

Mine Safety and Health Admin., Labor

§ 75.1712-3

rib and face rolls as would a substantially constructed canopy or cab meeting the requirements of this section.

[37 FR 20690, Oct. 3, 1972, as amended by 41 FR 23200, June 9, 1976; 43 FR 12320, Mar. 24, 1978; 47 FR 28096, June 29, 1982; 61 FR 55527, Oct. 25, 1996]

EFFECTIVE DATE NOTE: At 42 FR 34877, July 7, 1977, the dates appearing in paragraphs (a)(5)(ii) and (a)(6) of § 75.1710-1 were suspended indefinitely, effective July 1, 1977.

§ 75.1711 Sealing of mines.

[STATUTORY PROVISIONS]

On or after March 30, 1970, the opening of any coal mine that is declared inactive by the operator, or is permanently closed, or abandoned for more than 90 days, shall be sealed by the operator in a manner prescribed by the Secretary. Openings of all other mines shall be adequately protected in a manner prescribed by the Secretary to prevent entrance by unauthorized persons.

§ 75.1711-1 Sealing of shaft openings.

Shaft openings required to be sealed under § 75.1711 shall be effectively capped or filled. Filling shall be for the entire depth of the shaft and, for the first 50 feet from the bottom of the coalbed, the fill shall consist of incombustible material. Caps consisting of a 6-inch thick concrete cap or other equivalent means may be used for sealing. Caps shall be equipped with a vent pipe at least 2 inches in diameter extending for a distance of at least 15 feet above the surface of the shaft.

§ 75.1711-2 Sealing of slope or drift openings.

Slope or drift openings required to be sealed under § 75.1711 shall be sealed with solid, substantial, incombustible material, such as concrete blocks, bricks or tile, or shall be completely filled with incombustible material for a distance of at least 25 feet into such openings.

§ 75.1711-3 Openings of active mines.

The openings of all mines not declared by the operator, to be inactive, permanently closed, or abandoned for less than 90 days shall be adequately fenced or posted with conspicuous signs

prohibiting the entrance of unauthorized persons.

§ 75.1712 Bath houses and toilet facilities.

[STATUTORY PROVISIONS]

The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, to provide for the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

[35 FR 17890, Nov. 20, 1970, as amended at 60 FR 33723, June 29, 1995]

§ 75.1712-1 Availability of surface bathing facilities; change rooms; and sanitary facilities.

Except where a waiver has been granted pursuant to the provisions of § 75.1712-4, each operator of an underground coal mine shall on and after December 30, 1970, provide bathing facilities, clothing change rooms, and sanitary facilities, as hereinafter prescribed, for the use of the miners at the mine.

§ 75.1712-2 Location of surface facilities.

Bathhouses, change rooms, and sanitary toilet facilities shall be in a location convenient for the use of the miners. Where such facilities are designed to serve more than one mine, they shall be centrally located so as to be as convenient for the use of the miners in all the mines served by such facilities.

§ 75.1712-3 Minimum requirements of surface bathing facilities, change rooms, and sanitary toilet facilities.

(a) All bathing facilities, change rooms, and sanitary toilet facilities shall be provided with adequate light, heat, and ventilation so as to maintain a comfortable air temperature and to minimize the accumulation of moisture and odors, and such facilities shall be maintained in a clean and sanitary condition.

(b) Bathing facilities, change rooms, and sanitary toilet facilities shall be

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constructed and equipped so as to comply with applicable State and local building codes: *Provided, however*, That where no State or local building codes apply to such facilities, or where no State or local building codes exist, such facilities shall be constructed and equipped so as to meet the minimum construction requirements of the National Building Code; and the minimum plumbing requirements of the U.S.A. Standard Plumbing Code, ASA A40.8-1955.

(c) In addition to the minimum requirements specified in paragraphs (a) and (b) of this §75.1712-3, facilities maintained in accordance with §75.1712-1 shall include the following:

(1) *Bathing facilities.* (i) Showers shall be provided with both hot and cold water.

(ii) At least one shower head shall be provided where five or less miners use such showers.

(iii) Where five or more miners use such showers, sufficient showers shall be furnished to provide approximately one shower head for each five miners.

(iv) A suitable cleansing agent shall be provided for use at each shower.

(2) *Sanitary toilet facilities.* (i) At least one sanitary flush toilet shall be provided where 10 or less miners use such facilities.

(ii) Where 10 or more miners use such sanitary toilet facilities, sufficient toilets shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use sanitary toilet facilities, one urinal may be substituted for one sanitary flush toilet, however, where such substitutions are made they shall not reduce the number of toilets below a ratio of two toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) *Change rooms.* (i) Individual clothes storage containers or lockers shall be provided for storage of miners clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with ample space to permit the use of

such facilities by all miners changing clothes prior to and after each shift.

§75.1712-4 Waiver of surface facilities requirements.

The Coal Mine Safety District Manager for the district in which the mine is located may, upon written application by the operator, waive any or all of the requirements of §§75.1712-1 through 75.1712-3 if he determines that the operator of the mine cannot or need not meet any part or all of such requirements, and, upon issuance of such waiver, he shall set forth the facilities which will not be required and the specific reason or reasons for such waiver.

[35 FR 17890, Nov. 20, 1970, as amended at 60 FR 33723, June 29, 1995]

§75.1712-5 Application for waiver of surface facilities.

Applications for waivers of the requirements of §§75.1712-1 through 75.1712-3 shall be filed with the Coal Mine Safety District Manager and shall contain the following information:

(a) The name and address of the mine operator;

(b) The name and location of the mine;

(c) A statement explaining why, in the opinion of the operator, the installation or maintenance of the facilities is impractical or unnecessary.

§75.1712-6 Underground sanitary facilities; approved sanitary toilets; installation and maintenance.

(a) Except as provided in §75.1712-7, each operator of an underground coal mine shall, on and after December 30, 1970, provide and maintain one approved sanitary toilet, together with an adequate supply of toilet tissue, in a dry location under protected roof, within 500 feet of each working place in the mine where miners are regularly employed during the mining cycle. A single approved sanitary toilet may serve two or more working places in the same mine, if it is located within 500 feet of each such working place.

(b) Only sanitary toilets approved by the Health Division, Coal Mine Health and Safety, Mine Safety and Health Administration shall meet the requirements of this section.