

otological examination, as appropriate, at no cost to the miner.

(b) If a valid audiogram cannot be obtained due to a suspected medical pathology of the ear that the physician or audiologist concludes is unrelated to the miner's occupational exposure to noise or the wearing of hearing protectors, the mine operator must instruct the physician or audiologist to inform the miner of the need for an otological examination.

(c) The mine operator must instruct the physician, audiologist, or qualified technician not to reveal to the mine operator, without the written consent of the miner, any specific findings or diagnoses unrelated to the miner's occupational exposure to noise or the wearing of hearing protectors.

**§ 62.174 Follow-up corrective measures when a standard threshold shift is detected.**

The mine operator must, within 30 calendar days of receiving evidence or confirmation of a standard threshold shift, unless a physician or audiologist determines the standard threshold shift is neither work-related nor aggravated by occupational noise exposure:

(a) Retrain the miner, including the instruction required by § 62.180 of this part;

(b) Provide the miner with the opportunity to select a hearing protector, or a different hearing protector if the miner has previously selected a hearing protector, from among those offered by the mine operator in accordance with § 62.160 of this part; and

(c) Review the effectiveness of any engineering and administrative controls to identify and correct any deficiencies.

**§ 62.175 Notification of results; reporting requirements.**

(a) The mine operator must, within 10 working days of receiving the results of an audiogram, or receiving the results of a follow-up evaluation required under § 62.173 of this part, notify the miner in writing of:

(1) The results and interpretation of the audiometric test, including any finding of a standard threshold shift or reportable hearing loss; and

(2) The need and reasons for any further testing or evaluation, if applicable.

(b) When evaluation of the audiogram shows that a miner has incurred a reportable hearing loss as defined in this part, the mine operator must report such loss to MSHA as a noise-induced hearing loss in accordance with part 50 of this title, unless a physician or audiologist has determined that the loss is neither work-related nor aggravated by occupational noise exposure.

**§ 62.180 Training.**

(a) The mine operator must, within 30 days of a miner's enrollment into a hearing conservation program, provide the miner with training. The mine operator must give training every 12 months thereafter if the miner's noise exposure continues to equal or exceed the action level. Training must include:

- (1) The effects of noise on hearing;
- (2) The purpose and value of wearing hearing protectors;
- (3) The advantages and disadvantages of the hearing protectors to be offered;
- (4) The various types of hearing protectors offered by the mine operator and the care, fitting, and use of each type;
- (5) The general requirements of this part;
- (6) The mine operator's and miner's respective tasks in maintaining mine noise controls; and
- (7) The purpose and value of audiometric testing and a summary of the procedures.

(b) The mine operator must certify the date and type of training given each miner, and maintain the miner's most recent certification for as long as the miner is enrolled in the hearing conservation program and for at least 6 months thereafter.

**§ 62.190 Records.**

(a) The authorized representatives of the Secretaries of Labor and Health and Human Services must have access to all records required under this part. Upon written request, the mine operator must provide, within 15 calendar days of the request, access to records to:

(1) The miner, or with the miner's written consent, the miner's designee, for all records that the mine operator must maintain for that individual miner under this part;

(2) Any representative of miners designated under part 40 of this title, to training certifications compiled under § 62.180(b) of this part and to any notice of exposure determination under § 62.110(d) of this part, for the miners whom he or she represents; and

(3) Any former miner, for records which indicate his or her own exposure.

(b) When a person with access to records under paragraphs (a)(1), (a)(2), or (a)(3) of this section requests a copy of a record, the mine operator must provide the first copy of such record at no cost to that person, and any additional copies requested by that person at reasonable cost.

(c) Transfer of records. (1) The mine operator must transfer all records required to be maintained by this part, or a copy thereof, to a successor mine operator who must maintain the records for the time period required by this part.

(2) The successor mine operator must use the baseline audiogram, or revised baseline audiogram, as appropriate, obtained by the original mine operator to determine the existence of a standard threshold shift or reportable hearing loss.

APPENDIX TO PART 62

TABLE 62-1—REFERENCE DURATION

dBA	T (hours)
80	32.0
85	16.0
86	13.9
87	12.1
88	10.6
89	9.2
90	8.0
91	7.0
92	6.1
93	5.3
94	4.6
95	4.0
96	3.5
97	3.0
98	2.6
99	2.3
100	2.0
101	1.7
102	1.5
103	1.3
104	1.1
105	1.0
106	0.87

TABLE 62-1—REFERENCE DURATION—Continued

dBA	T (hours)
107	0.76
108	0.66
109	0.57
110	0.50
111	0.44
112	0.38
113	0.33
114	0.29
115	0.25

At no time shall any excursion exceed 115 dBA. For any value, the reference duration (T) in hours is computed by:  $T = 8/2^{(L-90)/5}$  where L is the measured A-weighted, slow-response sound pressure level.

TABLE 62-2—"DOSE" TWA<sub>s</sub> EQUIVALENT

Dose	TWA <sub>s</sub> (per-cent)
25	80
29	81
33	82
38	83
44	84
50	85
57	86
66	87
76	88
87	89
100	90
115	91
132	92
152	93
174	94
200	95
230	96
264	97
303	98
350	99
400	100
460	101
530	102
610	103
700	104
800	105
920	106
1056	107
1213	108
1393	109
1600	110
1838	111
2111	112
2425	113
2786	114
3200	115

Interpolate between the values found in this Table, or extend the Table, by using the formula:  $TWA_s = 16.61 \log_{10} (D/100) + 90$ .

TABLE 62-3—AGE CORRECTION VALUE IN DECIBELS FOR MALES (SELECTED FREQUENCIES)

Age (years)	kHz		
	2	3	4
20 or less	3	4	5
21	3	4	5
22	3	4	5

TABLE 62-3—AGE CORRECTION VALUE IN DECIBELS FOR MALES (SELECTED FREQUENCIES)—Continued

Age (years)	kHz		
	2	3	4
23 .....	3	4	6
24 .....	3	5	6
25 .....	3	5	7
26 .....	4	5	7
27 .....	4	6	7
28 .....	4	6	8
29 .....	4	6	8
30 .....	4	6	9
31 .....	4	7	9
32 .....	5	7	10
33 .....	5	7	10
34 .....	5	8	11
35 .....	5	8	11
36 .....	5	9	12
37 .....	6	9	12
38 .....	6	9	13
39 .....	6	10	14
40 .....	6	10	14
41 .....	6	10	14
42 .....	7	11	16
43 .....	7	12	16
44 .....	7	12	17
45 .....	7	13	18
46 .....	8	13	19
47 .....	8	14	19
48 .....	8	14	20
49 .....	9	15	21
50 .....	9	16	22
51 .....	9	16	23
52 .....	10	17	24
53 .....	10	18	25
54 .....	10	18	26
55 .....	11	19	27
56 .....	11	20	28
57 .....	11	21	29
58 .....	12	22	31
59 .....	12	22	32
60 or more .....	13	23	33

TABLE 62-4—AGE CORRECTION VALUE IN DECIBELS FOR FEMALES (SELECTED FREQUENCIES)

Age (years)	kHz		
	2	3	4
20 or less .....	4	3	3
21 .....	4	4	3
22 .....	4	4	4
23 .....	5	4	4
24 .....	5	4	4
25 .....	5	4	4
26 .....	5	5	4
27 .....	5	5	5
28 .....	5	5	5
29 .....	5	5	5
30 .....	6	5	5
31 .....	6	6	5
32 .....	6	6	6
33 .....	6	6	6
34 .....	6	6	6
35 .....	6	7	7
36 .....	7	7	7
37 .....	7	7	7
38 .....	7	7	7
39 .....	7	8	8
40 .....	7	8	8
41 .....	8	8	8
42 .....	8	9	9
43 .....	8	9	9
44 .....	8	9	9
45 .....	8	10	10
46 .....	9	10	10
47 .....	9	10	11
48 .....	9	11	11
49 .....	9	11	11
50 .....	10	11	12
51 .....	10	11	12
52 .....	10	12	13
53 .....	10	13	13
54 .....	11	13	14
55 .....	11	14	14
56 .....	11	14	15
57 .....	11	15	15
58 .....	12	15	16
59 .....	12	16	16
60 or more .....	12	16	17

[64 FR 49630, Sept. 13, 1999, as amended at 65 FR 66929, Nov. 8, 2000]

**SUBCHAPTER N [RESERVED]**