

Mine Safety and Health Admin., Labor

§ 71.1

(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

Subpart A—General

Sec.

71.1 Scope.

71.2 Definitions.

Subpart B—Dust Standards

71.100 Respirable dust standard.

71.101 Respirable dust standard when quartz is present.

Subpart C—Sampling Procedures

71.201 Sampling; general requirements.

71.202 Certified person; sampling.

71.203 Certified person; maintenance and calibration.

71.204 Approved sampling devices; maintenance and calibration.

71.205 Approved sampling devices; operation; air flowrate.

71.206 Approved sampling devices; equivalent concentrations.

71.207 [Reserved]

71.208 Bimonthly sampling; designated work positions.

71.209 Respirable dust samples; transmission by operator.

71.210 Respirable dust samples; report to operator; posting.

71.220 Status change reports.

Subpart D—Respirable Dust Control Plans

71.300 Respirable dust control plan; filing requirements.

71.301 Respirable dust control plan; approval by District Manager and posting.

Subpart E—Surface Bathing Facilities, Change Rooms, and Sanitary Flush Toilet Facilities at Surface Coal Mines

71.400 Bathing facilities; change rooms; sanitary flush toilet facilities.

71.401 Location of facilities.

71.402 Minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.

71.403 Waiver of surface facilities requirements; posting of waiver.

71.404 Application for waiver of surface facilities requirements.

Subpart F—Sanitary Toilet Facilities at Surface Worksites of Surface Coal Mines

71.500 Sanitary toilet facilities at surface work sites; installation requirements.

71.501 Sanitary toilet facilities; maintenance.

Subpart G—Drinking Water

71.600 Drinking water; general.

71.601 Drinking water; quality.

71.602 Drinking water; distribution.

71.603 Drinking water; dispensing requirements.

Subpart H—Airborne Contaminants

71.700 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

71.701 Sampling; general requirements.

71.702 Asbestos dust standard; measurement.

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

§ 71.2

30 CFR Ch. I (7-1-06 Edition)

the Federal Mine Safety and Health Act of 1977.

§ 71.2 Definitions.

For the purpose of this part 71, the term:

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

(b) *Active workings* means any place in a surface coal mine or the surface work area of an underground coal mine where miners are normally required to work or travel.

(c) *Certified person* means an individual certified by the Secretary in accordance with § 71.202 (Certified person; sampling) to take respirable dust samples required by this part or certified in accordance with § 71.203 (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 work position* means a work position designated under § 71.208 (Bimonthly sampling; designated work positions).

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

(g) *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.

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

(i) *Normal work shift* means (1) a shift during which the regular duties of the designated work position are performed while routine day-to-day mining activities are occurring in the rest of the mine and (2) a shift during which there is no rain, or, if rain occurs, the rain does not suppress the respirable dust to the extent that sampling results will be measurably lower, in the judgment of the person certified under this part to conduct sampling.

(j) *Quartz* means crystalline silicon dioxide (SiO₂) not chemically combined

with other substances and having a distinctive physical structure.

(k) *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.

(l) *Secretary* means the Secretary of Labor or a delegate.

(m) *Surface area* means a specific physical portion of a surface coal mine or surface area of an underground coal mine. These areas are assigned a four digit identification number by MSHA.

(n) *Surface coal mine* means a surface area of land and all structures, facilities, machinery, tools, equipment, excavations, and other property, real or personal, placed upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(o) *Surface installation* means any structure in which miners work at a surface coal mine or surface work area of an underground coal mine.

(p) *Surface work area of an underground coal mine* means the surface areas of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, excavations, and other property, real or personal, placed in, upon or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting bituminous coal, lignite, or anthracite from its natural deposits underground by any means or method, and the work of preparing the coal so extracted, including custom coal preparation facilities.

(q) *Surface worksite* means any area in which miners work at a surface coal mine or surface work area of an underground coal mine.

(r) *Valid respirable dust sample* means a respirable dust sample collected and