

supplementary controls until additional feasible engineering controls become available and are implemented or until the district manager revokes the approval.

(c) MSHA approval to use supplementary controls may be revoked for failure to comply with requirements of § 70.211(b) or § 70.214(b).

§ 70.210 Powered air-purifying respirators (PAPRs); requirements for approval.

(a) Within 5 calendar days of receiving MSHA approval to use supplementary controls, the operator must submit, in writing, a revision to the ventilation plan to the district manager. The proposed revision must include:

(1) Feasible engineering controls capable of:

(i) Reducing the concentration of respirable dust in every occupational environment where a PAPR is required as low as achievable; and

(ii) Maintaining other occupational environments at or below the verification limits.

(2) A written PAPR protection program which meets the requirements of § 72.710 and includes:

(i) The protection factor assigned to the MMU as determined in accordance with § 70.2; and

(ii) The specific occupation(s), work locations or tasks affected in the MMU. The district manager may require adjustments in the PAPR protection program.

(3) The location(s) in a MMU where warning signs with the statement "RESPIRATORY PROTECTION REQUIRED IN THIS AREA" will be posted.

(b) Within 30 calendar days of receiving provisional approval of the plan revision, the operator must verify, in accordance with § 70.206(b) through (e), the adequacy of the proposed revision by sampling the occupation(s) being affected by the PAPR protection program, the DO, and/or other occupation(s) designated by the district manager.

§ 70.211 Powered air-purifying respirators (PAPRs); approval and conditions for continued use; revocation of approval.

(a) MSHA approval of the proposed plan revision incorporating a PAPR protection program will be granted when:

(1) No valid equivalent concentration measurement exceeds the critical values listed in Table 70-1 to § 70.207 that correspond to the number of shifts sampled; and

(2) The revision incorporates the dust control parameters used during verification sampling.

(b) MSHA may revoke approval to use supplementary controls for failure to:

(1) Comply with the plan requirements on each shift;

(2) Maintain the equivalent concentration of respirable coal mine dust for any occupation affected by a PAPR protection program and other occupations within the MMU at or below the applicable dust standard; and

(3) Implement other feasible engineering controls to reduce dust concentrations as low as achievable when such controls become available. The approved plan parameters will be reviewed every 6 months to assure that the operator is using all feasible engineering controls and that the plan parameters continue to be effective under current operating conditions.

§ 70.212 Powered air-purifying respirators (PAPRs); conditions of use under special circumstances.

(a) When unusual operating conditions are either encountered or anticipated, which are known to occur briefly and intermittently, and the operator has reason to believe that the approved plan parameters will not maintain all occupational environments in the MMU in compliance with § 70.100 or § 70.101, the operator may submit a written request to the district manager, along with a proposed revision to the plan parameters, for the use of PAPRs as a supplementary control measure to prevent individual miners from being overexposed and to comply with the applicable dust standard during such periods. The operator must provide a copy of the 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 district manager will approve the use of PAPRs on an intermittent basis as a result of the operational factors set forth in paragraph (a) of this section when the operator:

(1) Shows that the unusual conditions are atypical, intermittent and beyond the control of the operator; and

(2) Revises the previously approved dust control provisions of the ventilation plan to comply with requirements of § 70.210(a)(1), (2) and (3) when PAPRs are used.

(c) The operator also must:

(1) Notify the district manager and the representative of miners in writing or by electronic means within 24 hours of the occurrence of unusual conditions which requires the use of PAPRs;

(2) Comply with the requirements of § 70.211(b)(1) and (2); and

(3) Not use PAPRs for a period longer than 30 consecutive calendar days;

(d) If PAPR use is to exceed 30 consecutive calendar days or if any equivalent concentration measurements indicate that miners are being overexposed, the operator must revise and verify the adequacy of the plan parameters under the prevailing operating conditions.

§ 70.213 Administrative controls; requirements for approval.

(a) Within 5 calendar days of receiving MSHA approval to use supplementary controls, the operator must submit, in writing, a revision to the ventilation plan to the district manager. The proposed revision must include:

(1) Feasible engineering controls capable of maintaining the environment of any occupation under administrative controls and other occupational environments at or below the verification limits; and

(2) The administrative controls to be implemented and the method for ensuring that the procedures for such controls are complied with on each shift. The district manager may require additional procedures in the plan revision.

(b) Within 30 calendar days of receiving provisional approval of the plan revision, the operator must verify, in accordance with § 70.206(b) through (e), the adequacy of the proposed revision by sampling the occupation(s) under administrative control, the DO, and/or other occupation(s) designated by the district manager.

§ 70.214 Administrative controls; approval and conditions for continued use; revocation of approval.

(a) MSHA will approve the proposed plan revision incorporating the use of administrative controls 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 revision incorporates the dust control parameters used during verification sampling.

(b) MSHA may revoke approval to use supplementary controls for failure to:

(1) Comply with the plan requirements on each shift;

(2) Maintain the equivalent concentration of respirable coal mine dust for any occupation under administrative controls and other occupations in the MMU at or below the applicable dust standard; and

(3) Implement other feasible engineering controls to reduce dust concentrations as low as achievable when such controls become available. MSHA will review the approved plan