

## § 71.700

(d) Ice used for cooling drinking water shall not be immersed or in direct contact with the water to be cooled, unless it has been handled in a sanitary manner and unless the ice is made from the same source as the drinking water or from water of a quality equal to the source of the drinking water.

### Subpart H—Airborne Contaminants

#### § 71.700 Inhalation hazards; threshold limit values for gases, dust, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz, and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972) which is hereby incorporated by reference and made a part hereof. Excursions above the listed threshold limit values shall not be of greater magnitude than is characterized as permissible by the conference. This paragraph does not apply to airborne contaminants given a "C" designation by the conference in the document. This document is available for examination at the Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203; at every Coal Mine Health and Safety District and Subdistrict Office; at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD; and at the Public Health Service Information Centers listed in 45 CFR 5.31. Copies of the document may be purchased from the Secretary-Treasurer, American Conference of Governmental Industrial Hygienists, Post Office Box 1937, Cincinnati, OH 45202.

(b) All persons, including employees, shall be withdrawn from any area in which there is a concentration of an airborne contaminant given a "C" designation by the Conference which ex-

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ceeds the threshold limit value (ceiling "C" limit) listed for that contaminant.

[37 FR 6368, Mar. 28, 1972, as amended at 39 FR 17101, May 13, 1974; 43 FR 12319, Mar. 24, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980]

#### § 71.701 Sampling; general requirements.

(a) Air samples will be taken by the Secretary and will be analyzed to determine the concentrations of noxious or poisonous gases, dusts, fumes, mists, and vapors in surface installations and at surface worksites.

(b) Upon written notification by the Secretary to the operator of an underground coal mine or of a surface coal mine, the operator shall conduct any additional air sampling tests and analyses as the Secretary may from time to time require in order to ensure compliance with the standards set forth in § 71.700 in each surface installation and at each surface worksite.

(c) Where concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions are known by the operator to exist in a surface installation or at a surface worksite, he shall immediately provide necessary control measures to assure compliance with § 71.700.

(d) Where the operator has reasonable grounds to believe that concentrations of airborne contaminants in excess of the applicable threshold limit values and permissible excursions exist, or are likely to exist, he shall promptly conduct appropriate air sampling tests to determine the concentration of any airborne contaminant which may be present and immediately provide the necessary control measures to assure compliance with § 71.700.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

#### § 71.702 Asbestos dust standard; measurement.

(a) The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per

cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400–450 magnification.

[41 FR 10223, Mar. 10, 1976. Redesignated at 45 FR 80756, Dec. 5, 1980]

**Subpart I—Noise Standard**

EFFECTIVE DATE NOTE: At 64 FR 49630, Sept. 13, 1999, Subpart I, consisting of §§ 71.800 through 71.805, was removed effective Sept. 13, 2000.

**§ 71.800 Noise standard; general requirements.**

Each operator of an underground coal mine and each operator of a surface coal mine shall, during each shift, maintain the noise level to which each miner in each surface installation and at each surface worksite is exposed at or below the maximum noise exposure level prescribed in subpart F, part 70 of this Subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

**§ 71.801 Measurement of noise levels.**

Each operator shall measure the noise level to which each miner is exposed in each surface installation and at each surface worksite in the manner prescribed in subpart F, part 70, of this subchapter O.

[37 FR 6368, Mar. 28, 1972. Redesignated at 45 FR 80756, Dec. 5, 1980]

**§ 71.802 Initial noise exposure survey.**

On or before November 13, 1974 each operator shall:

(a) Conduct, in accordance with this subpart, a survey of the noise levels to which each miner in each surface installation and at each surface worksite is exposed during his normal work shift; and,

(b) Report and certify to the Mine Safety and Health Administration and the Department of Health and Human Services, the results of such survey using the Coal Mine Noise Data Report. (See Figure 1, part 70 of this subchapter.) Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]

**§ 71.803 Periodic noise exposure survey.**

(a) At intervals of at least every 6 months, after November 13, 1974 each operator shall conduct periodic surveys of the noise levels to which each miner in each surface installation and at each surface worksite is exposed and shall report and certify the results of such surveys to the Mine Safety and Health Administration and the Department of Health and Human Services, using the Coal Mine Noise Data Report Form. The interval between each survey shall not be less than 3 months. Reports shall be sent to:

Division of Automatic Data Processing, Post Office Box 25407, Building 41, Denver Federal Center, Denver, CO 80225.

(b) Where no A-scale reading recorded for any miner during an initial or periodic noise exposure survey exceeds 90 dBa, the operator shall not be required to survey such miner during any subsequent periodic noise exposure survey required by this section: *Provided, however,* That the name and job position of each such miner shall be reported in every periodic survey and the operator shall certify that such miner's job duties and noise exposure levels have not changed substantially during the preceding 6-month period.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978. Redesignated at 45 FR 80756, Dec. 5, 1980 and further amended at 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995]