

TABLE 47.21—IDENTIFYING HAZARDOUS CHEMICALS—Continued

Category	Basis for determining if a chemical is hazardous
	(2) If a mixture has not been tested as a whole to determine its hazards— (i) Use available, scientifically valid evidence to determine its physical hazard potential; (ii) Assume that it presents the same health hazard as a non-carcinogenic component that makes up 1% or more (by weight or volume) of the mixture; and (iii) Assume that it presents a carcinogenic health hazard if a component considered carcinogenic by NTP or IARC makes up 0.1% or more (by weight or volume) of the mixture. (3) If evidence indicates that a component could be released from a mixture in a concentration that could present a health risk to miners, assume that the mixture presents the same hazard.

**Subpart D—HazCom Program**

**§ 47.31 Requirement for a HazCom program.**

Each operator must—

- (a) Develop and implement a written HazCom program,
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.

**§ 47.32 HazCom program contents.**

The HazCom program must include the following:

- (a) How this part is put into practice at the mine through the use of—
  - (1) Hazard determination,
  - (2) Labels and other forms of warning,
  - (3) Material safety data sheets (MSDSs), and
  - (4) Miner training.
- (b) A list or other record identifying all hazardous chemicals known to be at the mine. The list must—
  - (1) Use a chemical identity that permits cross-referencing between the list, a chemical’s label, and its MSDS; and
  - (2) Be compiled for the whole mine or by individual work areas.
- (c) At mines with more than one operator, the methods for—
  - (1) Providing other operators with access to MSDSs, and
  - (2) Informing other operators about’
    - (i) Hazardous chemicals to which their miners can be exposed,
    - (ii) The labeling system on the containers of these chemicals, and
    - (iii) Appropriate protective measures.

**Subpart E—Container Labels and Other Forms of Warning**

**§ 47.41 Requirement for container labels.**

- (a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.
  - (1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.
  - (2) The operator must not remove or deface existing labels on containers of hazardous chemicals.
- (b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant, new information about the chemical’s hazards within 3 months of becoming aware of this information.
- (c) For each hazardous chemical brought to the mine, the operator must replace an outdated label when a revised label is received from the chemical’s manufacturer or supplier. The operator is not responsible for an inaccurate label obtained from the chemical’s manufacturer or supplier.

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**§ 47.42 Label contents.**

When an operator must make a label, the label must—

- (a) Be prominently displayed, legible, accurate, and in English;
- (b) Display appropriate hazard warnings;
- (c) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, a chemical’s label, and its MSDS; and