

§ 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 inby the normal working position;

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

(6) *Scoop section, shooting off the solid.* On the coal drill operator or on the coal drill within 36 inches inby 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