

§ 70.206 Verification sampling; procedures for sampling.

(a) Each operator must sample the following occupations for each MMU:

- (1) Designated occupation (DO);
- (2) Roof bolter operator(s);
- (3) Longwall jack setters; and
- (4) Any other occupation designated by the district manager.

(b) Each sampling device must be turned "ON" upon arriving at the MMU to be sampled, must remain operational the entire period spent in the MMU, and must be turned "OFF" at the end of the shift as the device exits the MMU.

(c) Multiple-shift samples are not required to be collected on consecutive shifts. All samples collected during verification sampling must be submitted to MSHA.

(d) Unless otherwise directed by the district manager, the DO samples must be collected 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 36 inches inby 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; and

(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.

(e) When sampling an occupation other than the DO, the sampling device must be placed on the miner assigned to that occupation, unless directed otherwise by the district manager.

§ 70.207 Approval of dust control parameters by district manager; revocation of approval.

(a) Approval of the dust control parameters specified in the ventilation plan will be granted when:

(1) No valid equivalent concentration measurement exceeds the critical values listed in Table 70–1 that correspond to the number of shifts sampled, and

(2) The specified dust control parameters incorporate the parameters used during verification sampling.

(b) MSHA approval may be revoked based on samples collected by MSHA or in accordance with § 70.215.

TABLE 70–1.—CRITICAL VALUES FOR DETERMINING COMPLIANCE WITH VERIFICATION LIMITS

If samples are submitted for	Critical values	
	Respirable coal mine dust	Respirable quartz dust
1 shift	1.71 mg/m ³	87 µg/m ³
2 shifts	1.85 mg/m ³	93 µg/m ³
3 shifts	1.93 mg/m ³	97 µg/m ³
4 or more shifts	2.0 mg/m ³	100 µg/m ³

§ 70.208 Follow-up action when either verification limit is exceeded.

If either verification limit is exceeded, the operator must:

(a) Stop sampling and make approved respiratory equipment available to affected miners in accordance with § 70.300;

(b) Determine the cause and take action to reduce the concentration of respirable dust to within the applicable verification limit; and

(c) Submit in writing, within 5 calendar days of receiving results of sampling, any proposed revision to the plan parameters to the district manager. The district manager will notify the operator in writing if the proposed revision is provisionally approved and whether to resume sampling from the point it was stopped or to begin sampling all over again. The district

manager may require additional control measures before the operator may resume or initiate sampling in accordance with the requirements of § 70.206.

§ 70.209 Use of supplementary control measures; types and conditions for use; request for approval.

(a) If either verification limit is exceeded and the operator believes that the MMU is using all feasible engineering or environmental controls, the operator may request the Administrator for Coal Mine Safety and Health to approve the use of supplementary control measures to reduce exposure of individual miners assigned to work in the affected occupations to within the applicable verification limits. The operator must provide a copy of the submitted request to the representative of miners at the

time of submittal. MSHA will consider all comments from the representative of miners and provide copies of these comments to the operator upon request.

(b) The Administrator will approve or deny the operator's request to use supplementary controls within 30 calendar days or as soon as practicable after its receipt by MSHA.

(1) If approval is denied, the operator will be notified in writing of specific reasons for disapproval.

(2) If approval is granted, the operator will be permitted to use either powered air-purifying respirators (PAPRs), approved by NIOSH under 42 CFR part 84 and by MSHA under part 18 of this title, administrative controls, or a combination of both, provided the requirements of §§ 70.210 and 70.211 or §§ 70.213 and 70.214 are met. The operator will be permitted to use these