

## §211.204

## 40 CFR Ch. I (7-1-03 Edition)

(t) *Package.* The container in which a hearing protective device is presented for purchase or use. The package in some cases may be the same as the carrying case.

(u) *Primary Panel.* The surface that is considered to be the front surface or that surface which is intended for initial viewing at the point of ultimate sale or the point of distribution for use.

(v) *Spectral uncertainty.* Possible variation in exposure to the noise spectra in the workplace. (To avoid the under-protection that would result from these variations relative to the assumed "Pink Noise" used to determine the NRR, an extra three decibel reduction is included when computing the NRR.)

(w) *Tag.* Stiff paper, metal or other hard material that is tied or otherwise affixed to the packaging of a protector.

(x) *Test Facility.* For this subpart, a laboratory that has been set up and calibrated to conduct ANSI Std S3.19-1974 tests on hearing protective devices. It must meet the applicable requirements of these regulations.

(y) *Test Hearing Protector.* A hearing protector that has been selected for testing to verify the value to be put on the label, or which has been designated for testing to determine compliance of the protector with the labeled value.

(z) *Test Request.* A request submitted to the manufacturer by the Administrator that will specify the hearing protector category, and test sample size to be tested according to §211.212-1, and other information regarding the audit.

(aa) *Random Incident Field.* A sound field in which the angle of arrival of sound at a given point in space is random in time.

(bb) *Real-Ear Protection at Threshold.* The mean value in decibels of the occluded threshold of audibility (hearing protector in place) minus the open threshold of audibility (ears open and uncovered) for all listeners on all trials under otherwise identical test conditions.

(cc) *Reverberation Time.* The time that would be required for the mean-square sound pressure level, originally in a steady state, to fall 60 dB after the source is stopped.

### §211.204 Hearing protector labeling requirements.

All provisions of subpart A apply to this subpart except as otherwise noted.

#### §211.204-1 Information content of primary label.

The information to appear on the primary label must be according to §211.104 of subpart A except as stated here and shown in Figure 1 of §211.204-2:

(a) Area A must state "Noise Reduction Rating."

(b)(1) Area B must state the value of the Noise Reduction Rating (NRR) in decibels for that model hearing protector. The value stated on the label must be no greater than the NRR value determined by using the computation method of §211.207 of this subpart.

(2) For devices with headbands that are intended for use with the headband in different positions, the worst case NRR must be specified. The top of Area B must state the position(s) associated with that NRR. The other positions and the respective NRRs must be included with the supporting information specified in §211.204-4.

(c) Area C must contain the statement "The range of Noise Reduction Ratings for existing hearing protectors is approximately 0 to 30 (higher numbers denote greater effectiveness)."

(d) At the bottom of Area A-B, there must be the phrase "(When used as directed)."

[44 FR 56127, Sept. 28, 1979, as amended at 45 FR 8275, Feb. 6, 1980]

#### §211.204-2 Primary label size, print and color.

The primary label characteristics are the same as those specified in §§211.105 and 211.106 of subpart A except as stated here.

(a) The label must be no smaller than 3.8 centimeters by 5.0 centimeters (cm) (approximately 1.5 inches by 2.0 inches).

(b) The minimum type face size for each area shall be as follows, based upon a scale of 72 points=1 inch:

(1) Area A—2.8 millimeters (mm) or 8 point.

(2) Area B—7.6 mm or 22 point for the Rating; —1.7 mm or 5 point for "Decibels".

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- (3) Area A-B—1.5 mm or 4 point.
- (4) Area C—1.5 mm or 4 point.
- (5) Area D—0.7 mm or 2 point.
- (6) Area E—0.7 mm or 2 point.
- (7) Area F—0.7 mm or 2 point.
- (8) Area H—0.7 mm or 2 point.

These type face sizes apply to the 3.8 cm × 5.0 cm label; type face sizes for larger labels must be in the same approximate proportion to the label as those specified for the 3.8 cm × 5.0 cm label.

(c) The use of upper and lower case letters and the general appearance of the label must be similar to the example in Figure (1).

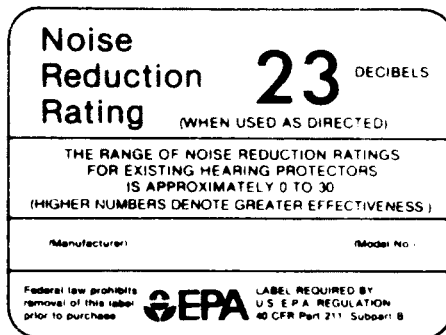


Figure - 1

(d) The color of the label must be as specified in subpart A.

[44 FR 56127, Sept. 28, 1979, as amended at 45 FR 8275, Feb. 6, 1980]

**§211.204-3 Label location and type.**

(a) The manufacturer labeling the product for ultimate sale or use selects the type of label and must locate it as follows:

- (1) Affixed to the device or its carrying case; and
- (2) Affixed to primary panel of the product packaging if the label complying with §211.204-3(a)(1) is not visible at the point of ultimate purchase or the point of distribution to users.

(b) Labeling with a minimum sized label will occur as follows:

- (1) If the protector is individually packaged and so displayed at the point of ultimate purchase or distribution to the prospective user, the package must be labeled as follows:

(i) If the primary panel of the package has dimensions greater than 3.8 × 5.0 cm (approximately 1½ × 2 in) the label must be presented on the primary panel.

(ii) If the primary panel of the package is equal to or smaller than 3.8 × 5.0 centimeters, a label at least 3.8 × 5.0 centimeters must be affixed to the package by means of a tag.

(2) If the protector is displayed at the point of ultimate purchase or distribution to prospective users in a permanent or disposable bulk container or dispenser, even if the protector is individually packaged within the dispenser and labeled as above, the container or dispenser itself must be labeled. The label must be readily visible to the ultimate purchaser or prospective user.

**§211.204-4 Supporting information.**

The following minimum supporting information must accompany the device in a manner that insures its availability to the prospective user. In the case of bulk packaging and dispensing, such supporting information must be affixed to the bulk container or dispenser in the same manner as the label, and in a readily visible location.

(a) The mean attenuation and standard deviation values obtained for each test frequency according to §211.206, and the NRR calculated from those values. For "muff" type protectors with various use positions, the positions providing higher NRR values shall be identified, and their associated NRR values listed in bold type.

(b) The following statement, example and cautionary note: "The level of noise entering a person's ear, when hearing protector is worn as directed, is closely approximated by the difference between the A-weighted environmental noise level and the NRR.

**Example**

- 1. The environmental noise level as measured at the ear is 92 dBA.
- 2. The NRR is (value on label) decibels (dB).
- 3. The level of noise entering the ear is approximately equal to [92 dB(A)–NRR] dB(A).

CAUTION: For noise environments dominated by frequencies below 500 Hz the C-weighted environmental noise level should be used."