

adobe, or other inert material, preferably light colored, 100 percent of which will pass through a sieve having 20 meshes per linear inch and 70 percent or more of which will pass through a sieve having 200 meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 percent combustible matter or more than a total of 4 percent free and combined silica (SiO<sub>2</sub>), or, where the Secretary finds that such silica concentrations are not available, which does not contain more than 5 percent of free and combined silica.

*Secretary.* The Secretary of Labor or the Secretary's delegate.

*Self-Contained Self-Rescuer (SCSR).* A type of closed-circuit, self-contained breathing apparatus approved by MSHA and NIOSH under 42 CFR part 84 for escape only from underground mines.

*Short circuit.* An abnormal connection of relatively low impedance, whether made accidentally or intentionally, between two points of different potential.

*Working face.* Any place in a coal mine in which work of extracting coal from its natural deposit in the earth is performed during the mining cycle.

*Working place.* The area of a coal mine inby the last open crosscut.

*Working section.* All areas of the coal mine from the loading point of the section to and including the working faces.

[57 FR 20913, May 15, 1992, as amended at 60 FR 30401, June 8, 1995; 67 FR 11001, Mar. 11, 2002]

## Subpart B—Qualified and Certified Persons

### § 75.100 Certified person.

(a) The provisions of Subpart D—Ventilation of this part 75 require that certain examinations and tests be made by a certified person. A certified person within the meaning of those provisions is a person who has been certified as a mine foreman (mine manager), an assistant mine foreman (section foreman), or a preshift examiner (mine examiner). A person who has been so certified is also a qualified per-

son within the meaning of those provisions of subpart D of this part which require that certain tests be made by a qualified person and within the meaning of § 75.1106.

(b) A person who is certified as a mine foreman, an assistant mine foreman, or a preshift examiner by the State in which the coal mine is located is, to the extent of the State's certification, a certified person within the meaning of the provisions of subpart D of this part and § 75.1106 referred to in paragraph (a) of this section.

(c)(1) The Secretary may certify persons in the categories of mine foreman, assistant mine foreman, and preshift examiner whenever the State in which persons are presently employed in these categories does not provide for such certification. A person's initial certification by MSHA is valid for as long as the person continues to satisfy the requirements necessary to obtain the certification and is employed at the same coal mine or by the same independent contractor. The mine operator or independent contractor shall make an application which satisfactorily shows that each such person has had at least 2 years underground experience in a coal mine, and has held the position of mine foreman, assistant mine foreman, or preshift examiner for a period of 6 months immediately preceding the filing of the application, and is qualified to test for methane and for oxygen deficiency. Applications for Secretarial certification should be submitted in writing to the Health and Safety Activity, Mine Safety and Health Administration, Certification and Qualification Center, P.O. Box 25367, Denver Federal Center, Denver, Colorado 80225.

(2) A person certified by the Secretary under this paragraph will be a certified person, within the meaning of the provisions for subpart D of this part and § 75.1106 referred to in paragraph (a) of this section, as long as that person continues to satisfy the requirements for qualification or certification and is employed at the same coal mine or by the same independent contractor.

[35 FR 17890, Nov. 20, 1970, as amended at 43 FR 12320, Mar. 24, 1978; 54 FR 30514, July 20, 1989]