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PROGRAM POLICY LETTER NO. P10-IV-02

FROM:

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Administrator for Metal and Nonmetal
Mine Safety and Health

SUBJECT:

Mine Operator Requirements for Exposure Monitoring of
Harmful Airborne Contaminants

Scope

This Program Policy Letter (PPL) applies to all Metal and Nonmetal underground and surface mine operators and independent contractors, miners, miners' representatives, Mine Safety and Health (MSHA) personnel, and other interested parties.

Purpose

This PPL informs the mining community of existing MSHA standards at 30 C.F.R. §§ 56.5002 and 57.5002 that require mine operators to conduct surveys for harmful airborne contaminants, including surveys of respirable dust containing crystalline silica, gas, mist, and fumes, to determine the adequacy of control measures. The purpose of these standards is to reduce illnesses or diseases due to overexposures to harmful airborne contaminants in the mining industry.

Policy

Under the Federal Mine Safety and Health Act of 1977 (Mine Act), mine operators have the primary responsibility for protecting the health of miners. Mine operators must demonstrate compliance rather than relying on enforcement interventions. MSHA will emphasize that mine operators:

- Plan - A system to survey for dust, fume, gas, and mist to determine adequacy of control measures.
- Prevent - Miners' exposure to these hazards.
- Protect - Miners from health hazards.

Consistent with the Secretary's vision of "Good Jobs for Everyone" and her goal for safe and healthful workplaces, MSHA is placing increased emphasis on identifying and controlling health hazards in the mining workplace. In accordance with 30 C.F.R. §§ 56.5002 and 57.5002 on Exposure Monitoring, mine operators are required to conduct dust, gas, mist, and fume surveys as frequently as necessary to determine the adequacy of control measures. In Agency inspections, MSHA will be evaluating operator activities to verify evidence of surveys.

To conduct an effective survey, persons conducting the sampling must be knowledgeable or experienced on how to measure a particular contaminant.

If the result of any samples taken during a survey under 30 C.F.R. §§ 56.5002 and 57.5002 indicates that a miner's exposure to a dust, gas, mist or fume is greater than the exposure limit, MSHA expects the operator to adjust control measures and conduct additional surveys to determine whether control measures are adequate. Thereafter, the operator is required to survey as frequently as necessary to determine the adequacy of control measures.

MSHA is providing additional information at the following website:

www.msha.gov/S&HINFO/ExposureGuidance/ExposureGuidance.asp to assist mine operators in planning and implementing a system to conduct surveys as frequently as necessary to determine the adequacy of control measures.

Background

Operators must have effective exposure monitoring programs to control miners' exposures to harmful airborne contaminants. Failure to implement necessary control measures may result in occupational disease.

MSHA's Program Policy Manual (PPM) provides that the sampling and analytical methods used by the mine operator for surveys conducted under §§ 56.5002 and 57.5002 should be consistent with established principles, such as the National Institute for Occupational Safety and Health's (NIOSH) Manual of Analytical Methods, or MSHA's Metal and Nonmetal Health Inspection Procedures used by MSHA inspectors.

The referenced PPM excerpt is available at

<http://www.msha.gov/REGS/COMPLIAN/PPM/PMVOL4C.HTM#34>

The NIOSH Manual of Analytical Methods is available at

<http://cdc.gov/niosh/docs/2003-154/>

The MSHA Metal Nonmetal Health Inspection Procedures Handbook is available at

[http://www.msha.gov/READROOM/HANDBOOK/PH06-IV-1\(1\)MNMHealthInspectionProc.pdf](http://www.msha.gov/READROOM/HANDBOOK/PH06-IV-1(1)MNMHealthInspectionProc.pdf)

Authority

Sections 101 and 103 of the Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. §§ 811 and 813, and 30 C.F.R. §§ 56.5002 and 57.5002.

Internet Availability

This PPL may be viewed on the Internet on the following web site:

<http://www.msha.gov/REGS/COMPLIAN/PPLMEN.HTM> or by accessing MSHA's home page at www.msha.gov then choosing "Compliance Info" and then "Program Policy Letters".

Filing Policy

This PPL should be filed behind the tab marked “Program Policy Letters” in the Program Policy Manual.

Issuing Office and Contact Persons

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The Agency encourages metal and nonmetal operators to contact their district or field office if they have questions or need further assistance.

Distribution

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All Independent Contractors

All representatives of miners

All Special Interest Groups