

2014 Final Dust Rule

General Health Rules (Part 72) Applicable to All Coal Mines

The final rule makes several changes to the 30 CFR Part 72 regulations that impact the respirable dust control program at all surface and underground coal mines. The major changes are outlined below. You should read the entire final rule to ensure familiarity with all the rule provisions.

72.100 Medical monitoring:

The final rule adds Subsection 72.100 specifying medical monitoring for all coal miners. The monitoring consists of x-rays, spirometry (pulmonary function) examinations, symptom assessment and occupational history. The operator must provide this monitoring at no cost to the miner and use the National Institute for Occupational Safety and Health (NIOSH) approved facilities to provide the examinations. The operator must submit a plan, for NIOSH approval, on how they will provide the examinations and include a roster of miners at the mine site. The NIOSH approved plan must be posted on the mine bulletin board at all times.

The voluntary and mandatory examinations are similar to those currently required for underground coal miners by NIOSH regulations.

- Voluntary examinations, made available to all miners, must be provided at least every 5 years with a 6 month time period available for miners at the specific mine site to participate.
- Mandatory examinations must be provided for each miner who begins work at a coal mine for the first time;
 - ✓ 1) initially no later than 30 days after beginning employment,
 - ✓ 2) a follow-up examination no later than 3 years after the initial examination, and
 - ✓ 3) another follow-up no later than 2 years after the first follow-up examination if the x-ray shows evidence of pneumoconiosis or the spirometry indicates evidence of decreased lung function.

72.700 Respiratory Equipment; Respirable dust:

Subsection (a) requires that NIOSH-approved respirators must be made available under the new provisions in Parts 70, 71 and 90 (when miners are exposed to respirable dust concentrations in excess of the applicable dust standard.) Respirators are not permitted as a substitute for environmental control measures.

When required to make respirators available, the operator must provide training to the miner prior to the miner's next scheduled shift, unless the miner has received the training in the past 12 months. The training shall include the care, fit, use and limitations of each type of respirator. The operator is required to maintain a record of the training for 24 months.

72.800 Single, Full-Shift Measurement of Respirable Coal Mine Dust:

This is a new provision, which allows MSHA to issue citations based on the results of a single full shift respirable dust sample collected by MSHA. MSHA can issue a citation for a violation of the applicable respirable dust standard if the respirable dust concentration meets or exceeds the Excessive Concentration Value (ECV) listed in Table 70-1, 71-1, or 90-1 that corresponds to the applicable standard and sampling device. The calculated ECVs indicate, with 95% confidence, that the applicable standard has been exceeded.