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Gentlemen

This comment regarding CFR 70.201 (c). "Sampling device shall be worn or carried directly to the MMU or DA sampled and shall be operated portal to portal. Sampling devices shall remain with the occupation or DA being sampled during the entire shift..."

The sampling device should stay with the individual. There is no respirable dust exposure hazard to a machine or location. Revision of this regulation should allow the operator to control respirable dust exposure of the individual by administrative control. In the event that the operator wishes to reduce respirable dust exposure to a individual then an administrative remedy would be to reduce the amount of time an individual is scheduled to work at that machine or location.

The intention of sampling is to identify and protect the individual from hazard exposure. Revision of the respirable dust sampling regulation whereby the device stays with the individual is consistent with the current MSHA noise sampling procedures. Noise sampling devices stay with the individual. In the event that the operator wishes to reduce noise exposure of the individual then an administrative control remedy to reduce the amount of time an individual is scheduled to work at a location is accepted.

Revision of the respirable dust monitoring procedures to allow the sampling device to stay with the individual will result in accurate monitoring of the respirable dust exposure for the individual and would also allow the operator to enact administrative control to reduce exposure. Revision to allow the sampling device to stay with the individual would not increase exposure of miners to hazards associated with respirable dust.

Sincerely,

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Chief Engineer

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