

to have been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation and the full name, address, and telephone number of the person giving notice.

(b) *Failure to act.* Notice regarding an alleged failure of the Administrator of the Environmental Protection Agency to perform any act or duty under the Noise Control Act which is not discretionary with such Administrator or notice regarding an alleged failure of the Administrator of the Federal Aviation Administration to perform any act or duty under section 611 of the Federal Aviation Act which is not discretionary with such Administrator shall identify the statutory provision which requires such act or creates such duty, shall describe with reasonable specificity the action taken or not taken by such Administrator which is alleged to constitute a failure to perform such act or duty, and shall state the full name, address, and telephone number of the person giving the notice.

(c) *Identification of Counsel.* The notice shall state the name, address, and telephone number of the legal counsel, if any, representing the person giving the notice.

PART 211—PRODUCT NOISE LABELING

Subpart A—General Provisions

Sec.

- 211.101 Applicability.
- 211.102 Definitions.
- 211.103 Number and gender.
- 211.104 Label content.
- 211.105 Label format.
- 211.106 Graphical requirements.
- 211.107 Label type and location.
- 211.108 Sample label.
- 211.109 Inspection and monitoring.
- 211.110 Exemptions.
 - 211.110-1 Testing exemption.
 - 211.110-2 National security exemptions.
 - 211.110-3 Export exemptions.
- 211.111 Testing by the Administrator.

Subpart B—Hearing Protective Devices

- 211.201 Applicability.
- 211.202 Effective date.
- 211.203 Definitions.

- 211.204 Hearing protector labeling requirements.
 - 211.204-1 Information content of primary label.
 - 211.204-2 Primary label size, print and color.
 - 211.204-3 Label location and type.
 - 211.204-4 Supporting information.
- 211.205 Special claims.
- 211.206 Methods for measurement of sound attenuation.
 - 211.206-1 Real ear method.
 - 211.206-2 Alternative test data.
 - 211.206-3—211.206-10 Alternative test methods. [Reserved]
- 211.207 Computation of the noise reduction rating (NRR).
- 211.208 Export provisions.
- 211.210 Requirements.
 - 211.210-1 General requirements.
 - 211.210-2 Labeling requirements.
- 211.211 Compliance with labeling requirement.
- 211.212 Compliance audit testing.
 - 211.212-1 Test request.
 - 211.212-2 Test hearing protector selection.
 - 211.212-3 Test hearing protector preparation.
 - 211.212-4 Testing procedures.
 - 211.212-5 Reporting of test results.
 - 211.212-6 Determination of compliance.
 - 211.212-7 Continued compliance testing.
 - 211.212-8 Relabeling requirements.
- 211.213 Remedial orders for violations of these regulations.
- 211.214 Removal of label.

APPENDIX A TO PART 211—COMPLIANCE AUDIT TESTING REPORT

SOURCE: 44 FR 56127, Sept. 28, 1979, unless otherwise noted.

Subpart A—General Provisions

AUTHORITY: Sec. 8, Noise Control Act of 1972, (42 U.S.C. 4907), and other authority as specified.

§ 211.101 Applicability.

The provisions of subpart A apply to all products for which regulations are published under part 211 and manufactured after the effective date of this regulation, unless they are made inapplicable by product-specific regulations.

§ 211.102 Definitions.

(a) All terms that are not defined in this subpart will have the meaning given them in the Act.

(b) *Act* means the Noise Control Act of 1972 (Pub. L. 92–574, 86 Stat. 1234).

(c) *Administrator* means the Administrator of the Environmental Protection

Environmental Protection Agency

§ 211.105

Agency or his authorized representative.

(d) *Agency* means the United States Environmental Protection Agency.

(e) *Acoustic descriptor* means the numeric, symbolic, or narrative information describing a product's acoustic properties as they are determined according to the test methodology that the Agency prescribes.

(f) *Export exemption* means an exemption from the prohibitions of section 10(a) (3) and (4) of the Act; this type of exemption is granted by statute under section 10(b)(2) of the Act for the purpose of exporting regulated products.

(g) *National security exemption* means an exemption from the prohibitions of section 10(a) (3) and (5) of the Act, which may be granted under section 10(b)(1) of the Act in cases involving national security.

(h) *Product* means any noise-producing or noise-reducing product for which regulations have been promulgated under part 211; the term includes "test product".

(i) *Regulations published under this part* means all subparts to part 211.

(j) *Testing exemption* means an exemption from the prohibitions of section 10(a) (1), (2), (3), and (5) of the Act, which may be granted under section 10(b)(1) of the Act for research, investigations, studies, demonstrations, or training, but not for national security.

(k) *Test product* means any product that must be tested according to regulations published under part 211.

§ 211.103 Number and gender.

In this part, words in the singular will be understood to include the plural, and words in the masculine gender will be understood to include the feminine, and vice versa, as the case may require.

§ 211.104 Label content.

The following data and information must be on the label of all products for which regulations have been published under this part:

(a) The term "Noise Rating" if the product produces noise, or the term "Noise Reduction Rating" if the product reduces noise;

(b) The acoustic rating descriptor that is determined according to procedures specified in the regulations that will be published under this part;

(c) Comparative acoustic rating information, which EPA will specify in the regulations published under this part;

(d) A product manufacturer identification consisting of: (1) The Company name, and (2) The City and State of the principal office;

(e) A product model number or type identification;

(f) The phrase "Federal law prohibits removal of this label prior to purchase";

(g) The U.S. Environmental Protection Agency logo, as shown in Figure 1;

(h) The phrase "Label Required by U.S. EPA regulation 40 CFR part 211, subpart _____."



FIGURE 1

§ 211.105 Label format.

(a) Unless specified otherwise in other regulations published under this part, the format of the label must be as shown in Figure 2. The label must include all data and information required under § 211.104.