

SUBCHAPTER O—COAL MINE SAFETY AND HEALTH

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

SOURCE: 45 FR 24000, Apr. 8, 1980, unless otherwise noted.

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AUTHORITY: 30 U.S.C. 811, 813(h), 957.

SOURCE: 59 FR 8327, Feb 18, 1994, unless otherwise noted.

Subpart A—General

AUTHORITY: 30 U.S.C. 811 and 813(h).

§ 70.1 Scope.

This part 70 sets forth mandatory health standards for each underground coal mine subject to the Federal Mine Safety and Health Act of 1977.

§ 70.2 Definitions.

For the purpose of this part 70, the term:

(a) *Act* means the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173, as amended by Pub. L. 95-164.

(b) *Active workings* means any place in a coal mine where miners are normally required to work or travel.

(c) *Certified person* means an individual certified by the Secretary in accordance with § 70.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 70.203 (Certified person; maintenance and calibration) to perform the maintenance and calibration of respirable dust sampling equipment as required by this part.

(d) *Concentration* means a measure of the amount of a substance contained per unit volume of air.

(e) *Designated area*. An area of a mine identified by the operator under § 75.371(t) (Mine ventilation plan; contents) of this title and approved by the district manager.

(f) *Designated occupation* means the occupation on a mechanized mining unit that has been determined by results of respirable dust samples to have the greatest respirable dust concentration.

(g) *District Manager* means the manager of the Coal Mine Safety and Health District in which the mine is located.

(h) *Mechanized mining unit* means: (1) A unit of mining equipment including hand loading equipment used for the production of material; or (2) a specialized unit which utilizes mining equipment other than specified in § 70.207(e) (Bimonthly sampling; mechanized mining units).

(i) *MRE instrument* means the gravimetric dust sampler with a four

channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(j) *MSHA* means the Mine Safety and Health Administration of the Department of Labor.

(k) *Normal production shift* means (1) a production shift during which the amount of material produced in a mechanized mining unit is at least 50 percent of the average production reported for the last set of five valid samples; or (2) a production shift during which any amount of material is produced by a new mechanized mining unit, until a set of five valid samples is taken.

(l) *Production shift* means (1) with regard to a mechanized mining unit, a shift during which material is produced, or (2) with regard to a designated area of a mine, a shift during which material is produced and routine day-to-day activities are occurring in the designated area.

(m) *Quartz* means crystalline silicon dioxide (SiO₂) not chemically combined with other substances and having a distinctive physical structure.

(n) *Respirable dust* means dust collected with a sampling device approved by the Secretary and the Secretary of Health and Human Services in accordance with part 74 (Coal Mine Dust Personal Sampler Units) of this title. Sampling device approvals issued by the Secretary of the Interior and Secretary of Health, Education, and Welfare are continued in effect.

(o) *Secretary* means the Secretary of Labor or his delegate.

(p) *Valid respirable dust sample* means a respirable dust sample collected and submitted as required by this part, and not voided by MSHA.

[45 FR 24000, Apr. 8, 1980, as amended at 47 FR 28095, June 29, 1982; 57 FR 20913, May 15, 1992]

Subpart B—Dust Standards

AUTHORITY: Secs. 101 and 103(h), Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

SOURCE: 45 FR 24001, Apr. 8, 1980, unless otherwise noted.

§ 70.100 Respirable dust standards.

(a) Each operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of each mine is exposed at or below 2.0 milligrams of respirable dust per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with §70.206 (Approved sampling devices; equivalent concentrations).

(b) Each operator shall continuously maintain the average concentration of respirable dust within 200 feet outby the working faces of each section in the intake airways at or below 1.0 milligrams of respirable dust per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with §70.206 (Approved sampling devices; equivalent concentrations).

§ 70.101 Respirable dust standard when quartz is present.

When the respirable dust in the mine atmosphere of the active workings contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air as measured with an approved sampling device and in terms of an equivalent concentration determined in accordance with §70.206 (Approved sampling devices; equivalent concentrations), computed by dividing the percent of quartz into the number 10.

Example: The respirable dust associated with a mechanized mining unit or a designated area in a mine contains quartz in the amount of 20%. Therefore, the average concentration of respirable dust in the mine atmosphere associated with that mechanized mining unit or designated area shall be continuously maintained at or below 0.5 milligrams of respirable dust per cubic meter of air ($10/20=0.5$ mg/m³).

Subpart C—Sampling Procedures

AUTHORITY: 30 U.S.C. 811, 813(h), and 957.

SOURCE: 58 FR 63528, Dec. 2, 1993, unless otherwise noted.

§ 70.201 Sampling; general requirements.

(a) Each operator shall take respirable dust samples of the concentration of respirable dust in the active workings of the mine as required by this part with a sampling device approved by the Secretary and the Secretary of Health and Human Services under part 74 (Coal Mine Dust Personal Sampler Units) of this title.

(b) Sampling devices shall be worn or carried directly to and from the mechanized mining unit or designated area to be sampled and shall be operated portal to portal. Sampling devices shall remain operational during the entire shift or for 8 hours, whichever time is less.

(c) Upon request from the District Manager, the operator shall submit the date on which collecting any respirable dust samples required by this part will begin.

(d) During the time for abatement fixed in a citation for violation of § 70.100 (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present), the operator shall take corrective action to lower the concentration of respirable dust to within the permissible concentration and then sample each production shift until five valid respirable dust samples are taken.

[45 FR 24000, Apr. 8, 1980, as amended at 47 FR 28095, June 29, 1982]

§ 70.202 Certified person; sampling.

(a) The respirable dust sampling required by this part shall be done by a certified person.

(b) To be certified, a person shall pass the MSHA examination on sampling of respirable coal mine dust.

(c) A person may be temporarily certified by MSHA to take respirable dust samples if the person receives instruction from an authorized representative of the Secretary in the methods of collecting and submitting samples under this rule. The temporary certification

shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on sampling of respirable coal mine dust within six months from the issue date of the temporary certification.

§ 70.203 Certified person; maintenance and calibration.

(a) Approved sampling devices shall be maintained and calibrated by a certified person.

(b) To be certified, a person shall pass the MSHA examination on maintenance and calibration procedures for respirable dust sampling equipment.

(c) A person may be temporarily certified by MSHA to maintain and calibrate approved sampling devices if the person receives instruction from an authorized representative of the Secretary in the maintenance and calibration procedures for respirable dust sampling equipment under this rule. The temporary certification shall be withdrawn if the person does not successfully complete the examination conducted by MSHA on maintenance and calibration procedures within six months from the issue date of the temporary certification.

§ 70.204 Approved sampling devices; maintenance and calibration.

(a) Approved sampling devices shall be maintained as approved under part 74 (Coal Mine Dust Personal Sampler Units) of this chapter and calibrated in accordance with MSHA Informational Report IR 1240 (1996) "Calibration and Maintenance Procedures for Coal Mine Respirable Dust Samplers (supersedes IR 1121)" by a person certified in accordance with § 70.203 (Certified person; maintenance and calibration).

(b) Approved sampling devices shall be calibrated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health and Human Services for the particular device, before they are put into service and at intervals not to exceed 200 hours of operating time thereafter.

(c) A calibration mark shall be placed on the flowmeter of each approved sampling device to indicate the proper position of the float when the sampler is operating at a flowrate of 2.0

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liters of air per minute or other flowrate prescribed by the Secretary and the Secretary of Health and Human Services for the particular device. The standard to denote proper flow is when the lowest part of the float is tangent to the top of the calibration mark.

(d) Approved sampling devices shall be tested and examined immediately before each sampling shift and necessary external maintenance shall be performed to assure that the sampling devices are clean and in proper working condition by a person certified in accordance with § 70.202 (Certified person; sampling) or § 70.203 (Certified person; maintenance and calibration). This testing and examination shall include the following:

(1) Testing the voltage of each battery while under actual load to assure the battery is fully charged. The voltage for nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by 1.25. The voltage for other than nickel cadmium cell batteries shall not be lower than the product of the number of cells in the battery pack multiplied by the manufacturer's nominal voltage per cell value;

(2) Examination of all components of the cyclone to assure that they are clean and free of dust and dirt;

(3) Examination of the inner surface of the cyclone on the approved sampling device to assure that it is free of scoring;

(4) Examination of the external tubing on the approved sampling device to assure that it is clean and free of leaks, and;

(5) Examination of the clamping and positioning of the cyclone body, vortex finder and cassette to assure that they are rigid, in alignment, and firmly in contact.

(e) MSHA Informational Report IR 1240 (1996) referenced in paragraph (a) of this section is incorporated-by-reference. This incorporation-by-reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected or obtained at MSHA, Coal Mine Safety and Health, 1100 Wilson Blvd., Room 2424, Arlington, Virginia 22209-3939 and at each MSHA Coal

Mine Safety and Health district office. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

[45 FR 24000, Apr. 8, 1980, as amended at 47 FR 28095, June 29, 1982; 64 FR 43285, Aug. 10, 1999; 67 FR 38385, June 4, 2002; 71 FR 16667, Apr. 3, 2006]

§ 70.205 Approved sampling devices; operation; air flowrate.

(a) Sampling devices approved in accordance with part 74 (Coal Mine Dust Personal Sampler Units) of this title shall be operated at the flowrate of 2.0 liters of air per minute, or at a different flowrate as prescribed by the Secretary and the Secretary of Health and Human Services for the particular device.

(b) Except as provided in paragraph (d) of this section, each approved sampling device shall be examined each shift by a person certified in accordance with § 70.202 (Certified person; sampling) during the second hour after being put into operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, necessary adjustments shall be made by the certified person.

(c) Each sampling device shall be examined each shift by a person certified in accordance with § 70.202 (Certified person; sampling) during the last hour of operation to assure that the sampling device is operating properly and at the proper flowrate. If the proper flowrate is not maintained, the respirable dust sample shall be transmitted to MSHA with a notation by the certified person on the dust data card stating that the proper flowrate was not maintained.

(d) Paragraph (b) of this section shall not apply if the approved sampling device is being operated in a breast or chamber of an anthracite coal mine where the full box mining method is used.

[45 FR 24000, Apr. 8, 1980, as amended at 47 FR 28095, June 29, 1982]

§ 70.206 Approved sampling devices; equivalent concentrations.

The concentration of respirable dust shall be determined by dividing the weight of dust in milligrams collected on the filter of an approved sampling device by the volume of air in cubic meters passing through the filter and then converting that concentration to an equivalent concentration as measured with an MRE instrument. To convert a concentration of respirable dust as measured with an approved sampling device to an equivalent concentration of respirable dust as measured with an MRE instrument, the concentration of respirable dust measured with the approved sampling device shall be multiplied by the constant factor prescribed by the Secretary for the approved sampling device used, and the product shall be the equivalent concentration as measured with an MRE instrument.

§ 70.207 Bimonthly sampling; mechanized mining units.

(a) Each operator shall take five valid respirable dust samples from the designated occupation in each mechanized mining unit during each bimonthly period beginning with the bimonthly period of November 1, 1980. Designated occupation samples shall be collected on consecutive normal production shifts or normal production shifts each of which is worked on consecutive days. The bimonthly periods are:

- January 1–February 28 (29)
- March 1–April 30
- May 1–June 30
- July 1–August 31
- September 1–October 31
- November 1–December 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 mechanized mining units shall begin on the first production shift during the next bimonthly period following notification of such change from MSHA.

(c) Upon issuance of a citation for a violation of § 70.100(a) (Respirable dust standards) or § 70.101 (Respirable dust standard when quartz is present) involving a designated occupation in a mechanized mining unit, paragraphs

(a) and (b) of this section shall not apply to that unit until the violation is abated in accordance with § 70.201(d) (Sampling; general requirements).

(d) Each designated occupation sample shall be taken on a normal production shift. If a normal production shift is not achieved, the sample for that shift may be voided by MSHA. However, any sample, regardless of production, with a respirable dust concentration greater than 2.5 milligrams per cubic meter of air will be used to determine the average concentration for that mechanized mining unit.

(e) Unless otherwise directed by the District Manager, the designated occupation samples shall be taken by placing the sampling device as follows:

(1) *Conventional section using cutting machine.* On the cutting machine operator or on the cutting machine within 36 inches in by the normal working position;

(2) *Conventional section shooting off the solid.* On the loading machine operator or on the loading machine within 36 inches in by the normal working position;

(3) *Continuous mining section other than auger-type.* On the continuous mining machine operator or on the continuous mining machine within 36 inches in by the normal working position;

(4) *Continuous mining machine; auger-type.* On the jacksetter who works nearest the working face on the return air side of the continuous mining machine or at a location that represents the maximum concentration of dust to which the miner is exposed;

(5) *Scoop section using cutting machine.* On the cutting machine operator or on the cutting machine within 36 inches in by the normal working position;

(6) *Scoop section, shooting off the solid.* On the coal drill operator or on the coal drill within 36 inches in by the normal working position;

(7) *Longwall section.* On the miner who works nearest the return air side of the longwall working face or along the working face on the return side within 48 inches of the corner;

(8) *Hand loading section with a cutting machine.* On the cutting machine operator or on the cutting machine within

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36 inches in by the normal working position;

(9) *Hand loading section shooting off the solid.* On the hand loader exposed to the greatest dust concentration or at a location that represents the maximum concentration of dust to which the miner is exposed;

(10) *Anthracite mine sections.* On the hand loader exposed to the greatest dust concentration or at a location that represents the maximum concentration of dust to which the miner is exposed.

(f)(1) Each mechanized mining unit will be assigned a four digit identification number by MSHA. The mechanized mining unit shall retain that identification number regardless of where the unit relocates within the mine.

(2) When two sets of mining equipment are provided in a series of working places and only one production crew is employed at any given time on either set of mining equipment, the two sets of equipment shall be identified as a single mechanized mining unit. When two or more mechanized mining units are simultaneously engaged in the production of material within the same working section, each such mechanized mining unit shall be identified separately.

§ 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.

[45 FR 24000, Apr. 8, 1980, as amended at 57 FR 20913, May 15, 1992]

§ 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

cassette before or after it is used to fulfill the requirements of this part.

(c) A person certified in accordance with §70.202 (Certified person; sampling) shall properly complete the dust data card that is provided by the manufacturer for each filter cassette. The card shall have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card shall be signed by the certified person and shall include that person's certification number. Respirable dust samples with data cards not properly completed will be voided by MSHA.

(d) All respirable dust samples collected by the operator shall be considered taken to fulfill the sampling requirements of part 70, 71 or 90 of this title, unless the sample has been identified in writing by the operator to the District Manager, prior to the intended sampling shift, as a sample to be used for purposes other than required by part 70, 71 or 90 of this title.

(e) Respirable dust samples received by MSHA in excess of those required by this part shall be considered invalid samples.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[45 FR 24006, Apr. 8, 1981, as amended at 47 FR 14696, Apr. 6, 1982; 58 FR 63528, Dec. 2, 1993; 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995]

§ 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

AUTHORITY: Title II, secs. 303(b), and 508, Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); secs. 301(a) and 302(a), Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 30 U.S.C. 961 and 951 and 29 U.S.C. 577a, 91 Stat. 1317 and 91 Stat. 1319; sec. 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 30 U.S.C. 957, 83 Stat. 803.

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

§ 70.300

§ 70.300 Respiratory equipment; respirable dust.

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this part. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this part.

[60 FR 30401, June 8, 1995]

§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be provided to persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

[60 FR 30401, June 8, 1995]

Subpart E—Dust From Drilling Rock [Reserved]

Subparts F–S [Reserved]

SUBPART T—DIESEL EXHAUST GAS MONITORING

§ 70.1900 Exhaust Gas Monitoring.

(a) During on-shift examinations required by § 75.362, a certified person as defined by § 75.100 of this chapter and designated by the operator as trained or experienced in the appropriate sampling procedures, shall determine the concentration of carbon monoxide (CO) and nitrogen dioxide (NO₂):

(1) In the return of each working section where diesel equipment is used, at a location which represents the contribution of all diesel equipment on such section;

(2) In the area of the section loading point if diesel haulage equipment is operated on the working section;

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(3) At a point in by the last piece of diesel equipment on the longwall or shortwall face when mining equipment is being installed or removed; and

(4) In any other area designated by the district manager as specified in the mine operator's approved ventilation plan where diesel equipment is operated in a manner which can result in significant concentrations of diesel exhaust.

(b) Samples of CO and NO₂ shall be—

(1) Collected in a manner that makes the results available immediately to the person collecting the samples;

(2) Collected and analyzed by appropriate instrumentation which has been maintained and calibrated in accordance with the manufacturer's recommendations; and

(3) Collected during periods that are representative of conditions during normal operations.

(c) Except as provided in § 75.325(j) of this chapter, when sampling results indicate a concentration of CO and/or NO₂ exceeding an action level of 50 percent of the threshold limit values (TLV[®]) adopted by the American Conference of Governmental Industrial Hygienists, the mine operator shall immediately take appropriate corrective action to reduce the concentrations of CO and/or NO₂ to below the applicable action level. The publication, "Threshold Limit Values for Substance in Workroom Air" (1972) is incorporated by reference and may be inspected at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209–3939; at any MSHA Coal Mine Safety and Health district office; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from American Conference of Governmental Industrial Hygienists, 330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240; <http://www.acgih.org>.

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(d) A record shall be made when sampling results exceed the action level for the applicable TLV® for CO and/or NO₂. The record shall be made as part of and in the same manner as the records for hazards required by § 75.363 of this chapter and include the following:

(1) Location where each sample was collected;

(2) Substance sampled and the measured concentration; and

(3) Corrective action taken to reduce the concentration of CO and/or NO₂ to or below the applicable action level.

(e) As of November 25, 1997 exhaust gas monitoring shall be conducted in accordance with the requirements of this section.

[61 FR 55526, Oct. 25, 1996, as amended at 67 FR 38385, June 4, 2002; 71 FR 16667, Apr. 3, 2006]

PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

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AUTHORITY: 30 U.S.C. 811, 951, and 957.

SOURCE: 37 FR 6368, Mar. 28, 1972, unless otherwise noted.

Subpart A—General

AUTHORITY: Secs. 101 and 103(h), Federal Mine Safety and Health Act of 1977, Pub. L. 95-173 as amended by Pub. L. 95-164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

SOURCE: 45 FR 80756, Dec. 5, 1980, unless otherwise noted.

§ 71.1 Scope.

This part 71 sets forth mandatory health standards for each surface coal mine and for the surface work areas of each underground coal mine subject to