

**TITLE 460. DEPARTMENT OF MINES  
CHAPTER 15. UNDERGROUND COAL AND ASPHALT**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Standards

460:15-1-15. Self rescue device [AMENDED]

460:15-1-19. Safety devices [AMENDED]

**SUMMARY:**

Executive Order (EO) 2020-03, issued on February 3, 2020, requires state agencies to identify at least two (2) existing regulatory restrictions, as defined in EO 2020-03, to be revoked whenever they propose one (1) new regulatory restriction through the permanent rulemaking process. Because the agency recently adopted eight restrictions and revoked three obsolete restrictions, the agency determined that it must identify an additional thirteen (13) regulatory restrictions to be revoked. Among the rules proposed to be revoked in accordance with EO 2020-03 are certain requirements found in Chapter 15 of Title 460 of the Oklahoma Administrative Code (OAC). These provisions are outdated and no longer conform to industry practice.

Subsections (1) and (2) of Section 460:15-1-15 were determined by the agency to be outdated and ineffective because advances in self-rescue devices have made them smaller and lighter, making it no longer necessary to regulate the distance at which they may be kept from the underground miner. Those two subsections shall be removed, leaving only the requirements that the operator provide self-rescue devices and provide training on their use.

Section 460:15-1-19 was determined by the agency to be outdated because it requires “approved [ . . . ] flame safety lamps.” Flame safety lamps are antiquated technology and no longer used. The section will be amended to remove all references to flame safety lamps and requirements related to flame safety lamps.

**AUTHORITY:**

45 O.S. Sections 1.5 et seq., Oklahoma Mining Commission

**COMMENT PERIOD:**

From May 17, 2021 through June 21, 2021, the public may present their views, either orally or in writing, to the below listed contact person.

**PUBLIC HEARING:**

Persons, associations, political subdivisions, and state or federal agencies may request a hearing on these proposed rule amendments to Chapter 15 at any time prior to 5:00 p.m. on June 21, 2021. A request for a hearing must be made in writing and must be delivered by hand, through U.S. Mail or other commercial carrier, or by email to the below-listed contact person.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A.

**COPIES OF THE PROPOSED RULES:**

Copies of the proposed rules may be obtained from the below listed contact person after May 3, 2021.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the below listed contact person on and after May 17, 2021.

**CONTACT PERSON:**

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