

PUBLIC SUBMISSION

As of: August 10, 2009 Received: August 10, 2009 Status: Pending_Post Tracking No. 80a03d9e Comments Due: August 14, 2009 Submission Type: Web

Docket: MSHA-2009-0003

Coal Mine Dust Personal Monitors; Proposed rule; notice of public hearing; re-opening of comment period.

Comment On: MSHA-2009-0003-0001

Coal Mine Dust Personal Monitors

Document: MSHA-2009-0003-DRAFT-0002

Comment from Gary Noakes, Casella CEL

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General Comment

10.08.09

RIN 1219- AB61 - Coal Mine Dust Personal Monitors

Re PUBLIC MEETING - Re 30 CFR Part 74

Our colleague from Casella USA, Mr Bob Selwyn recently attended the public meeting on 8th July 2009 and some comments were raised by him at that time.

As a follow up to this meeting, Casella CEL Ltd would like to raise the additional following comments to the proposed ruling changes.

1. Concerning CMDPSU's:

Under section 74.4 it states:

AB61-COMM-4

Specifications of a sampler unit:

Paragraph (a):

“ would update pump dimensions to reflect the smaller size of the device used today: 4” (10 cm) in height, 4”(10cm) in width and 2”(5cm) in thickness” (To be altered from 8”(20cm) x6”(15cm) x4”(10cm)).

In your background document it states: “These regulatory requirements, which were issued in 1972, are design specific and do not permit the approval of any other sampling device of a different design.”

We therefore feel that the proposed change is still too design specific (based on “the device used today”) rather than being performance based. Consequently, this may restrict innovation and improvement.

We feel that volume would be a preferable parameter, and recommend a nominal value of 500-525cm³.

2. Concerning the CPDM Technology:

This device is being based around Tapered Element Oscillating Microbalance (TEOM) type technology. This technology is used extensively in the ambient air monitoring networks and over the years there has been much debate and concern over the equivalence of these devices to traditional gravimetric results.

What techniques are being proposed by MSHA to establish data validity in the proposed application of mining dust monitoring?

3. Alternative Technologies:

Also the document states that the proposed specification will be performance based to “allow continued innovation in CPDM designs”- “which would accommodate alternative designs in the technology to be introduced in the future.”

But this implies that these would be improvements in the proposed technology rather than “other” alternative technologies which may be based on light, laser etc and not TEOM based. This could be deemed as anti competitive.

We therefore propose that the document be re-worded to allow for “alternative technologies” rather than “alternative designs in the technology” to be introduced in the future.

Gary Noakes

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