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Marvin W. Nichols Jr.
Director OSRV
MSHA
1100 Wilson Blvd.
Room 2313
Arlington Virginia 22209
By email comments@msha.gov

Dear Sir:

The following are the comments of Rowie Resources Limited on Verification of Underground Coal Mine Operators Dust Control Plans and Compliance Sampling for Respirable Dust.

GENERAL COMMENTS

1. These rules are very complex, and in their current form we believe that they are almost impossible to understand and know what is required to be in compliance with them. In listening to comments at the hearing in Grand Junction it was pretty clear that none of the speakers understood the rules they were commenting on. The rules need to be re-written in a much simpler form.
2. Bowie Resources takes the position that MSHA should take the responsibility for all respirable dust sampling. This includes the requirement of plan verification.
3. Bowie resources believes that the future of respirable coal mine dust sampling is in the Personal Dust Monitors. We are of the opinion that all parties involved in the protection of the health of coal miners will insist that the PDM's are developed and used in the underground coal mines. We also believe that this will be accomplished in the short term rather than long term. With this in mind we see the proposed rules as a stopgap measure that does not have much of a future and new rules will be forthcoming to require their use. We believe that the current proposed rules should not become effective. They should be withdrawn until the PDM's are available.
4. We do not believe that a single shift sample will increase the health protection of the miners. The currently proposed rules will allow MSHA to take over the responsibility for dust sampling by lowering the commitment of resources by MSHA to get the job done. They will allow MSIIA to be able to defend citations written on a single sample but single shift sampling will not better define the exposure of miners to respirable dust.
5. Setting the required production level at the 10th highest production shift during the last 30-days will make it very difficult to get the required production during sampling shifts. It was pointed out during the rule briefing in Grand Junction that two-thirds of the shifts will be below the production level. This true of sampling shifts. Two-thirds of shifts sampled to verify dust control plans will be below the required production level.

AB 14-COMM-4

Received via email 5/27/03

SPECIFIC COMMENTS

1. 70.101 Respirable dust standard when quartz is present.
It is time to establish the 100-micro/gram standard for quartz. The proposed rules do in fact establish this standard by the analysis methods **used** and 70.101 should **say** that quartz cannot exceed 100micro/grams.
2. 70.203 Approved sampling devices; operation; air flow rate
It is also time to revise the rules to keep up with technology. The requirement to make second hour checks and last hour checks by a certified person is as obsolete as the sampling devices for which the requirement was written. With the current dust sampling devices they either run correctly or they shut down. **I** have had to make the checks for thousands of times since the Elf and the Escort Elf have become the dust-sampling device for respirable dust sampling and I have not adjusted the flow rate once.

Sincerely

Ernal A Shaw C.S.P.
Safety Manager

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