

ISSUE DATE: 3/23/2011
LAST VALIDATED: 03/31/2021

PROGRAM INFORMATION BULLETIN NO. P11-10

FROM: KEVIN G. STRICKLIN
Administrator for
Coal Mine Safety and Health

SUBJECT: Reissue of P04-15 - Transmission of Respirable Dust Samples by
Mine Operators and Correction of Dust Data Card Information

Scope

This Program Information Bulletin (PIB) applies to Mine Safety and Health Administration (MSHA) Coal Mine Safety and Health personnel, coal mine operators, and independent contractors.

Purpose

This bulletin clarifies that under 30 C.F.R. 70.209, 71.209, and 90.209, mine operators must transmit respirable dust samples within 24 hours of the end of the sampling shift. In addition, MSHA will not complete or correct the information mine operators are required to complete on dust data cards.

Information

Sections 70.209(a), 71.209(a), and 90.209(a) require all respirable dust samples collected by an operator to be transmitted to MSHA within 24 hours after the end of a sampling shift. Failure to transmit samples within this time requirement will result in the sample(s) being voided as "DIS" (Discarded). Improperly completing the Date Sampled and Sampling Start Time on respirable dust data cards may result in samples being voided as "DIS".

The dust data card is designed for recording Sampling Start Time as a two-digit number, based on a 24-hour clock. This entry goes in the two blocks for item 7A and ranges from 00 for midnight to 23 for 11 p.m. Minutes are not recorded. For example, if the start time is between 7:00 and 7:59 a.m., record "07". For a start time between midnight and 1 a.m., record "00". In addition, the operator is required to record the date of the sample. The Date Sampled should reflect the date that the sample is started, not completed.

In the case of a sample that is started at 11:00 p.m. on Thursday, April 29, 2004, the dust data card should note "23" for Sampling Start Time and "04 29 04" for the Date Sampled. If another sample is collected on the day shift (start time of 7:00 a.m.) Saturday, May 1, 2004, the data card should note "07" for Sampling Start Time and "05 01 04" for the Date Sampled. The first sample must be transmitted to MSHA by 7:00 a.m. on Saturday, May 1, 2004. The second sample must be transmitted by 3:00 p.m. on Sunday, May 2, 2004. Placing each of these samples in the possession of the U.S. Postal Service or other mailing service by the transmittal dates and times noted allows the mine operator to meet the requirements of the regulations. Placing a sample in the company controlled mailing system does not meet the requirements of the regulations because the mine operator is still in possession of the sample.

Respirable dust samples with dust data cards not properly completed will be voided by MSHA in accordance with 30 C.F.R. 70.209(c), 71.209(c), and 90.209(c). MSHA will not correct or complete dust data cards submitted by mine operators. If incorrect or incomplete dust data card information is entered into MSHA's computer system based on the dust data card, MSHA personnel will not make changes to the computer record unless the entry is posted to the wrong mine identification number. However, MSHA will continue to correct all dust data card information improperly entered in the computer system by MSHA personnel. Respirable dust samples voided, due to submission of improperly completed dust data cards, must be replaced during the current bimonthly period to avoid a citation for failure to submit the required number of valid respirable dust samples.

Background

MSHA has received inquiries regarding the voiding of operator samples under the void code "DIS" (*Discarded Sample*) for failure to transmit these samples within 24 hours after the end of the sampling shift. Some mine operators may be incorrectly reporting the Date Sampled and Sampling Start Time on dust data cards which has resulted in the voiding of some respirable dust samples. MSHA receives requests to complete and/or correct errors on mine operator dust data cards as well as to remove the incorrect information from the computer system.

Authority

30 C.F.R. 70.209, 71.209, and 90.209

Issuing Offices and Contact Persons

Mine Safety and Health Enforcement, Health Division

Greg Meikle, (202) 693-9523

E-mail: Meikle.gregory@dol.gov

Internet Availability

This information bulletin may be viewed on the Internet by accessing [MSHA's home page](#) then choosing "Rules & Regs" and "Compliance Assistance Information."

Distribution

Coal and All-Volume Program Policy Manual Holders

Coal Mine Operators

Coal Independent Contractors

Coal Special Interest Groups