> Each agency has its own process for appealing violations.
<b>Justification:</b>						
56-3-25	30 CFR 77.100	Certification of Surface Mine Foreman	X			<b>Differences:</b> Certification of Surface Mine Foreman. MSHA accepts WVOMHST certification and does not issue it themselves.
<b>Justification:</b>						
56-3-26	75.1720.1	Instruction of Employees and Supervision of Apprentices; Annual Examinations of Persons Using Flame Safety Lamps; Records of Examination; Maintenance of Methane Detectors, etc.	X			<b>Differences:</b> WVOMHST requires that the apprentice miner be in sight and sound of an experienced miner for the first 120 days and that the mine foreman be responsible for their safety.
<b>Justification:</b>						
56-3-27.5		Instructions	X			<b>Differences:</b> Every person employed to work shall be furnished a copy of the WVOMHST surface mining rules and regulations.
<b>Justification:</b>						
56-3-27.7		Duty of Mine Foreman, Assistant Mine Foreman	X			<b>Differences:</b> Mine foreman and assistant mine foreman are to examine each mine within three hours prior to the beginning of a shift and active workings of the mine.
<b>Justification:</b>						
56-3-28.1		Duty of Mine Foreman to Notify Operator When Unable to Comply with Law; Duty of Operator	X			<b>Differences:</b> Mine foreman shall notify the operator or superintendent of his inability to comply with any of the requirements in writing, and the operator or mine foreman shall have all the necessary supplies furnished.
<b>Justification:</b>						
56-3-29		Death or Resignation of Mine Foreman; Successor	X			<b>Differences:</b> Not addressed in MSHA law.



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						<b>Justification:</b>
56-3-30.1	77.1001	Loose Material Removal	X			<b>Differences:</b> WVOMHST requires a 15-foot minimum distance.
						<b>Justification:</b>
56-3-30.2	77.1003	Benches			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-30.3	77.1005-6	Highwall and Spoil Bank Areas	X			<b>Differences:</b> WVOMHST requires a competent person to observe highwall.
						<b>Justification:</b>
56-3-30.3(c)		Tree Removal	X			<b>Differences:</b> Trees endangering workmen along highwalls shall be removed yet completed in daylight hours.
						<b>Justification:</b>
56-3-30.4	77.1004	Examinations		X		<b>Differences:</b> MSHA examines after every rain, freeze or thaw before men work.
						<b>Justification:</b>
56-3-30.5		Repairs in Excavation Areas	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-30.6		Tree Removal	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-30.7		Night Work	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-31.1	77.1007	Drilling Inspection			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.2.a	77.1009a	Horizontal Drill			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.2.b	77.1009d	Drilling			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.2.c	N/A	Drilling	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-31.3.a	77.1009a	Verticle Drilling			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.3.b	77.1009f	Verticle Drilling			X	<b>Differences:</b>

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						<b>Justification:</b>
56-3-31.4.a	N/A	General Precaution	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-31.4.b	77.1009e	General Precaution			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.4.c	77.1009d	General Precaution			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.4.d	77.1010a	General Precaution			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.4.e	77.1009c	General Precaution	X			<b>Differences:</b> WVOMHST does not permit persons or tools and/or other material on the mast while in motion.
						<b>Justification:</b>
56-3-31.5.a	77-1009b	Drilling Position			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.5.b	77.1010b	Drilling Position			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.5.c	77.1012	Drilling Position			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.6.a	77.1011	Movement of Drills	X			<b>Differences:</b> WVOMHST includes guarding blast crevices.
						<b>Justification:</b>
56-3-31.6.b	77.1008a	Movement of Drills			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.6.c	77.1008b	Movement of Drills			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.6.d	77.1013	Air Drills			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-31.6.e		Responsibility of Director of Department of Energy	X			<b>Differences:</b> The Director of the Department of Energy (now Department of Environmental Protection) shall be responsible for examinations and certification of persons directly involved in blasting or use of explosives in surface mining operations.
						<b>Justification:</b>
56-3-32.1	77.1302	Transportation Explosives and Blasting			X	<b>Differences:</b>

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						<b>Justification:</b>
56-3-32.3(a)	77.1303	General Requirements	X			<b>Differences:</b> WVOMHST requires certified blaster. MSHA requires authorized person.
						<b>Justification:</b>
56-3-32.3(c)	77.1303	Explosives Use	X			<b>Differences:</b> Open fires. Flames prohibited 50 feet from explosive use. Violation \$25.00 IPA.
						<b>Justification:</b>
56-3-32.4(c)	77.1303	Explosives Use	X			<b>Differences:</b> No equipment within 50 feet of loaded holes.
						<b>Justification:</b>
56-3-32.6(a)	77.1303	Blasting	X			<b>Differences:</b> Loaded holes must be guarded or barricaded. MSHA - No law.
						<b>Justification:</b>
56-3-32.6(d)	77.1303	Explosives Use	X			<b>Differences:</b> All holes cannot be fired. All work must cease within 300 feet.
						<b>Justification:</b>
56-3-32.9(b)	77.1301	Magazines	X			<b>Differences:</b> No smoking or open flames within 50 feet.
						<b>Justification:</b>
56-3-33		Underground Workings	X			<b>Differences:</b> Not covered by MSHA.
						<b>Justification:</b>
56-3-33.1(a)		Underground Workings	X			<b>Differences:</b> Operator shall refrain from surface mining within 500 feet of any active and abandoned underground mines.
						<b>Justification:</b>
56-3-33.1(b)		Underground Workings	X			<b>Differences:</b> Official representative of any known underground mine shall be notified immediately when a surface mine operation may in any way interfere with the safe operation of the active mine.
						<b>Justification:</b>
56-3-33.1(c)		Underground Workings	X			<b>Differences:</b> Special precautions shall be taken to protect the employees where excavating is performed in the vicinity of a known abandoned underground mine containing a dangerous accumulation of water and/or gas.
						<b>Justification:</b>
56-3-33.1(d)		Underground Workings	X			<b>Differences:</b> All cut-throughs into underground mine workings shall be closed immediately.
						<b>Justification:</b>
56-3-34		Haulage Roads				<b>Differences:</b>
						<b>Justification:</b>
56-3-34.1(a)	77.1600B	Haulage Roads	X			<b>Differences:</b> Traffic directions differing from standard highway practice shall be posted on signs along haulage roads.

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			More	Less	Equal	
						Justification:
56-3-34.1(b)	77.1600B	Warning Signs			X	Differences:
						Justification:
56-3-34.1(c)	77.1600B	Standardized Warning Signs			X	Differences:
						Justification:
56-3-34.1(d)	77.1600C	Overhead Clearance Signs			X	Differences:
						Justification:
56-3-34.1(e)	77.1608(0)	Flashers, Flares	X			Differences: Flashers, flares or other means of signaling shall be used to warn drivers of obstruction in the roadway. Not addressed in MSHA regulations.
						Justification:
56-3-34.1(f)	77.1600B	Regulatory Signs			X	Differences:
						Justification:
56-3-34.1(g)	77.1600	Posted Warning Signs			X	Differences:
						Justification:
56-3-34.1(h)	77.1600	Object Markings			X	Differences: Object marking shall be used to mark physical obstruction in or near haulage way presenting possible hazards.
						Justification:
56-3-34.1(i)	77.1600	Signs			X	Differences:
						Justification:
56-3-34.1(j)	77.1600C	Overhead Clearance			X	Differences:
						Justification:
56-3-34.2(a)	77.1600	Adequate Distance from Highwalls	X			Differences: Not addressed in MSHA 77.1600.
						Justification:
56-3-34.2(b)	77.1607I	Dust on Haulage Road			X	Differences:
						Justification:
56-3-34.2(c)	77.1600A	Authorized Person in Haulage Areas			X	Differences:
						Justification:
56-3-34.2(d)	77.1608A	Excessive Water			X	Differences:
						Justification:

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56-3-34.2(e)	77.1600	Width and Grade	X			<b>Differences:</b> Not addressed in MSHA 77.1600. <b>Justification:</b>
56-3-34.2(f)	77.1600	Width	X			<b>Differences:</b> Not addressed in MSHA 77.1600. <b>Justification:</b>
56-3-34.2(g)	77.1608A	Excessive Water			X	<b>Differences:</b> <b>Justification:</b>
56-3-34.2(h)	77.1600	Haulage Stopped	X			<b>Differences:</b> Not addressed in MSHA 77.1600. <b>Justification:</b>
56-3-34.2(i)	77.1600	Roadway Deteriorated	X			<b>Differences:</b> Not addressed in MSHA 77.1600. <b>Justification:</b>
56-3-34.2(j)	77.1600	Emergency Braking	X			<b>Differences:</b> WVOMHST has stronger language addressing emergency braking. <b>Justification:</b>
56-3-34.2(k)	77.807-1	Power Lines	X			<b>Differences:</b> 15 feet compared to 12 feet -- all power lines. <b>Justification:</b>
56-3-34.3(a)	77.1605A	Windshields			X	<b>Differences:</b> <b>Justification:</b>
56-3-34.3(b)	77.1604B	Materials and Tools Transportation			X	<b>Differences:</b> <b>Justification:</b>
56-3-34.3(c)	77.1605C	Emergency Steering and Braking Systems	X			<b>Differences:</b> Not addressed in MSHA 1605C. <b>Justification:</b>
56-3-34.3(d)	77.1700	Two-Way Radio	X			<b>Differences:</b> Trucks used for haulage of coal, men or supplies shall be equipped with two-way communication instruments. Not addressed in MSHA regulations. <b>Justification:</b>
56-3-34.3(e)		Runaway or "J" Roads	X			<b>Differences:</b> Runaway roads shall be provided on haulage roads on which coal is first hauled from such surface mine. <b>Justification:</b>
56-3-34.4(a)	77.1607A	Haulways Operation Unobstructed View			X	<b>Differences:</b> <b>Justification:</b>
56-3-34.4(b)	77.1604A	Mantrips		X		<b>Differences:</b> Details in types of transportation.

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						<b>Justification:</b>
56-3-34.4(c)	77.1607A	Haulage Operation			X	<b>Differences:</b> Safe distance.
						<b>Justification:</b>
56-3-34.4(d)	77.1607K	Working Under Bucket			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.4(e)	77.1607C	Speed			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.4(f)	77.1607A	Same Direction Passing	X			<b>Differences:</b> Signals exchanged between drivers.
						<b>Justification:</b>
56-3-34.4(g)		Safe Distance			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.4(h)		Approaching State Road	X			<b>Differences:</b>
						<b>Justification:</b>
56-3-34.4(i)	77.405	Raised Position			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.4(j)	77.1607D	Cabs			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.5(a)	77.1607O	Lights and Flares			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.5(b)	77.1607N	Unattended Equipment			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-34.6(a)	No law	Parking Area	X			<b>Differences:</b> Not addressed in MSHA regulations.
						<b>Justification:</b>
56-3-34.6(b)	77.1601	Transport of Persons		X		<b>Differences:</b> Transport details and types more in depth.
						<b>Justification:</b>
56-3-34.6(c)	No law	First Aid Kit -- Mantrips	X			<b>Differences:</b> All mantrips shall have ten unit first aid kits. Not addressed in MSHA regulations.
						<b>Justification:</b>
56-3-35.1(a), (b)	77.1500a,b,c,d	Planning Auger Mining			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-35.2(a)	N/A	Unauthorized Persons	X			<b>Differences:</b> No MSHA law.

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			More	Less	Equal	
						<b>Justification:</b>
56-3-35.2(b)	N/A	Warning Signs	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.2(c)	77.1505	Auger Holes	X			<b>Differences:</b> Within 1,000 feet of active holes.
						<b>Justification:</b>
56-3-35.3(a)	77.1502	Entering Auger Holes		X		<b>Differences:</b> MSHA requires the approval of a District Manager.
						<b>Justification:</b>
56-3-35.3(c)	77.1503	Walkways (Areas) of the Machine		X		<b>Differences:</b> Exposed to highwall hazards.
						<b>Justification:</b>
56-3-35.4(a)	N/A	Trucks Waiting to Load	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.4(b)	N/A	Auger Crew	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.4(c)	N/A	One Truck in Pit	X			<b>Differences:</b> Only the truck being loaded and one other truck shall be in the auger pit. No MSHA law.
						<b>Justification:</b>
56-3-35.4(d)	77.1711	Smoking			X	<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.4(f)	77.1501c,d	Auger Hole Penetrates Underground			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-35.4(g)	77.1504	Operator of Auger			X	<b>Differences:</b>
						<b>Justification:</b>
56-3-35.4(h)	N/A	Cab of the Carriage	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.4(i),(j)	N/A	Partitions Between Coal	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-3-35.4(k)	77.1504e	Lighting			X	<b>Differences:</b>
						<b>Justification:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-3-35.4(m)	77.1504a,b,c,d	Clear of Auger Train			X	Differences: Justification:
56-3-35.5(a)	77.1501c	Atmosphere Safe			X	Differences: Justification:
56-3-35.5(b)	77.1501e	Internal Combustion Engines			X	Differences: Justification:
56-3-35.5(e)	N/A	Person Qualified	X			Differences: Person qualified. Justification:
56-3-35.6(a)	N/A	Inspection of Auger	X			Differences: No MSHA law. Justification:
56-3-35.6(c)	77.1501	Mining Inspections	X			Differences: Face of all highwalls, for a distance of one hundred feet on both sides of drilling site to be inspected by the auger operator and the foreman. Note: MSHA only requires 25 feet to be examined. Justification:
56-3-36.1	77.1708	Horesplay	X			Differences: Horseplay, practical jokes, wrestling, fighting or other actions which threaten persons with personal injury, causing fear of personal safety, or damage resulting in interference with safe operations is prohibited. No MSHA law that directly states this provision. Possibly addressed in Ground Control Program (Safety Program). Justification:
56-3-36.2	77.1708	Alcohol and Drugs	X			Differences: No MSHA law in book. Possibly addressed in Ground Control Program. Possibly in 77.1708 -- Safety Program -- Instructions of Persons Employed. Justification:
56-3-36.3	77.1607d-77.1104	Housekeeping	X			Differences: MSHA law addresses cabs of mobile equipment. 77.1104 addresses oil accumulation. Justification:
56-3-36.4	77.1711	Smoking	X			Differences: MSHA law has no limits on boundary of feet from areas. Justification:
56-3-36.5(a)	77.412d	Compressed Air or Gases	X			Differences: MSHA limits law to 1 inch hose. WVOMHST has no size limits of hose. Justification:



WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-3-36.5(b)	77.412a	Compressed Air Receivers			X	<b>Differences:</b> Laws are equal. <b>Justification:</b>
56-3-36.5(c)	77.412d	Hose Diameter	X			<b>Differences:</b> MSHA does not address diameter size of hose or safety device. <b>Justification:</b>
56-3-36.6	77.1700	Working Alone			X	<b>Differences:</b> Laws are equal. <b>Justification:</b>
56-3-36.7		Coal Stockpile	X			<b>Differences:</b> MSHA may address this in Ground Control Program. <b>Justification:</b>
56-3-36.8	77.209	Reclaiming Hazards			X	<b>Differences:</b> Laws are equal. <b>Justification:</b>
56-3-37.1(a)	77.501	Electrical Work	X			<b>Differences:</b> Suitably tagged is more specific in WVOMSHT law. <b>Justification:</b> WVOMHST requires suitable tag, but MSHA law is not clear on what this means.
56-3-37.2(c)	77.511	Danger Signs	X			<b>Differences:</b> WVOMHST requires voltage to be indicated. <b>Justification:</b> A person needs to know what voltage he/she is exposed to.
56-3-37.3(b)	77.514	Dry Insulated Platforms	X			<b>Differences:</b> Not required by MSHA. <b>Justification:</b> Need to be in place when troubleshooting to help protect from shock hazards.
56-3-37.4(a)	77.502	Electrical Equipment Examinations	X			<b>Differences:</b> WVOMHST requires daily checks. MSHA law requires frequent checks. <b>Justification:</b> WVOMHST is specific on the time frame.
56-3-37.4 (b)(2)	77.800-1(b)(2)	High Voltage Circuit Breaker Test	X			<b>Differences:</b> WVOMHST requires all auxiliary relays to be tested. MSHA only requires one auxiliary device be tested. <b>Justification:</b> Device needs to be fully tested.
56-3-37.5(b)	N/A	Emergency Stop Switches	X			<b>Differences:</b> WVOMHST requires this. MSHA law does not. <b>Justification:</b> All equipment should have an emergency stop in case all else fails.
56-3-38.1	77.402	Handheld Power Tools			X	<b>Differences:</b> <b>Justification:</b>
56-3-39	N/A	Installation of Wiring	X			<b>Differences:</b> No MSHA regulation. <b>Justification:</b>
56-3-40.1(a)	77.171	Protective Clothing	X			<b>Differences:</b> Clothes shall be reasonably free of petroleum products, handling oxygen cylinders with oily hands prohibited. <b>Justification:</b>

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56-3-40.1(b)	77.412	Compressed Gases	X			<b>Differences:</b> Similar law but not as detailed. Compressed gases have to be used under reduced pressure.
<b>Justification:</b>						
56-3-40.1(c)	77.413	Compressed Air			X	<b>Differences:</b> At no time shall compressed air be directed toward a person when in use.
<b>Justification:</b>						
56-3-40.1(d)		Suitable Wrench	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.1(e)	77.208	Oxygen and Gas Cylinders	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.1(f)		Approved Type Spark Lighter	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.1(g)		Welding and Cutting Equipment	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.2	77.208	Storage of Gas Cylinders		X		<b>Differences:</b> Similar but not as detailed.
<b>Justification:</b>						
56-3-40.3	77.208	Transportation of Cylinders		X		<b>Differences:</b> Similar but not as detailed.
<b>Justification:</b>						
56-3-40.4	77.1112	Welding Preparations		X		<b>Differences:</b> Similar but not as detailed.
<b>Justification:</b>						
56-3-40.5		Acetylene Welding	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.6	77.1112	Electrical Welding	X			<b>Differences:</b> Similar but not as detailed.
<b>Justification:</b>						
56-3-40.7		Safety Hazards	X			<b>Differences:</b> Could not find in federal law.
<b>Justification:</b>						
56-3-40.8	77.502	Maintenance and Repairs	X			<b>Differences:</b> Similar but not as detailed.
<b>Justification:</b>						
56-3-41	72.700	Respiratory Equipment			X	<b>Differences:</b> Same.

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<b>Justification:</b>						
56-3-42.1(a)	77.1606a	Inspection of Mobile Equipment	X			<b>Differences:</b> Immediately prior to the beginning of each working shift, all equipment except licensed vehicles subject to state highway inspection requirements shall be examined by the equipment operator daily for safety defects. The examiner shall record findings in ink or indelible pencil on a form approved by director given to the mine foreman within four hours after start of the working shift.
<b>Justification:</b>						
56-3-42.1(b)		Inspection of All Equipment	X			<b>Differences:</b> Immediately prior to the beginning of each working shift, all equipment operated by independent contractors in the removal of coal and overburden on a surface mine shall be examined for safety defects. The examiner shall record findings in ink or indelible pencil on a form approved by the Director and shall remain in the vehicle for 30 days.
<b>Justification:</b>						
56-3-42.2 thru 56-3-42.15	77.1607	Loading and Haulage Equipment	X			<b>Differences:</b> MSHA requires no regulations identifying specific equipment.
<b>Justification:</b>						
56-3-42.7(b)		Equipment Generally	X			<b>Differences:</b> Road maintenance equipment such as graders or other equipment normally used shall be equipped with roof mounted approved flashing lights.
<b>Justification:</b>						
56-3-42.15(d)		Hand-Held Tools, Power Tools and Safety Devices	X			<b>Differences:</b> Adjustable, pipe, end and socket wrenches shall not be used when jaws are sprung to the point slippage occurs.
<b>Justification:</b>						
56-3-42.15(e)		Hand-Held Tools, Power Tools and Safety Devices	X			<b>Differences:</b> Impact tools such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.
<b>Justification:</b>						
56-3-42.15(f)		Hand-Held Tools, Power Tools and Safety Devices	X			<b>Differences:</b> Wooden handles of tools shall be kept tight and free of splinters or cracks and shall be tight in the tool.
<b>Justification:</b>						
56-3-42.16		No Jack Regs. (Lifting Jacks)	X			<b>Differences:</b> MSHA has no regulations.
<b>Justification:</b>						

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			More	Less	Equal	
56-3-42.17	77.401	Stationary Grinders	X			<b>Differences:</b> MSHA has no regulations regarding ventilation of grinders. <b>Justification:</b>
56-3-42.19	77.403	FOPS			X	<b>Differences:</b> <b>Justification:</b>
56-3-42.19	77.403-1	ROPS			X	<b>Differences:</b> <b>Justification:</b>
56-3-42.20	77.1607I	Tires	X			<b>Differences:</b> MSHA does not address items (b) thru (g) in WVOMHST law. <b>Justification:</b>
56-3-42.20(b)		Tires	X			<b>Differences:</b> Heat shall not be applied to lug bolts, rims or wheels while tires are inflated. <b>Justification:</b>
56-3-42.20(c)		Tires	X			<b>Differences:</b> When work is being performed on models that are equipped with dual wheels, both tires must be deflated for heating lugs before repair work begins. <b>Justification:</b>
56-3-42.20(e)		Tires	X			<b>Differences:</b> When fork lift trucks are used in mounting or transporting of tires, adequate means shall be taken to assure that tires are secured properly. <b>Justification:</b>
56-3-42.20(f)		Tires	X			<b>Differences:</b> A clip-on air chuck shall be provided at all tire airing stations. At least 6 feet of air hose shall be provided between the valve stem and inflation guage. <b>Justification:</b>
56-3-42.20(g)		Tires	X			<b>Differences:</b> All tires shall be maintained in a safe condition. <b>Justification:</b>
56-3-43.1(a)	77.200	Surface Installations			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.1(b)	77.202	Unusually Dusty Locations	X			<b>Differences:</b> No MSHA law requiring dust tight electrical enclosures of motors, switches, etc. <b>Justification:</b>
56-3-43.1(c)	77.204	Openings In			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.1(d)	77.207	Illumination			X	<b>Differences:</b> <b>Justification:</b>

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			More	Less	Equal	
56-3-43.1(e)	77.208a,b,c	Storage of Materials		X		<b>Differences:</b> MSHA law includes section (b) on spilling hazardous materials and (c) approved containers. <b>Justification:</b>
56-3-43.1(f)	77.208d,e	Compressed Gas Cylinders		X		<b>Differences:</b> MSHA law includes section (e) on tying off cylinders and valve covers. <b>Justification:</b>
56-3-43.2(a)	77.400a	Machinery Guards			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.2(b)	77.407d	When Testing			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.2(c)	77.407b	Belt Rollers in Motion			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.3(a)		Dumping Ramps	X			<b>Differences:</b> No MSHA law requiring rubbing boards. <b>Justification:</b>
56-3-43.3(b)	77.1605l	Dumping Blocks	X			<b>Differences:</b> No MSHA law requiring specified height of dump blocks. <b>Justification:</b>
56-3-43.3(c)	77.1608c	Protection from Falling Material			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.3(d)	77.1607i	Dust Control			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.3(e)		Power Lines at Dump Point	X			<b>Differences:</b> No MSHA law requiring electrical cables in dump areas. <b>Justification:</b>
56-3-43.3(f)		Dimensions Dump Ramp	X			<b>Differences:</b> No MSHA law requiring specific height of dumping block. <b>Justification:</b>
56-3-43.3(g)		Deenergizing Crushers	X			<b>Differences:</b> Not addressed in MSHA law. <b>Justification:</b>
56-3-43.3(h)	77.1605i	Condition of Pump Point			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.3(i)	77.1608e	Truck Spotters			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.3(j)		Car Couplers	X			<b>Differences:</b> No MSHA law concerning rotary dump areas.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
						Justification:
56-3-43.4(a)	77.1111	Fire Protection Welding			X	Differences:
						Justification:
56-3-43.4(b)	77.1109	Fire Protection Prep Plant	X			Differences: WVOMHST requires in addition to MSHA law two exits on each floor of a prep facility.
						Justification:
56-3-43.4(c)	77.1102	Warning Signs			X	Differences:
						Justification:
56-3-43.4(d)	77.1711	Smoking Open Flames			X	Differences:
						Justification:
56-3-43.5(a)	77.404c,d	Machinery in Motion			X	Differences:
						Justification:
56-3-43.5(b)	77.202	Structures Free of Coal Dust			X	Differences:
						Justification:
56-3-43.5(c)		Overhead Protection	X			Differences: No MSHA law requiring overhead protection.
						Justification:
56-3-43.5(d)	77.203	Person Under Work Above			X	Differences:
						Justification:
56-3-43.6(a)	77.205e	Handrails			X	Differences:
						Justification:
56-3-43.6(b)	77.205e	Stairs/Elevated Walkway			X	Differences:
						Justification:
56-3-43.7(a)	77.406a	Drive Belts in Motion			X	Differences:
						Justification:
56-3-43.7(b)	77.406b	Belt Dressing Applied			X	Differences:
						Justification:
56-3-43.7(c)	77.407	Guide of Belt Chains, Ropes			X	Differences:
						Justification:
56-3-43.8(a)		Location of Persons	X			Differences: No MSHA law requiring audible warning to start conveyor belts.
						Justification:

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56-3-43.8(b)		Crossovers	X			<b>Differences:</b> No MSHA law requiring crossovers at crossing points. <b>Justification:</b>
56-3-43.8(c)		Audible Warning Device	X			<b>Differences:</b> No MSHA law requiring audible warning to start conveyor belts. <b>Justification:</b>
56-3-43.8(d)	77.407b	Conveyor Pulley			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.8(e)		Guards	X			<b>Differences:</b> No MSHA law requiring overhead protection. <b>Justification:</b>
56-3-43.8(f)		Cross Under Belt	X			<b>Differences:</b> No MSHA law. <b>Justification:</b>
56-3-43.9(a)		Number of Persons Employed	X			<b>Differences:</b> No MSHA law requiring a minimum number of persons employed at tipples. <b>Justification:</b>
56-3-43.9(b)	77.208a	Good Housekeeping	X			<b>Differences:</b> MSHA law only covers storage of materials. <b>Justification:</b>
56-3-43.9(c)		Adequate Ventilation	X			<b>Differences:</b> No MSHA law concerning ventilation in tipples. <b>Justification:</b>
56-3-43.9(d)	77.202	Coal Dust Accumulation			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.10(a)	77.205a	Safe Means of Access			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.10(b)	77.205b	Travelways			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.10(c)	77.205c	Inclined Travelways			X	<b>Differences:</b> <b>Justification:</b>
56-3-43.10(d)	77.205d	Snow on Travelway			X	<b>Differences:</b> <b>Justification:</b>

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56-3-43.11	77.206	Ladders	X			<b>Differences:</b> WVOMHST has additional language concerning working off the top rung of ladders, not using metal ladders where there is danger of contacting energized power and limiting the size of step ladders and extension ladders. MSHA law does not require that no person work off top step, metal ladders and maximum ladder length.
					<b>Justification:</b>	Compliance with these additional safety measures will enhance the safety of the miners on a daily basis.
56-3-43.12	77.1905 77.21	Hoisting	X			<b>Differences:</b> WVOMHST law prohibits the rated capacity of the hoist from being exceeded.
					<b>Justification:</b>	Compliance with these additional safety measures will enhance the safety of the miners on a daily basis.
56-3-43.13	77.211 77.213	Drawoff Tunnels			X	<b>Differences:</b>
					<b>Justification:</b>	
56-3-43.14	77.201	Ventilation and Methane			X	<b>Differences:</b>
					<b>Justification:</b>	
56-3-43.15	77.1607	Railroad Equipment	X			<b>Differences:</b> No MSHA law requiring clearance, switch throws, equipment speeds.
					<b>Justification:</b>	
56-3-43.16		Railroad Construction and Maintenance	X			<b>Differences:</b> No MSHA law requiring detailed track construction and maintenance.
					<b>Justification:</b>	
56-3-44.1(a)	N/A	Coal Storage Bins	X			<b>Differences:</b> No MSHA regulation.
					<b>Justification:</b>	
56-3-44.1(b)	N/A	Cutting, Welding, Coal Storage	X			<b>Differences:</b> No MSHA regulation.
					<b>Justification:</b>	
56-3-44.2(c)	77.213	Escapeway in Tunnels			X	<b>Differences:</b>
					<b>Justification:</b>	
56-3-44.3(d)	77.209	Coal Storage Piles			X	<b>Differences:</b>
					<b>Justification:</b>	
56-3-45.1(a)	77.1109ci	Fire Protection			X	<b>Differences:</b>
					<b>Justification:</b>	



WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
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56-3-45.1(b)	N/A	Fire Protection	X			Differences: No MSHA law. Justification:
56-3-45.2(a)	77.1103a	Flammable liquids		X		Differences: MSHA follows NEPA standards on storage. Justification:
56-3-45.2(b)	N/A	Fire Protection	X			Differences: No MSHA law. Justification:
56-3-45.2(c)	N/A	Fire Protection	X			Differences: No MSHA law. Justification:
56-3-45.2(d)	77.1104	Fire Protection			X	Differences: Justification:
56-3-45.3(a)	77.1105	Fueling and Storage			X	Differences: Justification:
56-3-45.3(b)	77.1103d	Fueling and Storage			X	Differences: Justification:
56-3-45.3(c)	77.1103c	Fueling and Storage			X	Differences: Justification:
56-3-45.3(d)	N/A	Fueling and Storage			X	Differences: Justification:
56-3-45.4(a)	77.1110	Maintenance of Fire Fighting Equipment			X	Differences: Justification:
56-3-45.5	77.1102	Warnings			X	Differences: Justification:
56-3-45.6	77.1100	Drills			X	Differences: Justification:
56-3-46		Duties of Persons Subject to Article; Rules and Regulations of Operators	X			Differences: No MSHA regulation. Justification:

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56-3-47	77.1710a-i	Protective Equipment and Clothing		X		<b>Differences:</b> MSHA regulation paragraph (b) requires entire body covering when handling toxic substances. MSHA paragraph (e) states "suitable footwear."
<b>Justification:</b>						
56-3-48.1	77.1707b	First Aid Equipment	X			<b>Differences:</b> WVOMHST requires additional supplies; cold pack and six small splints.
<b>Justification:</b>						
56-3-49	77.3	Thermal Coal Dryers and Plants			X	<b>Differences:</b>
<b>Justification:</b>						
56-3-49.1(c)		Thermal Coal Dryers and Plants	X			<b>Differences:</b> Welding and cutting operation at dryer locations is not addressed in federal law.
<b>Justification:</b>						
56-3-49.1(p)		Thermal Coal Dryers and Plants	X			<b>Differences:</b> Electrical equipment, wiring and light fixtures shall be of dust tight construction. This is not addressed in MSHA law.
<b>Justification:</b>						
56-3-49.1(q)		Thermal Coal Dryers and Plants	X			<b>Differences:</b> Adequate illumination shall be provided. This is not addressed in MSHA law.
<b>Justification:</b>						
	77.313	Thermal Coal Dryers and Plants		X		<b>Differences:</b> Wet-coal bins needing thermal drying systems shall be equipped with both audible and visual low-coal-level indicators.
<b>Justification:</b>						
56-3-49.1(v)		Thermal Coal Dryers and Plants	X			<b>Differences:</b> When extension cables are used for emergency lighting, such devices shall be dust-tight and adequately guarded. When work is performed in dryer bins or any other dusty area, permissible cap lamps shall be used for illumination. This is not addressed in MSHA law.
<b>Justification:</b>						
56-3-50	50.11	Explosion or Accident; Notice; Investigation by DOE			X	<b>Differences:</b> Same.
<b>Justification:</b>						
56-3-51		Preservation of Evidence Following Accident or Disaster			X	<b>Differences:</b> Same.

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			More	Less	Equal	
<b>Justification:</b>						
56-3-52	50.30	Monthly Report by Operator			X	<b>Differences:</b> Same. Changed to quarterly.
<b>Justification:</b>						
56-3-53		Emergency Medical Personnel	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-3-54.1	77.104	First Aid Training			X	<b>Differences:</b>
<b>Justification:</b>						
56-3-55	48.22(1)	Certificate of Competency	X			<b>Differences:</b> Certificate of Competency and Qualification or Permit Apprenticeship required of all surface and underground mines. MSHA approves/accepts WVOMHST Certificate of Competency and Qualification.
<b>Justification:</b>						
53-3-56	48.25	Permit of Apprenticeship	X			<b>Differences:</b> WVOMHST requires 40 hours of instruction versus MSHA 8 hours.
<b>Justification:</b>						
56-3-57.1	48.25a	Permit of Apprentices	X			<b>Differences:</b> WVOMHST is more stringent. MSHA only requires a different color hat.
<b>Justification:</b>						
56-3-57.2	48.25a	Supervision of Apprentice			X	<b>Differences:</b>
<b>Justification:</b>						
56-3-58.1	77.100	Certificate of Competency and Qualification Underground or Surface Miner	X			<b>Differences:</b> MSHA law does not issue apprentice competency or qualification certifications. MSHA has no process for testing or issuance of competency or qualification.
<b>Justification:</b>						
56-3-59		Refusal to Issue Certificate; Appeal	X			<b>Differences:</b> No MSHA regulation.
<b>Justification:</b>						

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-3-60	48.22	Limitations of Article			X	<b>Differences:</b> Same. <b>Justification:</b>
56-3-61		Violations; Penalties			X	<b>Differences:</b> However, MSHA assessments are more costly. <b>Justification:</b>
56-3-62		Operators Filing of Plans -- Oil and Gas Wells	X			<b>Differences:</b> MSHA law does not address filing a plan or obtaining approval for a surface mine to mine within 200 feet of a gas well. <b>Justification:</b>
56-3-63	77.102	Annual Exam of Persons Using Flame Safety Lamps; Record of			X	<b>Differences:</b> Same. <b>Justification:</b>
<b>Title 56, Series 4 -- Protective Clothing and Equipment</b>						
56-4-3.1-15	75.1714	Definitions	X			<b>Differences:</b> MSHA does not provide definitions of words and phrases used in its Code. Each time the topic changes, WVOMHST does provide this useful information. <b>Justification:</b> The definition section of the state law pertaining to WVCSR 56-4 provides definitions of words used in the law that are not typically used otherwise and shows the words that are represented by acronyms.
56-4-4.1-5	30 CFR	Mine Safety Technology Task Force	X			<b>Differences:</b> MSHA does not have a Technology Task Force in federal mine law that provided technical and other assistance for the implementation of new technology. <b>Justification:</b>
56-4-5.1	75.1714-4	SCSR'S Acronym for Self Contained Self Rescuers Provided for Escape from Mines	X			<b>Differences:</b> W. Va. Code 22A-2-55A is referred to in this article of law which requires the miner to keep his self rescuer within immediate reach at all times. MSHA allows 25 feet. <b>Justification:</b>
56-4-5.2	75.1714-4 (a)(1)	Self Contained Self Rescue Devices	X			<b>Differences:</b> MSHA requires enough rescuers stored in a cache to provide one hour or longer for each person at a fixed location. WVOMHST requires enough rescuers provided at the same location to provide enough breathable air for twice the travel time estimated to the next cache.

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<b>Justification:</b> The additional oxygen is necessary. Our history has revealed that events take place in the mining industry that require every effort be taken to provide an individual attempting to escape with as much oxygen as possible.						
56-4-5.3	75-1717 30 CFR Part 48	Self Contained Self Rescuers			X	<b>Differences:</b>
<b>Justification:</b>						
56-4-5.4-6	75.1714-3	Self Contained Self-Rescue Devices Provided for Escape From Mines			X	<b>Differences:</b>
<b>Justification:</b>						
56-4-6.1-6	75.1714-4, 75.1714-2 & 75.1714	Self Contained Self Rescuer Device Storage Cache Plan			X	<b>Differences:</b>
<b>Justification:</b>						
56-4-6.7-14	75.1714, 75-1714-2, 75-1714-4, 75-1716, 75-380	Self Contained Self Rescuers Storage Plans			X	<b>Differences:</b>
<b>Justification:</b>						
56-4-7.1-3	30 CFR	Placement of Intrinsically Safe Battery Powered Lights for Storage Caches	X			<b>Differences:</b> MHSA does not have any law that requires intrinsically safe lights for storage caches of Self Contained Self Rescuers.
<b>Justification:</b> The light could provide more visibility for locating the self rescuer storage cache which could be critical in a smoke-filled environment.						
56-4-7.2	75.1714-4(d)(4)(f)	Reflective Signs Marking Locations of Self Contained Self Rescuers			X	<b>Differences:</b>
<b>Justification:</b>						

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			More	Less	Equal	
56-4-7.3-5	75.380.7	Life Line Cords Installed in Primary Escapeways		X		<b>Differences:</b> MSHA requires markers be attached to the life line to indicate direction of travel refuge alternatives, self rescuer caches, and man doors. This is not part of this section of WVOMHST law.
<b>Justification:</b>						
56-4-8.1	75.1507	Location of Emergency Shelter Chambers for Working Sections			X	<b>Differences:</b>
<b>Justification:</b>						
56-4-8.2	75.1506	Alternative Shelter/Chamber	X			<b>Differences:</b> MSHA does not acknowledge in the Code an acceptable alternative to having a shelter/chamber located no more than 1,000 feet from the working section. WVOMHST allows an additional opening to the surface within 1,000 feet of the working section and accurately located on an escapeway map.
<b>Justification:</b>						
56-4-8.6.1-16	75.1507	Description of Shelter/ Chambers, What is to be in Them for Miners' Use and What the Shelter/ Chambers are to Provide for Protection of Miners			X	<b>Differences:</b> MSHA and WVOMHST laws are the same. These laws were mostly originated with WVOMHST.
<b>Justification:</b>						
56-4-8.17	75.1507	Penalties for Tampering with Emergency Shelter/Chambers	X			<b>Differences:</b> WVOMHST has the only law that has enforceable penalties on individuals who violate state law.
<b>Justification:</b> This law allows WVOMHST to have direct influence on the safety and protection of the miners. All miners in the State of West Virginia know that WVOMHST holds them personally accountable.						
56-4-9.1-17	75.1600.3	Wireless Emergency Communication and Tracking/Locating Systems			X	<b>Differences:</b> All of 56-4-9 pertains to regulations for Wireless Emergency and Tracking Systems. MSHA is similar.

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						<b>Justification:</b> MSHA requires companies to develop an emergency response plan, and that plan most often has WVOMHST's approved wireless emergency communication and tracking/locating systems included.
<b>Title 56, Series 6 -- Open Pit Mines, Exclusive of Surface Mines</b>						
56-6		Open Pit Mines				<b>Differences:</b>
						<b>Justification:</b> Due to the passage of 56-20, which governs the quarry industry, this Rule is no longer needed.
<b>Title 56, Series 7 -- Open Pit Limestone and Sandstone Mines and Underground Limestone and Sandstone Mines</b>						
56-7		Open Pit and Underground Limestone and Sandstone Mines				<b>Differences:</b>
						<b>Justification:</b> Due to the passage of 56-20, which governs the quarry industry, this Rule is no longer needed.
<b>Title 56, Series 8 -- Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations</b>						
56-8	N/A	Comprehensive Mine Safety Program			X	<b>Differences:</b> MSHA requires similar training plans.
						<b>Justification:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA? More Less Equal			DIFFERENCES/JUSTIFICATIONS
<b>Title 56, Series 9 -- Requests for Information (Freedom of Information Act)</b>						
56-9	29 C.F.R. 70	FOIA			X	<b>Differences:</b> WVOMHST -- 5 days to respond; MSHA -- 20 days to respond. Reproduction charges are de minimis.
						<b>Justification:</b>
<b>Title 56, Series 10 -- Reporting Requirements for Independent Contractors</b>						
56-10-2	30 C.F.R. Part 45	Reporting Requirements for Independent Contractors			X	<b>Differences:</b> WVOMHST requires quarterly reporting of total number of employees working at a mine, hours worked, total reported accidents and occupational injuries, and the mine ID number where the employees hours were worked. MSHA requires a registry to be maintained by the production operator to document address of record, telephone numbers, trade names, description of the work to be performed and the location at the mine, by the independent contractor and make the record available to the inspector upon request.
						<b>Justification:</b>
<b>Title 56, Series 11 -- First-Aid Training of Shaft and Slope Employees</b>						
56-11		First Aid Training / Shaft and Slope Employees	X			<b>Differences:</b> MSHA has no specific regulations on first aid training for shaft and slope employees. MSHA regulates these areas with underground regulations 75.1713-3, 75.1713-4, 75.1713-5 and 75-1713.6 and also surface regulations 77.1703, 77.1704, 77.1705 and 77.1706. MSHA enforces these regulations with site specific approved shaft and slope plans.



WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
<b>Title 56, Series 12 -- Assessing Health and Safety Violation Penalties</b>						
56-12	100	Assessing Health & Safety Violation Penalties		X		<b>Differences:</b> MSHA's monetary amounts are far greater.
<b>Title 56, Series 13 -- Drug Testing of Mine Inspectors and Mine Safety Instructors</b>						
56-13	None	Drug Testing of Mine Inspectors and Mine Safety Instructors	X			<b>Differences:</b> No MSHA law on drug testing inspectors.
<b>Title 56, Series 14 -- Application Process for the West Virginia Innovative Mine Safety and Technology Tax Credit Act</b>						
56-14		Innovative Mine Safety Technology Tax Credit Act	X			<b>Differences:</b> MSHA has no innovative mine safety technology tax credit regulations for mining companies to have the incentive to purchase new mining technology products. prior to mandated regulations.

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			More	Less	Equal	
Justification:						
<b>Title 56, Series 17 -- Organization and Implementation Procedures for Control of Coal Dust, Rock Dust Standards</b>						
56-17-2	75.400-2	Cleanup Program			X	<b>Differences:</b> No substantial differences.
Justification:						
56-17-2.2	75.400-1(a),(b),(c)	Definitions Coal Dust, Float Dust and Loose Coal			X	<b>Differences:</b> No substantial differences.
Justification:						
56-17-2.4		Define Rock Dust	X			<b>Differences:</b> No substantial differences on the maximum size. However, WVOMHST addresses the minimum particle size such that it cannot be inhaled deep into the lungs.
Justification:						
56-17-3	75.402	Control of Coal Dust	X			<b>Differences:</b> No substantial differences, although greater definition in WVOMHST law.
Justification:						
56-17-4	75.402-1	Use of Moisture Control Coal	X			<b>Differences:</b> No substantial differences, although greater definition in WVOMHST law.
Justification:						
	75-404	Exemption of Anthracite Mines		X		<b>Differences:</b> Not covered in WVOMHST rules.
Justification:						
56-17-6		Coal Dust Sample Analysis			X	<b>Differences:</b> MSHA has not codified its procedures.
Justification:						
56-17-8		Organization		X		<b>Differences:</b> MSHA uses seasoned inspectors.
Justification:						

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA? More Less Equal			DIFFERENCES/JUSTIFICATIONS
<b>Title 56, Series 18 -- Program for the Sharing of Information Between Employers</b>						
56-18	None	Sharing of Information Concerning Failed Substance	X			<b>Differences:</b> There are no MSHA regulations that cover this issue.
						<b>Justification:</b> This allows employers to have a means of having information available to assure that they do not hire someone who does not have a valid mining certification. The rule was promulgated to comply with W. Va. Code § 22A-1-4(12).
<b>Title 56, Series 19 -- Substance Abuse Screening, Standards and Procedures</b>						
56-19	None	Substance Abuse Screening	X			<b>Differences:</b> MSHA does not address substance abuse testing and decertifying individuals who fail the test and prohibit them from being on coal mine property.
						<b>Justification:</b> This law is much needed due to the epidemic substance abuse problem. Due to the very nature of the coal mining industry, there is no place in mining for impaired workers to be on the job. As of August 29, 2017, 1,121 individuals have lost their mining certifications due to failed drug and alcohol screenings. Without this law in place, many of them would have continued working in the mining industry without seeking or obtaining help for their issues. This rule was promulgated to comply with W. Va. Code § 22A-6-14.
<b>Title 56, Series 20 -- Safety of Those Employed in and Around Quarries in West Virginia</b>						
56-20-4	56.18002	Inspection of Work Areas	X			<b>Differences:</b> WVOMHST requires a pre-shift within three hours and an on-site examination; weekly safety meetings.
						<b>Justification:</b>
56-20-5		Duty of Operator	X			<b>Differences:</b> No MSHA law.

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			More	Less	Equal	
						Justification:
56-20-6.1	56.3130	Ground Control Loose Material			X	Differences:
						Justification:
56-20-6.2	56.3130	Benches			X	Differences:
						Justification:
56-20-6.3.a.	56.3131	Highwall			X	Differences:
						Justification:
56-20-6.3.b.	56.3200	Highwall Danger	X			Differences: Shall be reported.
						Justification:
56-20-6.3.c.	None	Trees Endangering	X			Differences: No MSHA law.
						Justification:
56-20-6.3.d.	56.3200	Burden			X	Differences:
						Justification:
56-20-6.3.e.	56.3400	Unsafe Conditions			X	Differences:
						Justification:
56-20-6.3.f.	None	Precautions for Equipment	X			Differences: No MSHA law.
						Justification:
56-20-6.4	56.3201	Scaling			X	Differences:
						Justification:
56-20-6.5	56.3202	Scaling Tools			X	Differences:
						Justification:
56-20-6.6	56.3203	Rock Fixtures			X	Differences:
						Justification:
56-20-6.7	56.3401	Ground Support			X	Differences:
						Justification:
56-20-6.8	56.3401	Examinations			X	Differences:
						Justification:
56-20-6.9.a.,b.	56.3430	Work Between Machines			X	Differences: No MSHA law.
						Justification:
56-20-6.10		Tree Removal	X			Differences:
						Justification:

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			More	Less	Equal	
56-20-6.11	56.17001	Illumination			X	Differences:
						Justification:
56-20-6.12	56.9300	Dump Area			X	Differences:
						Justification:
56-20-7.1	56.7703	Drilling	X			Differences: Notes the use of drill pipe restraining devices.
						Justification:
56-20-7.2	56.7000	Horizontal Drilling	X			Differences: Not addressed in subpart F.
						Justification:
56-20-7.3.a.	56.7012	Vertical Drilling			X	Differences:
						Justification:
56-20-7.3.b.	56.7051	Tools on Drill			X	Differences:
						Justification:
56-20-7.3.c.	56.7005	Drill Stem in Motion			X	Differences:
						Justification:
56-20-7.3.d.	56.7000	Starter Hole Pipe	X			Differences: Not addressed in subpart F.
						Justification:
56-20-7.3.e.	56.7005	No Persons on Drill Mast			X	Differences:
						Justification:
56-20-7.3.f.	56.7002	Threads on Pipe	X			Differences: Specific language on condition.
						Justification:
56-20-7.4.a.	56.7052	Drilling Position			X	Differences:
						Justification:
56-20-7.4.b.	56.7018	Hand Clearance			X	Differences:
						Justification:
56-20-7.4.c.	56.7052	Driller Position			X	Differences:
						Justification:
56-20-7.4.d.	56.7000	Driller Position Near Edge	X			Differences: Not addressed in subpart F.
						Justification:
56-20-7.4.e.	56.7000	Position of Cab	X			Differences:
						Justification:
56-20-7.5.a.	56.7013	Covering Holes			X	Differences:
						Justification:

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56-20-7.5.b.	56.7008	Moving Drill			X	Differences:
						Justification:
56-20-7.5.c.	56.7009	Drill Helper			X	Differences:
						Justification:
56-20-7.5.d.	56.7053	Hand Held Drill			X	Differences:
						Justification:
56-20-8.1.b.	N/A	Electric Wiring	X			Differences: No MSHA law.
						Justification:
56-20-8.1.c.	N/A	Reasonably Clean	X			Differences: No MSHA law.
						Justification:
56-20-8.1.d.	N/A	Fuel Tanks and Lines	X			Differences: No MSHA law.
						Justification:
56-20-8.1.f.	56.6202(1)	Non-Sparking Space			X	Differences:
						Justification:
56-20-8.1.g.	56.6202(5)	Warning Signs			X	Differences:
						Justification:
56-20-8.1.j.	N/A	Record of Maintenance Examinations	X			Differences: No MSHA law.
						Justification:
56-20-8.2.b.	56.6200	Transport Without Undue Delay			X	Differences:
						Justification:
56-20-8.2.c.	56.6202(6)	Permitted to Ride			X	Differences:
						Justification:
56-20-8.2.d.	56.6202(8)	Parked on Grade			X	Differences:
						Justification:
56-20-8.3.a.	N/A	Certification	X			Differences: MSHA does not have certifications.
						Justification:
56-20-8.3.d.	56.6903	Smoking, Open Flame			X	Differences:
						Justification:
56-20-8.3.e.		Explosives in Pockets	X			Differences: No MSHA law.

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						<b>Justification:</b>
56-20-8.4.c.		Necessary Equipment	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-8.6.b.1.	56.6306(F)(i)	Warning Blast Sight	X			<b>Differences:</b> Times
						<b>Justification:</b>
56-20-8.9.b.	56.6100A,B	Storage of Explosives	X			<b>Differences:</b>
						<b>Justification:</b>
56-20-8.9.c.	56.6101B	Combustible Materials	X			<b>Differences:</b> WVOMHST 100 feet; MSHA 50 feet.
						<b>Justification:</b>
56-20-8.9.d.	56.6102(3)	Explosives	X			<b>Differences:</b> Under WVOMHST, explosives cannot be stacked more than 6 feet high; MSHA law allows 8 feet.
						<b>Justification:</b>
56-20-8.9.e.	56.6101	Area Around Magazine			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-9.1.,2.	57-22601	Blasting from Surface	X			<b>Differences:</b> WVOMHST law requires a 500 foot distance and approval from Director. No footage or approval required by MSHA. Although MSHA requires removal of persons from the mine but no distance could be found. (Could not find MSHA law pertaining to breakthroughs or cut-throughs.) MSHA Part 56.3200 deals with ground conditions, but does not address anything directly.
						<b>Justification:</b>
56-20-10.1	57.1105	Escapeways			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-11.1.a.	N/A	Traffic Directions	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-11.1.b.	56.9100(b)	Signs			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-11.1.c.	N/A	Signals	X			<b>Differences:</b>
						<b>Justification:</b>
56-20-11.1.d.	56.9306	Clearances	X			<b>Differences:</b> WVOMHST law is more about dumping clearance.
						<b>Justification:</b>
56-20-11.1.e.	N/A	Approaching Hazards	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>

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			More	Less	Equal		
56-20-11.1.f.	57.9100	Regulatory Signs	X			<b>Differences:</b>	WVOMHST says specific locations.
						<b>Justification:</b>	
56-20-11.1.g.	57.9100	Warning Signs	X			<b>Differences:</b>	WVOMHST addresses specific hazards.
						<b>Justification:</b>	
56-20-11.1.h.	N/A	Object Marking	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.1.i.	N/A	Physical Obstruction	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.1.j.	N/A	Haulageway Hazard	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.a.	N/A	Road Location	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.b.	56.9315	Haulroad Dust	X			<b>Differences:</b>	WVOMHST addresses haulage dust specifically.
						<b>Justification:</b>	
56-20-11.2.c.	N/A	Unauthorized Persons	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.d.	56.9300(d)	Berms	X			<b>Differences:</b>	MSHA does not require berms on all elevated roadways.
						<b>Justification:</b>	
56-20-11.2.e.	N/A	Haul Road Width and Grade	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.f.	N/A	Haul Road Width	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.g.	56.9313	Hawl Road Drainage	X			<b>Differences:</b>	WVOMHST is more specific.
						<b>Justification:</b>	
56-20-11.2.h.	N/A	Haul Road Construction	X			<b>Differences:</b>	WVOMHST is more specific.
						<b>Justification:</b>	
56-20-11.2.i.	N/A	Haul Road Deterioration	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	
56-20-11.2.j.	N/A	Runaway Roads	X			<b>Differences:</b>	No MSHA law.
						<b>Justification:</b>	



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			More	Less	Equal		
56-20-11.2.k.	N/A	Powerlines Over Haulage Roads	X			Differences:	No MSHA law.
						Justification:	
56-20-11.3.a.	N/A	Haulage Truck Windshields	X			Differences:	No MSHA law.
						Justification:	
56-20-11.3.b.	N/A	Hand Tools	X			Differences:	No MSHA law.
						Justification:	
56-20-11.3.c.	N/A	Emergency Steering and Braking	X			Differences:	No MSHA law.
						Justification:	
56-20-11.3.d.	N/A	Communication	X			Differences:	No MSHA law.
						Justification:	
56-20-11.3.e.	56.14101(a)	Emergency Braking		X		Differences:	MSHA gives details on the emergency braking system.
						Justification:	
56-20-11.4.a.	N/A	Truck Path Unobstructed	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.b.	N/A	Radio or Visual Contact	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.c.	N/A	Vehicles Passing	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.d.	N/A	Person Passing Under Booms	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.e.	56.9101	Operating Speeds	X			Differences:	State law says haul roads. MSHA says in motion.
						Justification:	
56-20-11.4.f.	N/A	Haulage Same Direction	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.g.	N/A	Haulage Safe Distance	X			Differences:	No MSHA law.
						Justification:	
56-20-11.4.h.	N/A	State Roads	X			Differences:	No MSHA law.
						Justification:	

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			More	Less	Equal	
56.20.11.4.i.	56.9305(a)	Truck Spotters			X	Differences: Same. Justification:
56-20-11.4.j.	56.14105(c)(1)	Material in Cab		X		Differences: MSHA says all self propelled; WVOMHST says haulage equipment. Justification:
56-20-11.5.a.	56.14208(a)	Parked Equipment			X	Differences: Same. Justification:
56-20-11.5.b.	56.14207	Unattended Equipment			X	Differences: Same. Justification:
56-20-11.6.a.	N/A	Parking Area	X			Differences: No MSHA law. Justification:
56-20-11.6.b.	N/A	Transport Persons	X			Differences: No MSHA law. Justification:
56-20-11.6.b.1.	N/A	Mantrips	X			Differences: No MSHA law. Justification:
56-20-11.7	56.9202	Large Rocks			X	Differences: Same. Justification:
56-20-11.8	56.9201	Loading, Hauling Equipment and Supplies			X	Differences: Same. Justification:
56-20-11.9	57.200(f)	Supplies on Mantrip			X	Differences: Same. Justification:
56-20-11.10	56.1101	Access			X	Differences: Same. Justification:
56-20-12	56.20001	General Provisions	X			Differences: WVOMHST has more laws, better details, description of distances. Justification:
56-20-12.1		Horseplay	X			Differences: Justification:
56-20-12.2	56.20001	Alcohol and Drugs	X			Differences: WVOMHST can request drug test. Justification:

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			More	Less	Equal	
56-20-12.3	56.20003	Housekeeping			X	Differences: Justification:
56-20-12.4	57.4100	Smoking	X			Differences: Gives specified distances. Justification:
56-20-12.5	57.13021	Compressed Air and Gases			X	Differences: Justification:
56-20-12.6	56.18020	No Working Alone			X	Differences: Justification:
56-20-12.7		Stockpiles	X			Differences: Justification:
56-20-12.8	57.16002	Reclaiming Hazards		X		Differences: Justification:
56-20-12.9	56.20008	Toilet Facilities			X	Differences: Justification:
56-20-12.10	56.2002	Drinking Water			X	Differences: Justification:
56-20-12.11	57.11058	Check-in; check-out			X	Differences: Justification:
56-20-13.1.a.	56.12016	Qualifications of Electricians and Performance of Electrical Work -- Suitably Tagged	X			Differences: WVOMHST requires persons doing electrical work to be qualified by some means of a recognized degree, certificate, license, or professional standing and/or has passed an exam administered by a recognized governing body. WVOMHST also requires additional information on tag. Justification: Safer workplace due to higher level of qualification required by WVOMHST. MSHA leaves this up to the quarry operator to decide who is qualified. Better wording to warn other workers.
56-20-13.1.b.	56.12017 57.12017	Circuits De-Energized Before Work is Done	X			Differences: WVOMHST requires circuits to be de-energized before actual work is done. MSHA law allows hot-line tools to be used on live circuits. Justification: This method of repair is much more risky as the potential for being exposed to live power is greater. Risks include but are not limited to shock, burns, many other physical problems and death.

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			More	Less	Equal	
56-20-13.1.c.	56 and 57	All Wiring and Equipment Must Meet the NEC at Time of Installation	X			<b>Differences:</b> WVOMHST requires circuits and equipment to be installed in compliance with the National Electrical Code (NEC) at the time of installation. MSHA can only enforce the 1968 NEC.  <b>Justification:</b> 1968 NEC is outdated due to many electrical advances. Many electrical devices such as PLCs and VFDs did not exist in 1968.
56-20-13.2.	56.12067 57.12067	Transformers	X			<b>Differences:</b> WVOMHST requires adequate overload protection. MSHA does not require this in transformer section.  <b>Justification:</b> Overload protection is fire protection in the event of an overload. MSHA may be able to require overload protection, but it may not be adequate due to using the 1968 National Electric Code as a reference.
56-20-13.2.c.	56.12021	High Voltage Signs	X			<b>Differences:</b> WVOMHST requires voltage on sign.  <b>Justification:</b> Workers have knowledge of potential voltage at electrical installation.
56-20-13.3.	56 and 57	Electrical Equipment Generally	X			<b>Differences:</b> MSHA does not have this category. Many issues relating to electrical protection of a person are left out.  <b>Justification:</b> Most things in this section specifically protect a person from contact with electricity.
56-13.13.4.	56 and 57	Testing and Repair of Electrical Equipment	X			<b>Differences:</b> WVOMHST requires electrical equipment be examined monthly and tested by a qualified electrician. MSHA only requires an annual test of grounding systems.  <b>Justification:</b> Lack of exams of electrical equipment will lead to more violations due to oversight.
56-20-13.4.a.1.	N/A	Electrical Examinations	X			<b>Differences:</b> State requires monthly testing and properly maintained. State also requires emergency shutdown tested monthly. MSHA has nothing on monthly testing.  <b>Justification:</b>
56-20-13.4.b.	56 and 57	Circuit Breaker Testing	X			<b>Differences:</b> WVOMHST requires all circuit breakers with auxiliary devices be tested monthly and a record kept for one year. MSHA does not require either one.  <b>Justification:</b> If circuit breakers fail to trip when faults occur, electrical systems are damaged and can cause fire, shock or even worse.
56-20-13.5	56 and 57	Circuit Breakers Required	X			<b>Differences:</b> WVOMHST requires circuit breakers on three phase motors. MSHA will allow fuses.  <b>Justification:</b> Fuses will allow single phase on three phase motors. This can be a fire hazard.

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			More	Less	Equal		
56-20-13.5.e.	56.12003	Circuit Breakers	X			<b>Differences:</b>	WVOMHST requires breakers to include under-voltage and grounded phase. MSHA has no requirements for this on breakers.
						<b>Justification:</b>	
56-20-13.6	56 and 57	Cables	X			<b>Differences:</b>	WVOMHST requires more detailed protective measures than MSHA law.
						<b>Justification:</b>	Cables and trailing cables account for most electrical shocks and shock hazards.
56-20-13.7	56 and 57	Grounding	X			<b>Differences:</b>	MSHA law does require grounding. WVOMHST requires grounding and ground monitoring. Also WVOMHST requires ground fault interrupters.
						<b>Justification:</b>	WVOMHST requirements are much more likely to assure grounding conductors are in place and equipment stays grounded. This prevents equipment and equipment frames from becoming energized in the case of an energized conductor being in contact with equipment.
56-20-13.7.c.	56.12025	Metal Enclosures Grounding	X			<b>Differences:</b>	Metal enclosures that could become alive through failure of insulation or by contact with energized parts shall be grounded.
						<b>Justification:</b>	WVOMHST requires monitoring to assure continuity.
56-20-13.7.f.	N/A	Grounding of Metal Structures and Buildings	X			<b>Differences:</b>	WVOMHST requires earth grounds on all metal structures and buildings. MSHA does not address stand-alone buildings.
						<b>Justification:</b>	
56-20-13.8	56 and 57	Energized Lines	X			<b>Differences:</b>	WVOMHST spells out the requirements for energized lines and guy wires. MSHA law requires to follow the National Electrical Code for energized lines (they use the 1968 NEC). MSHA requirement for guy wires refers you to other standards.
						<b>Justification:</b>	Many times due to the size of equipment working around powerlines (energized or not), the National Electrical Code may not be able to cover issues that are covered by WVOMHST.
56-20-13.9	56 and 57	High Voltage	X			<b>Differences:</b>	WVOMHST has requirements specifically for high voltage circuits and the safe practices to keep persons from being exposed or from possible exposure. MSHA law covers this more on a general basis with any power circuit.
						<b>Justification:</b>	High voltage has to be protected and handled much differently due to its inherent hazards.
56-20-13.10	56 and 57	Movement of Electrical Equipment	X			<b>Differences:</b>	WVOMHST does not allow electrical equipment other than mobile equipment to be moved while energized. MSHA law does not address this.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
<b>Justification:</b> The movement of energized equipment such as power centers and substations is not normally necessary and can be very hazardous.						
56-20-13.11	56 and 57	Other Electrical Apparatus or Areas	X			<b>Differences:</b> This section is to protect persons from accidental contact with electricity due to location or apparatus. MSHA does not cover this specifically. WVOMHST addresses things like ladders, guards and such to protect a person from electrical hazards.
<b>Justification:</b> Things such as metal ladders around energized power circuits and guards to protect persons from energized circuits need to be clear in the law. This seems to be common sense, but not always. Inspectors need a way to correct the conditions when found.						
56-20-14	56.14213	Welding	X			<b>Differences:</b> No regulations by MSHA on 56-20-14.4.b., c., e.
<b>Justification:</b>						
56-20-15.1	56.14100	Equipment	X			<b>Differences:</b> WVOMHST requires a record of pre-ops of 30 days.
<b>Justification:</b>						
56-20-15.2		Operation of Equipment	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.3		Operation of Equipment	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.4	56.14101	Warning Devices, Lights, Brakes		X		<b>Differences:</b> MSHA requires more testing.
<b>Justification:</b>						
56-20-15.5.a.	N/A	Blocking Dump Bodies	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.5.b.	N/A	Persons on Cargo	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.5.c.	N/A	Persons in Cab	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.5.d.	N/A	Mirrors	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.5.e	56.1421	Bucket Over Cab			X	<b>Differences:</b> Same.
<b>Justification:</b>						

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			More	Less	Equal	
56-20-15.6.a.	N/A	Altered or Modified	X			Differences: No MSHA law. Justification:
56-20-15.6.b.	N/A	Flashing Lights	X			Differences: No MSHA law. Justification:
56-20-15.6.c.	N/A	Safety Bar	X			Differences: No MSHA law. Justification:
56-20-15.6.d.	N/A	Travelways	X			Differences: No MSHA law. Justification:
56-20-15.6.e.	N/A	Electrical Mobile Equipment	X			Differences: No MSHA law. Justification:
56-20-15.6.f.	57.14209a,b	Towing		X		Differences: MSHA law is more specific. Justification:
56-20-15.6.g.	N/A	Exhaust Tail Pieces	X			Differences: No MSHA law. Justification:
56-20-15.6.h.	N/A	Grader Travel	X			Differences: No MSHA law. Justification:
56-20-15.6.i.	56.12016	Emergency Stop Switches		X		Differences: MSHA law is more detailed. Justification:
56-20-15.6.j.	56.12016	Electrical Compartments			X	Differences: Same. Justification:
56-20-15.6.k.	N/A	Electrical Covers	X			Differences: No MSHA law. Justification:
56-20-15.6.l.	N/A	Steering	X			Differences: No MSHA law. Justification:
56-20-15.6.m.	56.14131	Seat Belts		X		Differences: MSHA law is more stringent. Justification:
56-20-15.6.n.	N/A	Moveable Parts	X			Differences: No MSHA law. Justification:
56-20-15.7.a.	56.14103	Windows			X	Differences: Same. Justification:
56-20-15.7.b.	N/A	Wipers	X			Differences: No MSHA law.

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			More	Less	Equal	
						<b>Justification:</b>
56-20-15.7.c.	N/A	Cabs	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.7.d.	N/A	Mirrors	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.8.a.	N/A	Guards	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.8.b.	N/A	Secured Guards	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.8.c.	N/A	Floor Boards	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.9.a.	N/A	Operator's Full Control	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.9.b.	56.9101	Operating Speeds			X	<b>Differences:</b> Same.
						<b>Justification:</b>
56-20-15.9.c.	N/A	Mobile Equipment Stopped	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.9.d.	N/A	Two People in Cab	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.9.e.	56.14103(c)(1)	Operator's Cab	X			<b>Differences:</b> MSHA does not address ventilation in cabs.
						<b>Justification:</b>
56-20-15.9.f.	56.14106(a)	Falling Object			X	<b>Differences:</b> Same.
						<b>Justification:</b>
56-20-15.9.g.	56.1423	ROPS Cab		X		<b>Differences:</b> MSHA law is more specific and detailed.
						<b>Justification:</b>
56-20-15.9.h.	N/A	Operating Equipment Training	X			<b>Differences:</b> WVOMHST is more specific.
						<b>Justification:</b>
56-20-15.9.i.	56.313	Safe Distance Vertical Fills		X		<b>Differences:</b> MSHA law is more specific.
						<b>Justification:</b>
56-20-15.10.a.	56.9201	Equipment to be Hauled		X		<b>Differences:</b> MSHA law is more stringent.



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			More	Less	Equal	
						<b>Justification:</b>
56-20-15.10.b.	N/A	Loads Extending 4 Feet	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.10.c.	N/A	Dump Trucks Trimmed	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.10.d.	N/A	Ride Equipment Being Hauled	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.11.a.	56.14108	Drive Belts			X	<b>Differences:</b> WVOMHST states all drive belts. MSHA states overhead drive belts.
						<b>Justification:</b>
56-20-15.11.b.	57.4503a,b	Belt Stop Switches			X	<b>Differences:</b> WVOMHST and MSHA require auto stop switches.
						<b>Justification:</b>
56-20-15.11.c.	57.14109a	Conveyor Belt Emergency Stops			X	<b>Differences:</b> Both require emergency stops (pull cords).
						<b>Justification:</b>
56-20-15.12.a.	57.14100	Condition of Tools			X	<b>Differences:</b> Both require tools to be maintained.
						<b>Justification:</b>
56-20-15.12.b.	57.14116	Power Tools Requiring Pressure			X	<b>Differences:</b> Both require controls that use constant pressure to operate.
						<b>Justification:</b>
56-20-15.12.c.	57.14100(b)	Adjustable Pipe and Sockets	X			<b>Differences:</b> MSHA does not address adjustable pipe, end and socket wrenches.
						<b>Justification:</b>
56-20-15.12.d.	57.14100(b)	Impact Tools	X			<b>Differences:</b> MSHA does not state impact tools. MSHA states defects of tools.
						<b>Justification:</b>
56-20-15.12.e.	57.14100(b)	Wooden Handles of Tools	X			<b>Differences:</b> MSHA does not state wooden handles.
						<b>Justification:</b>
56-20-15.12.f.	57.12033	Double Insulated Tools	X			<b>Differences:</b> MSHA does not address double-insulated electric power tools.
						<b>Justification:</b>
56-20-15.12.g.	56.1908	Hoisting of Tools	X			<b>Differences:</b> MSHA does not address using hose and electrical cables for hoisting.
						<b>Justification:</b>
56-20-15.12.h.	56.13021	Pneumatic Power Tools			X	<b>Differences:</b> Both address hose ends to have positive connections.

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						<b>Justification:</b>
56-20-15.12.i.	57.14100b	Safety Clips or Retainers	X			<b>Differences:</b> MSHA does not address safety clips or retainers of air impact.
						<b>Justification:</b>
56-20-15.12.j.		Safe Operating Pressure (Hoses)	X			<b>Differences:</b> MSHA does not address safe operating pressure for hoses.
						<b>Justification:</b>
56-20-15.12.k.	57.4103	Fueling Powered Tools	X			<b>Differences:</b> MSHA only addresses internal combustion engines.
						<b>Justification:</b>
56-20-15.12.l.		Enclosed Spaces (Fueling)	X			<b>Differences:</b> MSHA does not address fuel powered tools used in enclosed spaces.
						<b>Justification:</b>
56-20-15.12.m.	57.4402	Approved Fuel Containers		X		<b>Differences:</b> MSHA requires cans to be safety cans and to be labeled.
						<b>Justification:</b>
56-20-15.12.n.	57.14100	Manufacturer's Specs.	X			<b>Differences:</b> MSHA does not directly address tools being used as per specifications.
						<b>Justification:</b>
56-20-15.13.a.		Jacks	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.13.b.		Jacks	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.13.c.		Jacks	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-15.14.a.		Stationary Grinding Machines			X	<b>Differences:</b> Same or somewhat less.
						<b>Justification:</b>
56-20-15.14.b.		Stationary Grinding Machines			X	<b>Differences:</b> Same.
						<b>Justification:</b>
56-20-15.14.c.		Stationary Grinding Machines			X	<b>Differences:</b> Same.
						<b>Justification:</b>
56-20-15.15.a.		Tires and Repairs			X	<b>Differences:</b> Same.

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<b>Justification:</b>						
56-20-15.15.b.		Tires and Repairs			X	<b>Differences:</b> Same.
<b>Justification:</b>						
56-20-15.15.c.		Tires and Repairs			X	<b>Differences:</b> Same.
<b>Justification:</b>						
56-20-15.15.d.	56.14104	Tires and Repairs	X			<b>Differences:</b> WVOMHST law is more detailed.
<b>Justification:</b>						
56-20-15.15.e.	56.14104	Tires and Repairs	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.15.f.	56.14104	Tires and Repairs	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.15.g.	56.14104	Tires and Repairs	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.16.a.	56.19026	Operating Equipment on Extreme Slopes	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-15.16.b.	56.19027	Operating Equipment on Extreme Slopes			X	<b>Differences:</b> Same.
<b>Justification:</b>						
56-20-15.16.c.		Operating Equipment on Extreme Slopes			X	<b>Differences:</b> Same.
<b>Justification:</b>						
56-20-15.16.c. 1 thru 8		Operating Equipment on Extreme Slopes			X	<b>Differences:</b> Size according to manufacturer's specifications.
<b>Justification:</b>						
56-20-15.16.d.		Operating Equipment on Extreme Slopes	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						
56-20-16.1.a.	56.20003a	Installations Generally			X	<b>Differences:</b>
<b>Justification:</b>						
56-20-16.1.b.	N/A	Installations Generally	X			<b>Differences:</b> No MSHA law.
<b>Justification:</b>						

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56-20-16.1.c.	56.20011	Installations Generally			X	Differences:
						Justification:
56-20-16.1.d.	56.17001	Installations Generally			X	Differences:
						Justification:
56-20-16.1.e.	56.16001	Installations Generally			X	Differences:
						Justification:
56-20-16.1.f.	56.200003c	Installations Generally			X	Differences:
						Justification:
56-20-16.1.g.	N/A	Installations Generally	X			Differences: No MSHA law.
						Justification:
56-20-16.1.h.	56.16002	Installations Generally			X	Differences:
						Justification:
56-20-16.1.i.	N/A	Installations Generally	X			Differences: No MSHA law.
						Justification:
56-20-16.2.a.	56.14107	Machinery Guards			X	Differences:
						Justification:
56-20-16.2.b.	56.14105	Machinery Guards			X	Differences:
						Justification:
56-20-16.2.c.	56.14202	Machinery Guards			X	Differences:
						Justification:
56-20-16.3.a.	56.9031	Ramps and Dumping			X	Differences:
						Justification:
56-20-16.3.b.	56.9031	Ramps and Dumping			X	Differences:
						Justification:
56-20-16.3.c.	56.20011	Ramps and Dumping			X	Differences:
						Justification:
56-20-16.3.d.	56.9315	Ramps and Dumping			X	Differences:
						Justification:
56-20-16.3.e.	N/A	Ramps and Dumping	X			Differences: No MSHA law.
						Justification:
56-20-16.3.f.	56.9303	Ramps and Dumping			X	Differences:
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-16.3.g.	56.14105	Ramps and Dumping			X	Differences: Justification:
56-20-16.3.h.	56.14105	Ramps and Dumping			X	Differences: Justification:
56-20-16.3.i.	56.9303	Ramps and Dumping			X	Differences: Justification:
56-20-16.4.a.	56.14202	Repairs of Machinery	X			Differences: WVOMHST requires machinery to be locked and tagged out. Justification:
56-20-16.4.b.		Repairs of Machinery			X	Differences: Justification:
56-20-16.4.c.	56.11027	Repairs of Machinery			X	Differences: Justification:
56-20-16.5.a.	56.11027	Stairs, Platforms, etc.			X	Differences: Justification:
56-20-16.5.b.	56.11002	Stairs, Platforms, etc.			X	Differences: Justification:
56-20-16.5.c.	56.14203	Stairs, Platforms, etc.			X	Differences: Justification:
56-20-16.6.a.	N/A	Belt Drives, etc.	X			Differences: No MSHA law. Justification:
56-20-16.6.b.	56.14203	Belt Drives, etc.			X	Differences: Justification:
56-20-16.6.c.	N/A	Belt Drives, etc.	X			Differences: No MSHA law. Justification:
56-20-16.7.a.	56.14201b	Conveyors, Crossovers			X	Differences: Justification:
56-20-16.7.b.	56.11012a,b	Conveyors, Crossovers	X			Differences: WVOMHST requires crossovers and crossunders be of substantial construction with rails and maintained in good condition. Justification:
56-20-16.7.c.	56.14202	Conveyors, Crossovers			X	Differences: Justification:
56-20-16.7.d.	N/A	Conveyors, Crossovers	X			Differences: No MSHA law.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
						Justification:
56-20-16.7.e.	56.14107b	Conveyors, Crossovers			X	Differences:
						Justification:
56-20-16.7.f.	56.14105	Conveyors, Crossovers			X	Differences:
						Justification:
56-20-16.8.a.	56.11001	Travelways			X	Differences:
						Justification:
56-20-16.8.b.		Travelways	X			Differences: No MSHA law.
						Justification:
56-20-16.8.c.	56.11009	Travelways			X	Differences:
						Justification:
56-20-16.8.d.	56.11016	Travelways			X	Differences:
						Justification:
56-20-16.9.a.	56.11004	Ladders			X	Differences:
						Justification:
56-20-16.9.b.	56.11003	Ladders			X	Differences:
						Justification:
56-20-16.9.c.	56.11007	Ladders			X	Differences:
						Justification:
56-20-16.9.d.	56.11026	Ladders	X			Differences: WVOMHST requires a ladder shall not incline backward at any point unless equipped with backguards.
						Justification:
56-20-16.9.e.	56.11005	Ladders	X			Differences: WVOMHST includes permanent ladders more than 10 feet be provided with backguards.
						Justification:
56-20-16.9.f.	56.11006	Ladders			X	Differences:
						Justification:
56-20-16.9.g.	N/A	Ladders	X			Differences: No MSHA law.
						Justification:
56-20-16.9.h.	N/A	Ladders	X			Differences: No MSHA law.
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-16.9.i.	N/A	Ladders	X			Differences: No MSHA law. Justification:
56-20-16.10.a.	56.14206A	Hoisting			X	Differences: Justification:
56-20-16.10.b.	56.16007B	Hositing			X	Differences: Justification:
56-20-16.10.c.	56.16009	Hoisting			X	Differences: Justification:
56-20-16.10.d.	56.16007A	Hoisting			X	Differences: Justification:
56-20-16.11.a.		Drawoff Tunnels	X			Differences: No MSHA law. Justification:
56-20-16.11.b.		Drawoff Tunnels	X			Differences: No MSHA law. Justification:
56-20-16.11.c.		Drawoff Tunnels	X			Differences: No MSHA law. Justification:
56-20-16.11.d.		Drawoff Tunnels	X			Differences: No MSHA law. Justification:
56-20-16.12.a.		Methane Tests	X			Differences: No MSHA law. Justification:
56-20-16.12.b.		Methane Surface Structures	X			Differences: No MSHA law. Justification:
56-20-16.12.c.		Dust Control	X			Differences: No MSHA law. Justification:
56-20-16.13.a.		Maintenance, Control of	X			Differences: No MSHA law. Justification:
56-20-16.13.b.		Coupling/Uncoupling in Curves	X			Differences: No MSHA law. Justification:
56-20-16.13.c.		Car Droppers	X			Differences: No MSHA law.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
					X	Justification:
56-20-16.13.d.	56.14214	Handling Railroad Cars			X	Differences:
						Justification:
56-20-16.13.e.		Track Clearance	X			Differences: No MSHA law.
						Justification:
56-20-16.13.f.		Railroad Cars Trimmed	X			Differences: No MSHA law.
						Justification:
56-20-16.13.g.	56.9330	30 Inch Clearance for Equipment			X	Differences:
						Justification:
56-20-16.13.h.	56.9307	Design, Maintenance, Installation of Railroad Elements			X	Differences:
						Justification:
56-20-16.13.i.	56.9302	Stop Blocks, Derails			X	Differences:
						Justification:
56-20-16.13.j.	56.9308	Switch Throws			X	Differences:
						Justification:
56-20-16.13.k.		Track Dead Ends			X	Differences:
						Justification:
56-20-16.13.l.		Railroad Car Inspections	X			Differences: No MSHA law.
						Justification:
56-20-16.13.m.		Equipment Speeds	X			Differences: No MSHA law.
						Justification:
56-20-16.14.a.	56.9307	Track Construction and Maintenance	X			Differences: Specifically spells out the details of the construction and maintenance of railroad tracks.
						Justification:
56-20-16.14.b.		Track Size Requirements	X			Differences: No MSHA law.
						Justification:
56-20-16.14.c.		Trace Guage Requirements	X			Differences: No MSHA law.



WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
						<b>Justification:</b>
56-20-16.14.d.	56.9307	Track Maintenance	X			<b>Differences:</b> Specifically says replacement or repair of certain track components.
						<b>Justification:</b>
56-20-17		Facilities Using Coal	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-18.1.a.	56.4000	Portable Fire Extinguisher	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-18.1.b.	56.4000	Fire Extinguisher Secured	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-18.2.a.	56.4531	Storing Combustible Materials		X		<b>Differences:</b> Stronger language on buildings and ventilation.
						<b>Justification:</b>
56-20-18.2.b.	56.4000	Storing Combustible Materials on Equipment	X			<b>Differences:</b> No MSHA law.
						<b>Justification:</b>
56-20-18.2.c.	56.4400	Cleaning with Combustible Materials			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.d.	56.4102	Accumulation Near Fire Hazard			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.e.	56.4104B	Proper Containers			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.e.1.	56.4101B	Surface Containers			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.e.2.		Underground Containers			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.f.	56.4400B	Solvents Near Open Flame			X	<b>Differences:</b>
						<b>Justification:</b>
56-20-18.2.g.	56.4402	Flammable Liquids in			X	<b>Differences:</b>
						<b>Justification:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-18.3		Fueling and Storage			X	Differences: Justification:
56-20-18.3.a.	56.4103	Engine Shutdown Prior to Fueling			X	Differences: Justification:
56-20-18.3.b.	56.4130	Areas Surrounding Combustible Materials Storage Area			X	Differences: Justification:
56-20-18.3.c.	56.4501	Fuel Line Valves			X	Differences: Justification:
56-20-18.3.d.	56.4100	Smoking Near Fire Hazard			X	Differences: Justification:
56-20-18.4	56.4201	Maintenance of Fire Fighting Equipment			X	Differences: Justification:
56-20-18.5	56.4101	Warning Signs			X	Differences: Justification:
56-20-18.6	57.4330	Drills			X	Differences: Justification:
56-20-18.7	57.4131A	Surface Fan Installation			X	Differences: Justification:
56-20-18.7.a.	57.4131	Storage Near Mine Opening			X	Differences: Justification:
56-20-18.7.b.	57.4131B	Supply 25 Feet of Mine Opening			X	Differences: Justification:
56-20-18.8	57.4161	Use of Fire Underground			X	Differences: Justification:
56-20-18.9	56.4303	Underground Belt Conveyor			X	Differences: Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
					X	Justification:
56-20-18.10	56.4330	Fire Fighting Procedures			X	Differences:
						Justification:
56-20-18.10.a.	56.4330A	Fire Fighting, Evacuation and Rescue			X	Differences:
						Justification:
56-20-18.10.a.1.	56.4330C	Fire Alarm Systems			X	Differences:
						Justification:
56-20-18.10.a.1.B.	56.4360a	Warning Capability			X	Differences:
						Justification:
56-20-18.10.a.2	57.4361	Underground Evacuation Drills			X	Differences:
						Justification:
56-20-18.10.a.2.A.	57.4362	Firefighting Drills			X	Differences:
						Justification:
56-20-18.10.b.	57.4361	Fire Fighting Drills and Records			X	Differences:
						Justification:
56-20-18.11	57.4362	Underground Rescue Operations			X	Differences:
						Justification:
56-20-18.12.a.	57.4363	Evacuation Drills Underground			X	Differences:
						Justification:
56-20-18.12.b.	57.4363B	Changes in Plan			X	Differences:
						Justification:
56-20-18.12.c.	57.4363C	Escape Plan with Employees			X	Differences:
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-18.12.d.	57.4363D	Record of Plan Training			X	Differences:
						Justification:
56-20-18.13.a.	56.4502	Battery Charging Station Ventilation			X	Differences:
						Justification:
56-20-18.13.b.	56.4502B	No Smoking Battery Charger Station			X	Differences:
						Justification:
56-20-18.14.a.	56.4503	Conveyor Bypassing			X	Differences:
						Justification:
56-20-18.14.b.	56.4502 57.4761	Underground Conveyor Detection System Signals			X	Differences:
						Justification:
56-20-18.14.c.	57.4503	Attendance While Bypassing			X	Differences:
						Justification:
56-20-18.15.a.	57.4533	Surface Buildings Within 100 Feet of Opening			X	Differences:
						Justification:
56-20-18.16	57.454	Diesel Equipment Underground			X	Differences:
						Justification:
56-20-18.17	56.4604	Preparation of Pipelines			X	Differences:
						Justification:
56-20-18.18	57.4761	Underground Shops			X	Differences:
						Justification:
56-20-18.18.a.	57.4761	Confinement of Toxic Gases			X	Differences:
						Justification:
56-20-18.18.a.1.	57.4761	Control Doors			X	Differences:
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-18.18.a.1.B.4	57.4761A	Automatic Closure			X	Differences:
						Justification:
56-20-18.18.b.1	57.4761	Routing Air to Exhaust System			X	Differences:
						Justification:
56-20-18.18.c.1.	57.4761C	Mechanical Ventilation Reversal			X	Differences:
						Justification:
56-20-18.18.d.1.	57.4761C4	Automatic Fire Suppression System and Escape Route			X	Differences:
						Justification:
56-20-18.18.c.1.A.1.	57.474(I)	Routed Area Free of Fire Hazards			X	Differences:
						Justification:
56-20-18.18.c.1.A.2.	57.474(II)	Second Power Source			X	Differences:
						Justification:
56-20-18.18.c.1.A.2.	57.4761(1)	Power Cable			X	Differences:
						Justification:
56-20-18.18.c.1.A.3.	57.4761C3	Second Fan			X	Differences:
						Justification:
56-20-18.18.c.1.B.	57.4761(2)	Rapid Air Reversal			X	Differences:
						Justification:
56-20-18.18.c.1.C.	57.4761(3)	Predetermined Conditions			X	Differences:
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-18.18.d.1.	57.4761D	Automatic Fire Supression System			X	Differences:
						Justification:
56-20-18.18.d.1.B.	57.4761D2	Bypass Shop Shop Area			X	Differences:
						Justification:
56-20-18.19.a.1.	57.4161	Cutting and Welding			X	Differences:
						Justification:
56-20-18.19.a.2.	56.4530	Fire Fighting Exit Signs			X	Differences:
						Justification:
56-20-18.19.a.3.	56.4106	Smoking Signs			X	Differences:
						Justification:
56-20-18.19.a.4.	57.4100	Smoking in or About Surface Structures			X	Differences:
						Justification:
56-20-19.19.a.6.		Open Flame Surface Structure	X			Differences:
						Justification:
56-20-19.1	56.15004	Eye Protection	X			Differences: Equipment shall meet American Standards Institute standards.
						Justification:
56-20-19.2	56.15006	Protective Clothing			X	Differences:
						Justification:
56-20-19.3	56.15002	Hard Hats	X			Differences: Specifications prescribed by ANSI 289.1-1969.
						Justification:
56-20-19.4	56.1502	Life Jackets	X			Differences: WVOMHST states United States Coast Guard approved.
						Justification:
56-20-19.5	56.15005	Fall Protection	X			Differences: WVOMHST states fall height six feet. Full body harness maintained and inspected.
						Justification:

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
56-20-19.6	61.160	Hearing Protection		X		<b>Differences:</b> MSHA requires training. <b>Justification:</b>
56-20-19.7	57.5005	Respiratory Equipment			X	<b>Differences:</b> <b>Justification:</b>
56-20-20.1	56.18010 57.18010	First Aid Stations and Equipment	X			<b>Differences:</b> MSHA does not list the items needed at a first-aid station. <b>Justification:</b>
56-20-20.2	56.15001 57.18010	Proper Storage of First Aid Supplies	X			<b>Differences:</b> Does not match WVOMHST materials list requirements. No requirement for proper storage of first aid supplies or to be accessible. <b>Justification:</b>
56-20-20.3.a	56.18012 57.18012	Emergency Telephone Numbers	X			<b>Differences:</b> MSHA does not require addresses in addition to telephone numbers. <b>Justification:</b>
56-20-20.3.b.	56.18014 57.18014	Emergency Transportation			X	<b>Differences:</b> Both require prior arrangements for medical transportation. <b>Justification:</b>
56-20-20.3.c.	Part 56 57.18028	Mine Rescue Teams	X			<b>Differences:</b> MSHA does not require a mine rescue in Part 56 -- only that an individual be trained in first aid and be annually trained for underground. <b>Justification:</b>
56-20-20.4.a.	56.18013 57.18013	Emergency Communications	X			<b>Differences:</b> MSHA does not require communications at all times. <b>Justification:</b>
56-20-20.4.b.	56.18013 57.18013	Emergency Direct Two-Way Communication System	X			<b>Differences:</b> MSHA only requires suitable communication to be established. <b>Justification:</b>
56-20-21	56.1801	First Aid Training	X			<b>Differences:</b> Different from MSHA law: 75% of employees on each shift shall receive advanced first aid. The employee will be paid for such training. EMT requirements. <b>Justification:</b>
56-20-22.1	46.5(a)	New Miner Training			X	<b>Differences:</b>

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
						Justification:
56-20-22.1	46.6(a)	Experienced Miner			X	Differences:
						Justification:
56-20-22.1	46.7(a)	New Task Training			X	Differences:
						Justification:
56-20-22.1	46.8	Annual Refresher			X	Differences:
						Justification:
56-20-22.1	46.9(a)	Records			X	Differences:
						Justification:
56-20-22.2	46.7(a)	Task Training			X	Differences:
						Justification:
56-20-23	57.8520	Quarry Map			X	Differences: Same.
						Justification:
56-20-23.1	N/A	Quarry Map	X			Differences: No MSHA regulation on surface mines.
						Justification:
56-20-24	57.5001	Air Quality	X			Differences: WVOMHST requires records to be kept for one year.
						Justification:
56-20-25	57.5001	Diesel			X	Differences: Same.
						Justification:
56-20-26	45.4	Independent Contractors			X	Differences: Same.
						Justification:
56-20-27	45.4	Independent Contractors			X	Differences: Same.
						Justification:
56-20-28	45.6	Contractors			X	Differences: Same.
						Justification:
56-20-29	100.1	Enforcement	X			Differences: The independent contractor and operator can be cited.
						Justification:
56-20-30	N/A	Construction	X			Differences: No MSHA law.
						Justification:
56-20-31	100.1	Assessments		X		Differences: MSHA law is more costly.
						Justification:



WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA? More Less Equal			DIFFERENCES/JUSTIFICATIONS
<b>Title 56, Series 21 -- Self-Contained Self-Rescue Device Immediate Reach Interpretative Rule</b>						
56-21-2.1	75.1714-2	Self Rescuers	X			<b>Differences:</b> WVOMHST requires self-rescuer required for the miner to be in immediate reach defined as within 3 feet. MSHA rules require within 25 feet.
						<b>Justification:</b> Allows immediate access at all times in any condition or environment.
<b>Title 56, Series 22 -- Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors</b>						
56-22	None	Emergency Medical Technician-Mining	X			<b>Differences:</b> MSHA law does not contain anything pertaining to the certification or training of emergency medical technicians.
						<b>Justification:</b> This law assures that there are advanced level medical providers to administer first aid and prepare individuals to be transported to a medical facility. This law is essential due to the dangerous work environment in mines.
<b>Title 56, Series 23 -- Operating Diesel Equipment in Underground Mines in West Virginia</b>						
56-23-3	75.1911a-e	Underground Use			X	<b>Differences:</b> WVOMHST and MSHA are the same.
						<b>Justification:</b>
56-23-4	7.81-90	Diesel Powered Package	X			<b>Differences:</b> WVOMHST requires each diesel engine to site specific and on site approvals performed on each diesel machine that is put into service. MSHA will do certification on a specific engine and allow that engine to be used without additional certification. WVOMHST does on-site approval to verify that the machine and engine meet all WVOMHST and MSHA guidelines. Also, WVOMHST requires all diesel machines to be permitted for the specific mines where they will be used.

WVCSR	CFR	TOPIC	COMPARE - Is WV law more or less stringent or equal to MSHA?			DIFFERENCES/JUSTIFICATIONS
			More	Less	Equal	
<b>Justification:</b> To verify that the engine will perform properly and not put out poisonous emissions into the mine atmosphere.						
56-23-5	N/A	Exhaust Emission Control	X			<b>Differences:</b> MSHA does not require the use of an oxidation catalyst. Also, MSHA requires a DPM filter on heavy duty equipment only. WVOMHST requires a catalyst and DPM filter on all underground diesel.
<b>Justification:</b> The catalyst is designed to reduce the CO. The DPM filter reduces the amount of harmful soot that is coming out of the diesel engine. The health of the miners is greatly increased with the addition of these two components.						
56-23-5.4.j.	36.1-50	Permissible Diesel Equipment			X	<b>Differences:</b> WVOMHST regulates MSHA Permissible Underground Diesel Regs.
<b>Justification:</b>						
56-23-6	7.84	Ventilation			X	<b>Differences:</b>
<b>Justification:</b>						
56-23-7	36.45(b)	Exhaust Gas Monitoring	X			<b>Differences:</b> MSHA regulates CO and NO2. WVOMHST regulates CO, NO and NO2. MSHA exposure limits to these gases are CO - 50 ppm and NO2 - 5 ppm. WVOMHST exposure limits to the gasses are CO - 35 ppm, NO - 25 ppm, NO2 - 3 ppm. Also, WVOMHST testing is different than MSHA. MSHA will test at the mouth of the section to get a TLV over an 8-hour period. WVOMHST will test directly behind the machine and at the operator's cab to see what the miners are breathing.
<b>Justification:</b> WVOMHST wants to know what the miners are breathing while they are using the diesel machine, not what is coming off the working section.						
56-23-8	75.1903	Diesel Fuel Storage		X		<b>Differences:</b> MSHA allows permanent fuel storage. WVOMHST allows only temporary fuel storage. MSHA requires the storage area to be capable of containing 150% of the maximum capacity of the fuel car to prevent spills from saturating the mine floor.
<b>Justification:</b>						
56-23-9	75.1905 - 1905.1	Transfer of Diesel Fuel			X	<b>Differences:</b>
<b>Justification:</b>						