§ 70.208 Bimonthly sampling; designated areas.

(a) Each operator shall take one valid respirable dust sample from each designated area on a production shift during each bimonthly period beginning with the bimonthly period of December 1, 1980. The bimonthly periods are:

February 1–March 31
April 1–May 31
June 1–July 31
August 1–September 30
October 1–November 30
December 1–January 31.

(b) When the respirable dust standard is changed in accordance with §70.101 (Respirable dust standard when quartz is present), respirable dust sampling of designated areas shall begin on the first production shift during the next bimonthly period following notification of such change from MSHA.

(c) Upon notification from MSHA that any respirable dust sample taken from a designated area to meet the requirements of paragraph (a) or (b) of this section exceeds the applicable standard in §70.100 (Respirable dust standards) or §70.101 (Respirable dust standard when quartz is present), the operator shall take five valid respirable dust samples from that designated area within 15 calendar days. The operator shall begin such sampling on the first day on which there is a production shift following the day of receipt of notification.

(d) Upon issuance of a citation for a violation of §70.100 (Respirable dust standards) or §70.101 (Respirable dust standard when quartz is present) involving a designated area, paragraphs (a), (b) and (c) of this section shall not apply to that designated area until the violation is abated in accordance with §70.201(d) (Sampling; general requirements).

(e) Designated area samples shall be collected at locations to measure respirable dust generation sources in the active workings. The approved mine ventilation plan contents required by §75.371(t) of this chapter shall show the specific locations where designated area samples will be collected. Each designated area will be assigned a four-digit identification number by MSHA.

(f) MSHA approval of the operator’s ventilation system and methane and dust control plan may be revoked based on samples taken by MSHA or in accordance with this part 70.

§ 70.209 Respirable dust samples; transmission by operator.

(a) The operator shall transmit within 24 hours after the end of the sampling shift all samples collected to fulfill the requirements of this part in containers provided by the manufacturer of the filter cassette to: Respirable Dust Processing Laboratory, Pittsburgh Safety and Health Technology Center, Cochran Mill Road, Building 38, P.O. Box 18179, Pittsburgh, Pennsylvania 15236-0179, or to any other address designated by the District Manager.

(b) The operator shall not open or tamper with the seal of any filter cassette or alter the weight of any filter.
§ 70.210 Respirable dust samples; report to operator; posting.

(a) The Secretary shall provide the operator with a report of the following data on respirable dust samples as soon as practicable:

1. The mine identification number;
2. The mechanized mining unit or designated area within the mine from which the samples were taken;
3. The concentration of respirable dust, expressed in milligrams per cubic meter of air, for each valid sample;
4. The average concentration of respirable dust, expressed in milligrams per cubic meter of air, for all valid samples;
5. The occupation code, where applicable; and
6. The reason for voiding any samples.

(b) Upon receipt, the operator shall post this data for at least 31 days on the mine bulletin board.

§ 70.220 Status change reports.

(a) If there is a change in operational status that affects the respirable dust sampling requirements of this part, the operator shall report the change in operational status of the mine, mechanized mining unit, or designated area to the MSHA District Office or to any other MSHA office designated by the District Manager. Status changes shall be reported in writing within 3 working days after the status change has occurred.

(b) Each specific operational status is defined as follows:

1. Underground mine:
   (i) Producing—has at least one mechanized mining unit producing material.
   (ii) Nonproducing—no material is being produced.
   (iii) Abandoned—the work of all miners has been terminated and production activity has ceased.
2. Mechanized mining unit:
   (i) Producing—producing material from a working section.
   (ii) Nonproducing—temporarily ceased production of material.
   (iii) Abandoned—permanently ceased production of material.
3. Designated area:
   (i) Producing—activity is occurring.
   (ii) Nonproducing—activity has ceased.
   (iii) Abandoned—the dust generating source has been withdrawn and activity has ceased.

Subpart D—Respiratory Equipment


SOURCE: 35 FR 5544, Apr. 3, 1970, unless otherwise noted.