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Emily B Caudill
REGULATIONS COMPILER

ENERGY AND ENVIRONMENT CABINET

Department for Natural Resources

Division of Mine Safety

(Amendment)

805 KAR 7:020. Training and certification of inexperienced miners.

RELATES TO: KRS 351.102[~~, 351.105~~]

STATUTORY AUTHORITY: KRS 351.106

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.102 and 351.106 require the Division [~~Office~~] of Mine Safety [~~and Licensing~~] to establish a program of training for inexperienced miners [~~according to criteria and standards determined by the Mining Board~~]. This administrative regulation establishes a program of training for inexperienced miners.

Section 1. Training and Certification of Inexperienced Miners. (1) A candidate desiring to obtain a permit as an inexperienced miner shall be at least eighteen (18) years of age prior to enrolling in an inexperienced miner class. The required trainee miner training shall be documented and include the following information:

(a) Full name of person trained;

(b) Miner identification number;

(c) Type of mining operation;

(d) Type of training received;

(e) Date training completed;

(f) Subjects taught in that training;

(g) Signature of instructor;

(h) Signature of miner;

(i) Documentation providing proof the trainee is at least eighteen (18) years of age; and

(j) Date of signatures. The documentation shall be embossed with the instructor's seal and embossed copy shall be provided to the miner.

(2)(a) The certificate earned by completing the trainee miner training program shall be valid for twelve (12) months preceding initial employment at a mine.

(b) If employment is not obtained within twelve (12) months, annual retraining requirements shall be successfully completed each year in order to maintain the trainee miner permit.

Section 2. Training Program. The training program for inexperienced miners shall include instruction in the following courses:

(1) Introduction to mining;

(2) Self-rescue devices;

(3) The statutory rights of miners and their representatives;

(4) Authority and responsibility of supervisors;

(5) Entering and leaving a mine, transportation, and communication;

(6) Mine map, escapeways, emergency evacuations, barricading;

(7) Roof or ground control and ventilation plans;

(8) Health standards;

(9) Clean-up and rock dusting;

(10) Hazard recognition;

(11) Electrical hazard;

1 (12) First aid;

2 (13) Mine gases and explosives;

3 (14) Accident prevention; and

4 (15) Mining and mine safety related issue.

805 KAR 7:020 approved for filing.
Pages (1-3)

8/14/2017

Date

Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency by September 19, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:020
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a program of training for inexperienced miners.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a program of training for inexperienced miners.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 351 provides the department the authority to promulgate administrative regulations to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes a program of training for inexperienced miners.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes a program of training for inexperienced miners and will assist in the accurate interpretation of the administrative regulations in this chapter.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes changes necessary to implement the requirements of SB 249 from the 2017 Legislative Session.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide the Division of Mine Safety rather than the Mining Board the authority to establish a program of training for inexperienced miners.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes, as amended by SB 249, by requiring the Division of Mine Safety to establish a program of training for inexperienced miners.

(d) How the amendment will assist in the effective administration of the statutes: KRS 351.106 provides the department the authority to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. These amendments are necessary to implement the requirements of SB 249 from the 2017 Legislative Session.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to any entity that operates coal mine within Kentucky or is a certified miner or wishes to become a certified miner.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will be trained using a Division of Mine Safety approved program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a cost increase associated with the proposed amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be no change in benefits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety has been meeting these requirements.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety will continue to meet these requirements.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No. All certified miners will be required to meet the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:020 Contact number: (502) 782-6720
Contact Person: Michael Mullins, Reg. Coordinator Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division of Mine Safety.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.102, 351.105, 351.106

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.