



State of West Virginia

Earl Ray Tomblin, Governor

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TO: All Inspectors-at-Large and all Office of Miners' Health Safety and Training Inspection staff
FROM: C. A. Phillips, Director *C.A. Phillips*
RE: WV Office of Miners' Health, Safety and Training
Interpretation of 196 CSR § 1
DATE: May 9, 2012

The following question has arisen regarding the interpretation of 196 CSR § 1. Can diesel equipment, for brief periods of time, move into or move through areas of marginal airflow such as crosscuts, spurs and airlocks without having name plate ventilation?

Yes. After reviewing the applicable sections of 196 CSR § 1, the Director has determined that the intent of the Rules, and the corresponding statutes found at W. Va. Code § 22A-2A-1 *et seq.*, is to protect miners from exposure to diesel emission levels of 75% or more of the exposure limits set forth in 196 CSR § 1-7.1.

During inspections, Inspectors shall determine if such diesel equipment's movement and/or operation through crosscuts, spurs or airlocks results in emission levels reaching 75% or more of the exposure limits found at 196 CSR § 1-7.1. These tests shall be made using a permissible detector. If the concentration of any of the gases listed in 196 CSR § 1-7.1 is 75% or more of the exposure limits found at 196 CSR § 1-7.1, the condition shall be cited and changes shall be immediately made to either the use of the diesel equipment or the ventilation to reduce the emission levels to below 75%.

In conclusion, diesel equipment may move into or through areas of marginal airflow (crosscuts, spurs, and airlocks) for brief operational activities, so long as the emission levels in that marginal airflow area does not reach 75% of the exposure limits set forth in 196 CSR § 1-7.1.

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