

July 19, 2016

TO: All Commonwealth Bituminous Mining Operations

RE: Typographical Error in Section 419(A) of the Bituminous Coal Mine Safety Act
'*and by*' should be interpreted to read '*inby*'

During the July 13, 2016, meeting of the Technical Advisory Committee on Diesel-Powered Equipment (TAC), it was brought to the Department's attention that a typographical error exists in Section 419(A) of the Act. In the second sentence the statute states "The concentration of these exhaust gases shall be measured at the equipment operator's or equipment attendants position *and by* the last piece..." The italicized words indicate the error. The words '*and by*' should read '*inby*.' This error was discussed with the TAC and the authors of the statute, and it was determined that the statute should be interpreted to read as if '*inby*' is substituted for '*and by*.'

If you have any questions or need further clarification, please feel free to contact me at cocarson@pa.gov or 724.404.3141.

Sincerely,



Colvin C. Carson
Director

cc: Ron Bowersox, TAC
Paul Borchick, TAC