

Subpart D—Respiratory Equipment

AUTHORITY: Title II, secs. 303(b), and 508, Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801); secs. 301(a) and 302(a), Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 30 U.S.C. 961 and 951 and 29 U.S.C. 577a, 91 Stat. 1317 and 91 Stat. 1319; sec. 508, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 30 U.S.C. 957, 83 Stat. 803.

SOURCE: 35 FR 5544, Apr. 3, 1970, unless otherwise noted.

§ 70.300 Respiratory equipment; respirable dust.

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this part. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this part.

[60 FR 30401, June 8, 1995]

§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be provided to persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

[60 FR 30401, June 8, 1995]

**Subpart E—Dust From Drilling Rock
[Reserved]**

Subpart F—Noise Standard

EFFECTIVE DATE NOTE: At 64 FR 49630, Sept. 13, 1999, Subpart F, consisting of §§ 70.500 through 70.511, was removed, effective Sept. 13, 2000.

§ 70.500 Definitions.

As used in this subpart F, the term:

(a) *dBA* means noise level in decibels, relative to a reference level of 20 micro pascals, as measured by the use of an A-weighting and slow metering characteristic as specified in American National Standards Institute (ANSI), "Specification for Sound Level Meters," S1.4-1971 (Type S2A).

(b) *Noise exposure* means a period of time during which the noise level is 90 or more dBA;

(c) *Multiple noise exposure* means the daily noise exposure is composed of two or more different noise levels;

(d) *Noise level* is the average dBA during a noise exposure; and,

(e) *Qualified person* means, as the context requires, an individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Act.

(f) *Personal noise dosimeter* means equipment worn by an individual, which performs noise level measurements along with exposure time measurements. The circuitry of the instrument is such that it automatically performs the computation of the multiple noise exposure specified in § 70.502.

(Sec. 101, Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811); sec. 301, Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95-164, 91 Stat. 1317 (U.S.C. 961)

[36 FR 12739, July 7, 1971, as amended at 43 FR 40761, Sept. 12, 1978; 44 FR 52827, Sept. 11, 1979]

§ 70.501 Requirements.

Every operator of an underground coal mine shall maintain the noise levels during each shift to which each miner in the active workings of the mine is exposed at or below the permissible noise levels set forth in Table I of this subpart.

Example: If a noise is recorded to be 110 dBA then exposure shall not exceed 30 minutes during an 8-hour shift.

(Secs. 101 and 206, 83 Stat. 745 and 765; 30 U.S.C. 801 and 846)

[36 FR 12739, July 7, 1971]