

§211.211

of at least the following parameters. Manufacturers may use additional parameters as needed to create and identify additional categories of protectors.

- (1) *Ear muffs*. (i) Head band tension (spring constant);
 - (ii) Ear cup volume or shape;
 - (iii) Mounting of ear cup on head band;
 - (iv) Ear cushion;
 - (v) Material composition.
- (2) *Ear inserts*. (i) Shape;
 - (ii) Material composition.
- (3) *Ear caps*. (i) Head band tension (spring constant);
 - (ii) Mounting of plug on head band;
 - (iii) Shape of plug;
 - (iv) Material composition.

If an ear insert or ear cap is manufactured in more than one size (small, medium, large, etc.) each size does not constitute a separate category and is not required to be separately label verified. However, each size must be used when conducting the required test to determine the labeled values for the specified category.

[44 FR 56139, Sept. 28, 1979, as amended at 47 FR 57717, Dec. 28, 1982]

§211.211 Compliance with labeling requirement.

(a) All hearing protective devices manufactured after the effective date of this regulation, and meeting the applicability requirements of §211.201, must be labeled according to this subpart, and must comply with the Labeled Values of mean attenuation.

(b) A manufacturer must take into account both product variability and test-to-test variability when labeling his devices in order to meet the requirements of paragraph (a) of this section. A specific category is considered when the attenuation value at the tested one-third octave band is equal to or greater than the Labeled Value, or mean attenuation value, stated in the supporting information required by §211.204-4, for that tested frequency. The attenuation value must be determined according to the test procedures of §211.206. The Noise Reduction Rating for the label must be calculated using the Labeled Values of mean attenuation that will be included in the

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supporting information required by §211.204-4.

[47 FR 57717, Dec. 28, 1982]

§211.212 Compliance audit testing.

§211.212-1 Test request.

(a) The Administrator will request all testing under this section by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer or sent by certified mail to the plant manager or other responsible official as designated by the manufacturer.

(c) In the test request, the Administrator must specify the following:

(1) The hearing protector category selected for testing;

(2) The manufacturer's plant or storage facility from which the protectors must be selected;

(3) The selection procedure the manufacturer will use to select test protectors;

(4) The test facility where the manufacturer is required to have the protectors tested;

(5) The number of protectors to be forwarded to the designated test facility and the number of those protectors which must be tested by the facility.

(6) The time period allowed for the manufacturer to initiate testing; and

(7) Any other information that will be necessary to conduct testing under this section.

(d) The test request may provide for situations in which the selected category is unavailable for testing. It may include an alternative category to be selected for testing in the event that protectors of the first specified category are not available because the protectors are not being manufactured at the specified plant, at the specified time, and are not being stored at the specified plant or storage facility.

(e)(1) Any testing conducted by the manufacturer under a test request must commence within the period specified within the test request. The Administrator may extend the time period on request by the manufacturer, if