

§75.1712-4

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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.

(c) Applications for approval of sanitary toilets shall be submitted to:

Health Division, Coal Mine Health and Safety, Mine Safety and Health Administration, Department of Labor, 4015 Wilson Boulevard, Arlington, Va. 22203.

[35 FR 17890, Nov. 20, 1970, as amended at 43 FR 12320, Mar. 24, 1978]

§ 75.1712-7 Underground sanitary facilities; waiver of requirements.

If it has been determined by the Coal Mine Safety District Manager for the district in which the mine is located that sanitary toilets cannot be provided and maintained within 500 feet of a working place because of the thickness of the coal seam or because of any other physical restriction in the underground workings, he may, upon written application by the operator, waive the location requirements for underground sanitary facilities with respect to such working place.

§ 75.1712-8 Application for waiver of location requirements for underground sanitary facilities.

Applications for waivers of the location requirements of § 75.1712-6 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) The thickness of the coal seam in each working place in the mine for which a waiver is requested; and

(d) Other physical restrictions in the mine (for example, poor roof conditions, excessive water, timbering, etc.). If a sanitary toilet cannot be installed within 500 feet of a working place because of physical conditions other than the thickness of the coal seam, the operator shall also include a short statement specifying areas in the mine which could be considered possible alternative sites for installation of such facilities.

§ 75.1712-9 Issuance of waivers.

Following the receipt of an application submitted in accordance with the provisions of § 75.1712-8, the Coal Mine Safety District Manager shall, if he determines that the operator cannot

meet the location requirements of § 75.1712-6 with respect to any or all of the working places in the mine because of the coal seam thickness or because of other physical restriction, issue a waiver of the requirements of this section and designate an alternative site for installation of such facilities. The waiver issued shall specify each working place to which it shall apply, set forth the reasons for such waiver, and the reasons for designation of the alternative site.

§ 75.1712-10 Underground sanitary facilities; maintenance.

Sanitary toilets shall be regularly maintained in a clean and sanitary condition. Holding tanks shall be serviced and cleaned when full and in no case less than once each week by draining or pumping or by removing them to the surface for cleaning or recharging. Transfer tanks and transfer equipment used underground shall be equipped with suitable fittings to permit complete drainage of holding tanks without spillage and allow for the sanitary transportation of wastes to the surface. Waste shall be disposed of on the surface in accordance with State and local laws and regulations.

§ 75.1713 Emergency medical assistance; first-aid.

[STATUTORY PROVISIONS]

Each operator shall make arrangements in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first-aid and first-aid training shall be made available to all miners. Each coal mine shall have an adequate supply of first-aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements of this section, the operator shall meet at least minimum requirements prescribed by the Secretary of Health and Human Services.

[35 FR 17890, Nov. 20, 1970, as amended at 47 FR 14696, Apr. 6, 1982; 60 FR 33723, June 29, 1995]