STATE COMPLIANCE EXHIBIT

WEST VIRGINIA

Safety & Environmental Management Program | 2026 Edition

Exhibit To	NM&C Safety & Environmental Management Program (PRG-SAF-10282026-01)
Jurisdiction	**Federal OSHA**
Version	1.1
Effective Date	November 16, 2026
Next Scheduled Review	November 16, 2027

HOW THIS EXHIBIT WORKS

This exhibit is part of the NM&C Safety & Environmental Management Program for all commercial construction projects and facility maintenance service calls located in West Virginia. The master program applies in full; this exhibit adds the West Virginia requirements that go beyond, or differ from, the federal OSHA baseline used in the master.

When this exhibit, the master program, a local rule, a customer requirement or a contract differ, the most protective requirement applies. This exhibit summarizes key requirements and is not a complete list of every state or local law. Fill-in fields are highlighted in yellow.

1 OSHA JURISDICTION AND SERIOUS INJURY REPORTING

Coverage for NM&C work	Federal OSHA (no OSHA-approved State Plan; private-sector employers fall under federal OSHA)
Serious injury and fatality reporting	Federal rules apply: report fatalities to OSHA within 8 hours and in-patient hospitalizations, amputations or eye losses within 24 hours by calling 1-800-321-OSHA (6742), the nearest area office, or online.
Master program sections	Section 35 (Reporting), Section 38 (Recordkeeping) and Section 43 (State Compliance Exhibits).

2 WEST VIRGINIA REQUIREMENTS

Item / Topic	Requirement
2.1 Written Program, Committees and Training	None beyond federal: West Virginia has no OSHA-approved State Plan for private employers and no state-mandated written safety program, safety committee or OSHA-10/30 card requirement for private construction. (OSHA State Plans overview)
2.2 Permits, Licenses and Utility Locates	The former state crane operator card was repealed in 2021; W. Va. Code §21-3D-2 now requires crane operators to hold certification under 29 CFR 1926.1427, so the federal standard is the only route. (WV Division of Labor - Crane Operator Certification; W. Va. Code §21-3D-2)
2.3 Permits, Licenses and Utility Locates	Notify the WV811 one-call center at least 48 hours (excluding weekends and holidays) and no more than 10 work days before excavation or demolition, and update the ticket 24 hours before any start-date change (W. Va. Code §24C-1-5). (W. Va. Code §24C-1-5)

2.4 Asbestos, Lead and Environmental	Asbestos abatement must be done by a state-licensed asbestos contractor using licensed workers (W. Va. Code 16-32; 64CSR63). Renovation and demolition notifications go to the WVDEP Division of Air Quality and the Bureau for Public Health through the DEP Electronic Submission System, with a fee, and must be received at least 10 working days (Mon-Fri) before work starts; demolitions need notice even if no asbestos is present. Copies no longer go to EPA Region 3. (WVDEP Division of Air Quality - Asbestos NESHAP Compliance and Enforcement)
2.5 Asbestos, Lead and Environmental	Lead abatement in target housing and child-occupied facilities requires licensed contractors, supervisors and workers and notice to the Bureau for Public Health at least 10 days before each project under 64CSR45 (revised rule effective July 1, 2026); renovation, repair and painting (RRP) work follows the EPA federal program. (64CSR45 Lead Abatement Licensing (eff. July 1, 2026) - WV Secretary of State)
2.6 Workers' Compensation Injury Reporting	Employers must report every employee injury to their workers' comp carrier or claims administrator within 5 days of receiving the employee's notice; the carrier cannot extend this deadline (W. Va. Code §23-4-1b). (W. Va. Code §23-4-1b)
2.7 Drug Testing and Cannabis	The medical cannabis law bars firing or refusing to hire someone solely for being a certified patient, but employers may discipline workers who are impaired at work, need not allow on-site use, and are not required to violate federal law (W. Va. Code §16A-15-4(b)). (W. Va. Code §16A-15-4)
2.8 Driving	Yes: statewide handheld ban; drivers may not hold or support a phone or make calls or texts except through hands-free features (W. Va. Code §17C-14-15). (W. Va. Code §17C-14-15)
2.9 Asbestos, Lead and Environmental	Report spills, releases or accidental discharges immediately to the WVDEP 24-hour Spill Line, 1-800-642-3074. (WVDEP - Homeland Security and Emergency Response (Spill Line))
2.10 Other State Requirements	Elevators in use 5 years or more must be inspected annually (by the Division of Labor or inspectors holding a WV certificate of competency), and newly installed elevators need a Division of Labor certificate of acceptance before use (W. Va. Code 21-3C-5). (W. Va. Code §21-3C-5)

3 PROJECT START-UP CHECKLIST

Project / Customer	Enter	**Work Order / Project No.**	Enter
Site Address	Enter	**City / County**	Enter
NM&C Project Manager	Enter	**Date Reviewed**	Enter

Requirement	Applies?	Action Taken / Notes
2.1 Written Program, Committees and Training: None beyond federal: West Virginia has no OSHA-approved State Plan for private employers and no…	Yes / No / N/A	Action / notes
2.2 Permits, Licenses and Utility Locates: The former state crane operator card was repealed in 2021; W. Va. Code §21-3D-2 now requires crane operators…	Yes / No / N/A	Action / notes
2.3 Permits, Licenses and Utility Locates: Notify the WV811 one-call center at least 48 hours (excluding weekends and holidays) and no more than 10 work…	Yes / No / N/A	Action / notes
2.4 Asbestos, Lead and Environmental: Asbestos abatement must be done by a state-licensed asbestos contractor using licensed workers (W. Va. Code…	Yes / No / N/A	Action / notes
2.5 Asbestos, Lead and Environmental: Lead abatement in target housing and child-occupied facilities requires licensed contractors, supervisors and…	Yes / No / N/A	Action / notes
2.6 Workers' Compensation Injury Reporting: Employers must report every employee injury to their workers' comp carrier or claims administrator within 5…	Yes / No / N/A	Action / notes
2.7 Drug Testing and Cannabis: The medical cannabis law bars firing or refusing to hire someone solely for being a certified patient, but…	Yes / No / N/A	Action / notes
2.8 Driving: Yes: statewide handheld ban; drivers may not hold or support a phone or make calls or texts except through…	Yes / No / N/A	Action / notes
2.9 Asbestos, Lead and Environmental: Report spills, releases or accidental discharges immediately to the WVDEP 24-hour Spill Line, 1-800-642-3074.	Yes / No / N/A	Action / notes

2.10 Other State Requirements: Elevators in use 5 years or more must be inspected annually (by the Division of Labor or inspectors holding a…	Yes / No / N/A	Action / notes
Local (city or county) safety, permit or training requirements confirmed	Yes / No / N/A	Describe local rules

4 REFERENCES

- OSHA State Plans overview
- WV Division of Labor - Crane Operator Certification; W. Va. Code §21-3D-2
- W. Va. Code §24C-1-5
- WVDEP Division of Air Quality - Asbestos NESHAP Compliance and Enforcement
- 64CSR45 Lead Abatement Licensing (eff. July 1, 2026) - WV Secretary of State
- W. Va. Code §23-4-1b
- W. Va. Code §16A-15-4
- W. Va. Code §17C-14-15
- W. Va. Code §21-3C-5
- WVDEP - Homeland Security and Emergency Response (Spill Line)

5 REVIEW AND APPROVAL

Role	Printed Name and Signature	Date
NM&C Project Manager	Name / Signature	Date
Safety Department	Name / Signature	Date