

351.075 Exceptions to mandatory mine safety standards.

- (1) Upon petition by the operator or the representative of miners, the commissioner may modify the application of any mandatory safety standard to a mine if the commissioner determines that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard, or that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. Upon receipt of such petition, the commissioner shall give notice to the operator or the representative of miners in the affected mine, as appropriate, and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of such operator or representative or other interested party, to enable the operator and the representative of miners in such mine or other interested party to present information relating to the modification of such standard.
- (2) The commissioner shall issue a decision incorporating his findings of fact therein, and shall send a copy thereof to the operator or the representative of the miners, as appropriate. Before granting any exception to a mandatory safety standard, the findings of the commissioner or his authorized representative shall be made available to the representative of the miners at the affected coal mine.

History: Created 1976 (1st Extra. Sess.) Ky. Acts ch. 8, sec. 16.