

## RULE IMPACT STATEMENT

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

#### Subchapter 1. General Standards

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

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

#### A. Purpose of the Proposed Rule(s)

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 These provisions are outdated and no longer conform to industry practice.

Subsections (1) and (2) of Section 460:15-1-15 were determined by the agency to be outdated and ineffective because advances in self-rescue devices have made them smaller and lighter, making it no longer necessary to regulate the distance at which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Section 460:15-1-19 was determined by the agency to be outdated because it requires “approved [.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.

#### B. Description of the Classes of Persons Most Likely Affected by the Proposed Rule(s) and Cost Impacts on Affected Classes

The classes of persons likely to be affected are underground mining operators and underground miners. The proposed rule changes are not anticipated to have any cost impact on these classes of persons. The portions of the rules that are proposed to be removed have been determined to be obsolete, ineffective, and/or inconsistent with current agency procedure.

#### C. Description of the Classes of Persons Who Will Benefit from the Proposed Rule(s)

Mining operators and underground miners will benefit because they will no longer need to ensure compliance with outdated regulatory restrictions.

**D. Description of the Probable Impact of Proposed Rule(s) on Affected Classes of Persons or Political Subdivisions and List of Fee Changes**

There is no probable impact to any persons from the proposed rule changes. No fee changes are being proposed.

**E. Probable Costs and Benefits to the Agency and to any other Agency of the Implementation and Enforcement of the Proposed Rule(s), and Anticipated Effect on State Revenues, Included Projected Net Loss or Gain of Such Revenues**

The primary benefit to the agency is that the proposed rule removals will help the agency comply with Executive Order 2020-03. Because the portions of these rules that are proposed to be removed have been determined to be obsolete, ineffective, and/or inconsistent with current agency procedure, there are no other probable costs or benefits to the Agency. There is no anticipated effect on state revenues.

**F. Determination of whether Implementation of the Proposed Rule(s) Will Have an Economic Impact on any Political Subdivisions or Require their Cooperation in Implementing or Enforcing the Rule(s)**

Because no political subdivisions are affected by the proposed rule changes, no political subdivisions will experience an economic impact. Because rule requirements are being removed rather than adopted, the proposed rule changes do not require cooperation or enforcement by any political subdivisions.

**G. Determination of whether Implementation of the Proposed Rule(s) May Have an Adverse Economic Effect on Small Business as provided by the Oklahoma Small Business Regulatory Flexibility Act**

Because regulatory restrictions are being removed rather than adopted, no adverse economic effect on small businesses (as defined in 75 O.S. § 502) is anticipated as a result of the proposed rule changes.

**H. Explanation of Measures the Agency Has Taken to Minimize Compliance Costs and a Determination of whether There Are Less Costly or Nonregulatory Methods or Less Intrusive Methods for Achieving the Purpose of the Proposed Rule(s)**

The agency has taken no measures to minimize compliance costs because there are no compliance costs associated with the proposed rule changes. There is no less costly or less intrusive method for achieving the purpose of the proposed rule changes because the purpose of the propose rule changes is to remove obsolete regulatory requirements.

**I. Determination of the Effect of the Proposed Rule(s) on the Public Health, Safety and Environment and Description of the Nature of the Risk the Rule(s) are Designed to Reduce and to what Extent the Proposed Rule(s) Will Reduce the Risk**

The proposed rule changes will have no effect on public health, safety or the environment and are not designed to reduce any risk to public health, safety or the environment.

**J. Determination of any Detrimental Effect on the Public Health, Safety and Environment if the Proposed Rule(s) is Not Implemented**

No detrimental effect on public health, safety, and the environment will result if the proposed rule changes are not implemented.

**K. Date the Rule Impact Statement Was Prepared and/or Modified**

This Rule Impact Statement was prepared on May 14, 2021.