

INTRODUCTION

By John N. Murphy¹

Noise is often regarded as a nuisance rather than an occupational hazard. However, it is known that overexposure to noise can cause serious hearing loss. The problem is especially severe in the mining industry. Its extent and severity was documented in a 1976 study by the National Institute for Occupational Safety and Health (NIOSH).² This study found that underground coal miners had noticeably worse hearing than the general population. For instance it was found that at age 50, over 50 pct of all coal miners had a hearing loss greater than 25 dB,³ and about 30 pct had a hearing loss greater than 40 dB (fig. 1). Miners experience greater hearing impairment than most other industrial workers because of their work-related overexposure to noise. Moreover, noise-induced hearing loss occurs gradually over many years, individuals are not aware of it until they notice that they cannot effectively communicate with other people or hear safety signals in the workplace. Severe noise-induced hearing loss is debilitating and cannot be cured by hearing aids.⁴

The Federal Government regulates the noise exposure of mine workers under the Federal Mine Safety and Health Amendments Act of 1977 (Public Law 95-164). This act, which supersedes the Federal Coal

Mine Health and Safety Act of 1969, covers surface and underground operations of metal and nonmetal mines as well as coal mines. The section of the act dealing with noise is reproduced on the following pages; the applicable regulations are found in the Code of Federal Regulations (Title 30, Chapter 1).

Allowable noise exposure is defined in terms of intensity and the duration of exposure. Specifically, the regulations use the concept of noise dose to identify those instances when noise becomes an occupational health problem. Table 1 shows the relationship between noise level and allowable worker exposure time mandated by the Federal noise regulations for mines.

Exposure to a continuous noise level of 90 dBA is permitted for no more than 8 h. For every 5-dBA increase in the noise level, the allowable exposure time is cut in half. As an example, no more than 4 hours of exposure time is permitted at 95 dBA. Also, there is an upper limit; exposure to continuous noise levels above 115 dBA is not permitted.

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²Henderson, T. L. (ed.). Survey of Hearing Loss in the Coal Mining Industry. HEW (NIOSH) Publ. 76-172, 1976, 145 pp.; NTIS PB 271 811.

³The American Academy of Ophthalmology and Otolaryngology recognizes that individuals with 25 dB hearing losses have a hearing handicap.

⁴For a detailed discussion on hearing loss see the "Federal Occupational Safety and Health Administration Regulation on Occupational Noise Hearing Conservation Programs" (49 FR 4078, Jan. 16, 1981).

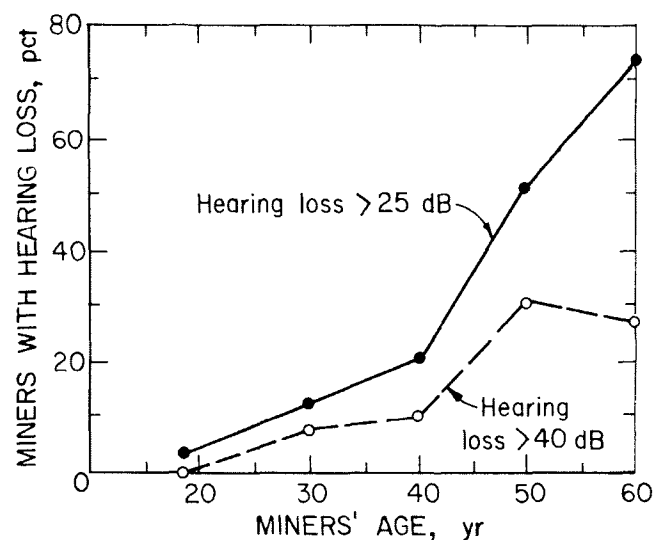


FIGURE 1. - Miner hearing loss.

TABLE 1. - Permissible noise exposure

<u>Duration per day, h</u>	<u>Noise level, dBA</u>
8.....	90
6.....	92
4.....	95
3.....	97
2.....	100
1-1/2.....	102
1.....	105
3/4.....	107
1/2.....	110
1/4 or less.....	115

Recognizing that noise-induced hearing loss is a major health hazard in mining, the Bureau initiated a research program to address this problem. The first paper in this publication is a general overview of the program; one paper discusses hearing protectors. Other papers address selected noise control techniques for

specific classes of mining and processing equipment.

The Bureau handbook⁵ distributed at this seminar includes a discussion of the major mining machinery noise problems by machine type, currently available noise control technologies with cost estimates for their implementation, and noise control technologies in process of development. The handbook also includes comprehensive lists of commercially available noise control products and materials suppliers, a bibliography, and case histories.

⁵Bartholomae, R. C., and R. P. Parker. Mining Machinery Noise Control Guidelines, 1983. BuMines Handbook, 1983, 87 pp.; single copies are available from section of Publications, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

APPENDIX A: FEDERAL NOISE REGULATIONS

The Federal government regulates the noise exposure of mine workers under the Federal Mine Safety and Health Act of 1977 (P.L. 95-164). This act, which supersedes the previous Federal Coal Mine Safety and Health Act of 1969, covers surface and underground operations of metal and nonmetal mines as well as coal mines. These regulations are found in a government publication called the *Code of Federal Regulations* (Title 30, Chapter 1). The sections of 30 CFR 1.1 that pertain to noise are:

Subchapter N Part 55 Section 55.5	Metal and Nonmetal Open Pit Mines
56.5	Sand, Gravel, and Crushed Stone Operators
57.5	Metal and Nonmetal Underground Mines
Subchapter O Part 70 Subpart F	Noise Standard for Underground Coal Mines
Part 71 Subpart D	Noise Standard for Surface Work Areas of Underground Coal Mines and Surface Coal Mines

Only one of the three sections in Subchapter N has been reproduced; the others are identical. Sections of Subchapter O relating to noise are reproduced in their entirety.

PHYSICAL AGENTS

55.5-11 through 55.5-49 [Reserved]

55.5-50 *Mandatory.* (a) No employee shall be permitted an exposure to noise in excess of that specified in the table below. Noise level measurements shall be made using a sound level meter meeting specifications for type 2 meters contained in American National Standards Institute (ANSI) Standard S1.4-1971, "General Purpose Sound Level Meters," approved April 27, 1971, which is hereby incorporated by reference and made a part hereof, or by a dosimeter with similar accuracy. This publication may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, or may be examined in any Metal and Nonmetal Mine Health and Safety District or Subdistrict Office of the Mine Safety and Health Administration.

PERMISSIBLE NOISE EXPOSURES

<i>Duration per day, hours of exposure</i>	<i>Sound level, dBA, slow response</i>
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

No exposure shall exceed 115 dBA. Impact or impulsive noises shall not exceed 140 dB, peak sound pressure level.

NOTE. When the daily noise exposure is composed of two or more periods of noise exposure at different levels, their combined effect shall be considered rather than the individual effect of each.

If the sum

$$(C_1/T_1) + (C_2/T_2) + \dots + (C_n/T_n)$$

exceeds unity, then the mixed exposure shall be considered to exceed the permissible exposure. C_n indicates the total time of exposure at a specified noise level, and T_n indicates the total time of exposure permitted at that level. Interpolation between tabulated values may be determined by the following formula:

$$\log T = 6.322 - 0.0602 SL$$

Where T is the time in hours and SL is the sound level in dBA.

(b) When employees' exposure exceeds that listed in the above table, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce exposure to within permissible levels, personal protection equipment shall be provided and used to reduce sound levels to within the levels of the table.

[34 FR 12504, July 31, 1969, as amended at 35 FR 3661, Feb. 25, 1970; 35 FR 18588, Dec. 8, 1970; 39 FR 24316, July 1, 1974; 39 FR 28433, Aug. 7, 1974; 41 FR 23612, June 10, 1976; 43 FR 54066, Nov. 17, 1978; 44 FR 36385, June 22, 1979]

Subpart F—Noise Standard

AUTHORITY: Sections 101 and 206, 83 Stat. 745 and 765; 30 U.S.C. 801 and 846.

SOURCE: 36 FR 12739, July 7, 1971, unless otherwise noted.

§ 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.

[35 FR 5544, Apr. 3, 1970, as amended at 43 FR 40761, Sept. 12, 1978]

§ 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 per-

missible 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.

§ 70.502 Computation of multiple noise exposure.

The standard will be considered to have been violated in the case of multiple noise exposure where such exposure totals exceed one as computed by adding the total time of exposure at each specified level (C_1 , C_2 , C_3 etc.) divided by the total time of exposure permitted at that level (T_1 , T_2 , T_3). Thus, $[C_1/T_1] + [C_2/T_2] + [C_3/T_3]$ must not exceed 1.

EXAMPLE I: Exposure of 2 hours at 92 dBA and 1 hour at 100 dBA during an 8-hour shift.

Total minutes of noise exposure at dBA level/Total minutes of permissible noise exposure at dBA level $[120 \text{ min.}/360 \text{ min.} + 60 \text{ min.}/120 \text{ min.}] = \frac{2}{6} + \frac{1}{2}$
 $= \frac{2}{6} + \frac{3}{6} = \frac{5}{6}$

The sum of the fractions does not exceed one; hence the exposure for the shift would not violate the standard.

EXAMPLE II: Exposure of 3 hours at 95 dBA and 1 hour at 100 dBA during an 8 hour shift.

$$\frac{3}{4} + \frac{1}{2} = \frac{3}{4} + \frac{2}{4} = \frac{5}{4}$$

The sum of the fractions exceeds one; hence the exposure for the shift would violate the standard.

§ 70.503 Noise exposure measurements; general.

Every coal mine operator shall take accurate readings of the noise levels to which each miner in the active workings of the mine is exposed during the performance of the duties to which he is normally assigned.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40761, Sept 12, 1978]

§ 70.504 Noise exposure measurements; by whom done.

The noise exposure measurements required by this Subpart F shall be taken by, or as directed by, a person who has met the minimum requirements set forth in § 70.504-1, and has been certified by the Assistant Secretary of Labor for Mine Safety and Health, Mine Safety and Health Administration as qualified to take noise exposure measurements as prescribed in this Subpart F.

[36 FR 12739, July 7, 1971, as amended at 43 FR 12319, Mar 24, 1978; 43 FR 40761, Sept. 12, 1978; 43 FR 43458, Sept. 26, 1978]

§ 70.504-1 Persons qualified to measure noise levels; minimum requirements.

The following persons shall be considered qualified to take noise exposure measurements as prescribed in this Subpart F:

(a) Any person who has been certified by the Mine Safety and Health Administration as an instructor in noise measurement training programs;

(b) Any person who has satisfactorily completed a noise training course conducted by the Mine Safety and Health Administration and has been certified by the Administration as a qualified person; and,

(c) Any person who has satisfactorily completed a noise training course approved by the Mine Safety and Health Administration and has been certified by the Administration as a qualified person.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40761, Sept. 12, 1978]

§ 70.504-2 Certification of qualified persons by the Mine Safety and Health Administration.

Upon a satisfactory showing that a person has met the minimum requirements for taking noise exposure measurements set forth in § 70.504-1, the Mine Safety and Health Administra-

tion shall certify that such person has the ability and capacity to conduct tests of the noise exposure in a coal mine and to report and certify the results of such tests to the Secretary and the Secretary of Health, Education, and Welfare.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40761, Sept. 12, 1978]

§ 70.505 Noise exposure measurement equipment.

Noise exposure measurements shall be taken only with equipment which is approved by the Mine Safety and Health Administration as permissible electric face equipment under the provisions of Part 18 of this chapter and which in the case of sound level meters, meets American National Standards Institute (ANSI), "Specification for Sound Level Meters," S1.4-1971 (Type S2A), or in the case of personal noise dosimeters, has been found to be acceptable by the Mine Safety and Health Administration.

[43 FR 40761, Sept. 12, 1978]

§ 70.506 Noise exposure measurement procedures; instrument setting; calibration.

(a) Noise exposure measurements made with sound level meters shall conform to the following:

(1) Noise exposure measurements shall be made at locations where the noise is typical of that entering the ears of the miner whose exposure is under consideration.

(2) Five measurements shall be made for each type of noise exposure producing operation to which the miner under consideration is exposed.

(3) Each measurement shall be made by observing the A-scale readings for 30 seconds and recording the noise level.

(4) The average of the five noise level measurements shall be considered as the noise level measurement

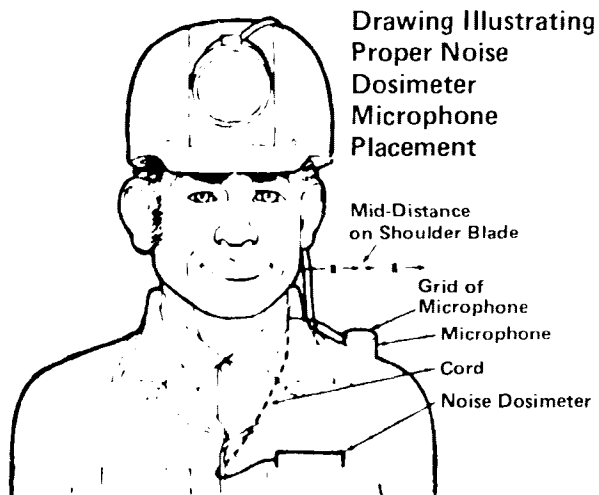
which is representative of the operation.

(5) Where different and distinct noise levels occur at various phases of an operation, noise exposure measurements shall be made in accordance with this section for each distinct phase.

(6) The noise levels and the estimated length of time the miner is exposed to each level during a normal work shift shall be reported for the operation.

(b) Noise exposure measurements made with personal noise dosimeters shall conform to the following:

(1) For the miner whose noise exposure is under consideration, noise exposure measurements shall be made with the personal noise dosimeter microphone located at the top of the shoulder, midway between the neck and the end of the shoulder with the microphone pointing in a vertical upward direction in accordance with the diagram shown below:



(2) To the extent practical, the personal noise dosimeter instrument case and microphone cable shall be posi-

tioned underneath exterior clothing so as to minimize potential safety problems and damage to the instrument. The microphone shall not be covered by clothing.

(3) The personal noise dosimeter shall be worn by the miner whose noise exposure is under consideration for an entire normal work shift and the accumulated per centum of the noise exposure shall be reported.

(c) Noise exposure measurement instruments specified in § 70.505 shall be set to operate with the A-weighted network and slow response.

(d)(1) Sound level meters and personal noise dosimeters used by an operator in fulfilling the requirements of this subpart shall be acoustically calibrated in accordance with the manufacturer's instructions before and after each shift on which the meter is used.

(2) Sound level meters and personal noise dosimeters used by an authorized representative of the Secretary shall be acoustically calibrated in accordance with the manufacturer's instructions or by another equivalent procedure before and after each shift on which the meter is used.

(3) Personal noise dosimeters shall be recalibrated annually, including, as a minimum, the following:

(i) Visual inspection of the microphone for any foreign matter or damage,

(ii) Comparison of the dosimeter, at 1000 Hz, with a laboratory type condenser microphone of known sensitivity, and

(iii) Frequency response testing in a free or diffused field where the sound field is established using a laboratory type condenser microphone of known sensitivity.

(4) A document containing the date of the annual recalibration of each personal noise dosimeter and the

names of the individual and organization performing the calibration shall be kept on file at each mine office.

(e)(1) Acoustical calibrators which are used to calibrate sound level meters and personal noise dosimeters shall be recalibrated once a year using a laboratory type condensor microphone of known sensitivity as determined by a National Bureau of Standards calibration.

(2) A document containing the date of the annual calibration of each acoustical calibrator and the names of the individual and organization performing the calibration shall be on file at each mine office.

[43 FR 40761, Sept. 12, 1978, as amended at 43 FR 50678, Oct 31, 1978]

§ 70.507 Initial noise exposure survey.

On or before June 30, 1971, each operator shall:

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

(b) Report and certify to the Mine Safety and Health Administration, and the Department of Health, Education, and Welfare, the results of such survey using the Coal Mine Noise Data Report, Figure 1. Reports shall be sent to:

Division of Automatic Data Processing,
Mining Enforcement and Safety Administration,
Building 53, Denver Federal
Center, Colo. 80225.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40762, Sept 12, 1978]

§ 70.508 Periodic noise exposure survey.

(a) At intervals of at least every 6 months after June 30, 1971, but in no case shall the interval be less than 3 months, each operator shall conduct, in accordance with this subpart, periodic surveys of the noise levels to

which each miner in the active workings of the mine is exposed and shall report and certify the results of such surveys to the Mine Safety and Health Administration, and the Department of Health, Education, and Welfare, using the Coal Mine Noise Data Report Form. Reports shall be sent to:

Division of Automatic Data Processing,
Mining Enforcement and Safety Administration,
Building 53, Denver Federal
Center, Colo. 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 level 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.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40762, Sept. 12, 1978]

§ 70.509 Supplemental noise exposure survey; reports and certification.

(a) Where the certified results of an initial noise exposure survey conducted in accordance with § 70.507, or a periodic noise exposure survey conducted in accordance with § 70.508, show that any miner in the active workings of the mine is exposed to a noise level in excess of the permissible noise level prescribed in Table I, the operator shall conduct a supplemental noise exposure survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Mine Safety and Health Administration to conduct such survey.

(b) Supplemental noise exposure surveys shall be conducted by taking noise exposure measurements in accordance with § 70.506, however, noise exposure measurements shall be taken during the entire period of each individual operation to which the miner under consideration is actually exposed during his normal work shift.

(c) Each operator shall report and certify the results of each supplemental noise level survey conducted in accordance with this section to the Mine Safety and Health Administration and the Department of Health, Education, and Welfare using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise exposure surveys shall, upon completion, be mailed to:

Division of Automatic Data Processing,
Mine Safety and Health Administration,
Building 53, Denver Federal Center, Colo.
80225.

[36 FR 12739, July 7, 1971, as amended at 43 FR 40762, Sept. 12, 1978]

§ 70.510 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 70.509 show that any miner in the active workings of the mine is exposed to noise levels which exceed the permissible noise levels prescribed in Table I, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a Notice of Violation issued pursuant to paragraph (a) of this section, the operator shall:

(1) Institute promptly administrative and/or engineering controls neces-

sary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of any Notice of Violation of this subpart, submit for approval to a joint Mine Safety and Health Administration-Health, Education, and Welfare committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preemployment and periodic audiograms.

(3) Plans required under subparagraph (2) of this paragraph shall be submitted to:

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

TABLE I—PERMISSIBLE NOISE EXPOSURES

<i>Duration per day (hours)</i>	<i>Noise level (dBA)</i>
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
¾	107
½	110
¼ or less	115

[35 FR 5544, Apr. 3, 1970, as amended at 43 FR 12319, Mar. 24, 1978; 43 FR 40762, Sept. 12, 1978]



Chapter I—Mine Safety and Health Admin.

§ 70.510

§ 70.511 Incorporation by reference.

(Submit one form for each miner.)

Figure 1

COAL MINE NOISE DATA REPORT		
Date: ____/____/____ mo. day yr.		
Company: _____		Mine Name _____
Mine I.D. Number _____		
Section/Pit Number: _____		
Miners Name: _____		
Miners SSN: _____		
Occupation Code: _____		
Initial _____ Periodic _____ Supplemental _____		
Hearing Protective Device Used _____		
Yes _____ No _____ If Yes "R" Value _____		
Equipment in Operation: _____		
Manufacturer _____		
Type _____		
Model Number _____		
Serial or Company Number _____		
Dosimeter Reading: _____		
Measurement Time (In Minutes): _____		
Operations (Loading, Trimming, Etc.)	Noise Level dBA Average	Minutes Exposure
Signature of Qualified Person: _____		

In accordance with 5 U.S.C. 552(a)(1), the technical publication, "Specification for Sound Level Meters", S1.4-1971 (Type S2A), issued by the American National Standards Institute (ANSI), April 27, 1971, referenced in this subpart F is hereby incorporated by reference and made a part hereof. The incorporated technical publication is available for examination at MSHA, 4015 Wilson Blvd., Arlington, Va. 22203; the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857; each Coal Mine Health and Safety District and Subdistrict Office and the Federal Register library. In addition, copies of the document can be purchased from the American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

[43 FR 40762, Sept. 12, 1978]

Subpart D—Noise Standard

§ 71.300 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.

§ 71.301 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.

§ 71.302 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, Education, and Welfare, 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.

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978]

§ 71.303 Periodic noise exposure survey.

(a) At intervals of at least every 6 months, after November 13, 1974 each operator shall conduct periodic sur-

veys 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, Education, and Welfare, 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.

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978]

§ 71.304 Supplemental noise exposure survey; reports and certification.

(a) Where the certified results of an initial noise exposure survey conducted in accordance with § 71.302 or a periodic noise exposure survey conducted in accordance with § 71.303 indicate that any miner may be exposed to a noise exposure in excess of the permissible noise exposure, the operator shall conduct a supplemental noise exposure survey with respect to each miner whose noise exposure exceeds this standard. This survey shall be conducted within 15 days following notification to the operator by the Mine

Safety and Health Administration to conduct such survey.

(b) Supplemental noise exposure surveys shall be conducted by taking noise exposure measurements in accordance with § 70.506 of this Subchapter O; however, noise exposure measurements shall be taken of each individual operation to which the miner under consideration is actually exposed during his normal work shift and the duration of each such exposure shall be recorded.

(c) Each operator shall report and certify the results of each supplemental noise exposure survey conducted in accordance with this section to the Mine Safety and Health Administration and the Department of Health, Education, and Welfare using the Coal Mine Noise Data Report Form to record noise level readings taken with respect to all operations during which such measurements were taken.

(d) Supplemental noise exposure surveys shall, upon completion, be mailed to:

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

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978]

§ 71.305 Violation of noise standard; notice of violation; action required by operator.

(a) Where the results of a supplemental noise exposure survey conducted in accordance with § 71.304 indicate that any miner is exposed to noise levels which exceed the permissible noise levels, the Secretary shall issue a notice to the operator that he is in violation of this subpart.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a)

of this section, the operator shall:

(1) Institute, promptly, administrative and/or engineering controls necessary to assure compliance with the standard. Such controls may include protective devices other than those devices or systems which the Secretary or his authorized representative finds to be hazardous in such mine.

(2) Within 60 days following the issuance of the first notice of violation of this subpart, submit for approval to a joint Mine Safety and Health Administration/Health, Education, and Welfare committee, a plan for the administration of a continuing, effective hearing conservation program to assure compliance with this subpart, including provision for:

(i) Reducing environmental noise levels;

(ii) Personal ear protective devices to be made available to the miners;

(iii) Preplacement and periodic audiograms.

(iv) Those administrative and engineering controls that it has instituted to assure compliance with the standard.

(3) Plans required under subparagraph (2) of this paragraph shall be submitted to:

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

(c) Within 30 days following the issuance of any subsequent notice of violation of this subpart, the operator shall submit in writing:

(i) A statement of the manner in which the plan is intended to prevent the violation or

(ii) A revision to its plan to prevent similar future violations.

[39 FR 17102, May 13, 1974, as amended at 43 FR 40764, Sept. 12, 1978]

Information Circular 8986

Noise Control

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