

§ 84.1101

42 CFR Ch. I (10–1–06 Edition)

under this subpart and will have a 42 CFR part 84 approval label.

§ 84.1101 Definitions.

As used in this subpart

(a) *Air Contamination Level* means the standards of contaminant levels prescribed by the Secretary of Labor in accordance with the provisions of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596; 84 Stat. 1590).

(b) *DOP* means a homogenous liquid aerosol, having a particle diameter of 0.3 micrometer, which is generated by vaporization and condensation of dioctyl phthalate.

(c) *Pesticide* means:

(1) Any substance or mixture of substances (including solvents and impurities) intended to prevent, destroy, repel, or mitigate any insect, rodent, nematode, fungus, weed, or other form of plant or animal life or virus; and

(2) Any substance or mixture of substances (including solvents and impurities) intended for use as a plant regulator, defoliant, or desiccant, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended (7 U.S.C. 135–135k), excluding fumigants which are applied as gases or vapors or in a solid or liquid form as pellets or poured liquids for subsequent release as gases or vapors.

(d) *Radionuclide* means an atom identified by the constitution of its nucleus (specified by the number of protons Z , number of neutrons N , and energy, or, alternatively, by the atomic number Z , mass number $A=(N+Z)$, and atomic mass) which exists for a measurable time; decays or disintegrates spontaneously, emits radiation, and results in the formation of new nuclides.

(e) *Smoke* means the products of incomplete combustion of organic substances in the form of solid and liquid particles and gaseous products in air, usually of sufficient concentration to perceptibility obscure vision.

§ 84.1102 Examination, inspection and testing of complete respirator assemblies; fees.

The following fees shall be charged by the Institute for the examination, inspection and testing of complete respirator assemblies approved under this subpart:

(a) Gas masks with particulate filter, including pesticide gas masks—

(1) Single hazard—\$1,100.

(2) Type N—\$4,100.

(b) Dust, fume and mist respirators—

(1) Single particulate hazard having an Air Contamination Level more than 0.05 mg./m.³ or 2 million particles per cubic foot—\$500.

(2) Combination particulate hazards having an Air Contamination Level more than 0.05 mg./m.³ or 2 million particles per cubic foot—\$750.

(3) Particulate hazards having an Air Contamination Level less than 0.05 mg./m.³ or 2 million particles per cubic foot, radon daughters—\$1,250.

(4) All dusts, fumes and mists—\$2,000.

(c) Paint spray respirators—\$1,600.

(d) Pesticide respirators—\$1,600.

(e) Chemical cartridge respirators with particulate filter—\$1,150.

§ 84.1103 Approval labels and markings; approval of contents; use.

(a) Full-scale reproductions of approval labels and markings, and a sketch or description of the method of application and position on the harness, container, canister, cartridge, filter, or other component, together with instructions for the use and maintenance of the respirator shall be submitted to MSHA and the Institute for approval.

(b) Approval labels for non-powered and powered air-purifying dust, fume, mist respirators approved prior to July 10, 1995 under the provisions of subpart K of 30 CFR part 11 (See 30 CFR Part 11 edition, revised as of July 1, 1994.) shall bear the emblem of the Mine Safety and Health Administration and the seal of the Department of Health and Human Services, the applicant's name and address, an approval number assigned by the Institute, a statement that the respirator was tested and approved under subpart K of 30 CFR part 11 and, where appropriate, restrictions or limitations placed upon the use of the respirator by the Institute. The approval number assigned by the Institute shall be designated by the prefix TC and a serial number.

(c) Approval labels for powered air-purifying respirators approved under the provisions of this subpart shall

bear the emblem of the National Institute for Occupational Safety and Health and the seal of the Department of Health and Human Services, the applicant's name and address, an approval number assigned by the Institute, a statement stating the respirator was tested under the provisions of this subpart, and, where appropriate, restrictions or limitations placed upon the use of the respirator by the Institute. The approval number assigned by the Institute shall be designated by the prefix TC and a serial number.

(c) The Institute shall, where necessary, notify the applicant when additional labels, markings, or instructions will be required.

(d) Approval labels and markings shall only be used by the applicant to whom they were issued.

(e) Legible reproductions or abbreviated forms of the label approved by the Institute for use on each respirator shall be attached to or printed at the following locations:

Respirator type	Label type	Location
Gas mask with a particulate filter, including pesticide gas mask.	Entire	Mask and container.
Dust, fume, and mist respirators	Entire	Respirator container and filter container.
	Abbreviated	Filters.
Chemical-cartridge respirator with a particulate filter, including paint spray respirator.	Entire	Respirator container, cartridge container, and filter containers (where applicable).
	Abbreviated	Cartridges and filters and filter containers.
Pesticide respirator	Entire	Respirator container, and cartridge and filter containers.
	Abbreviated	Cartridges and filters.

(f) The use of any MSHA and Institute approval label obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to assure that it is manufactured according to the drawings and specifications upon which the certificate of approval is based.

(g) Each respirator, respirator component, and respirator container shall, as required by the Institute to assure quality control and proper use of the respirator, be labeled distinctly to show the name of the applicant, and the name and letters or numbers by which the respirator or respirator component is designated for trade purposes, and the lot number, serial number, or approximate date of manufacture.

EDITORIAL NOTE: At 60 FR 30388, June 8, 1995, §84.1103 was added with two paragraph (c) designations.

§ 84.1130 Respirators; description.

(a) Dust, fume, and mist respirators, including all completely assembled respirators designed for use as respiratory protection during entry into and es-

cape from atmospheres which contain adequate oxygen to support life and hazardous particulates, are described as follows:

(1) Air-purifying respirators, either with replaceable or reusable filters, designed as respiratory protection against dusts:

(i) Having an air contamination level not less than 0.05 milligram per cubic meter of air, including but not limited to coal, arsenic, cadmium, chromium, lead, and manganese; or

(ii) Having an air contamination level not less than 2 million particles per cubic foot of air, including but not limited to aluminum, flour, iron ore, and free silica, resulting principally from the disintegration of a solid, e.g., dust clouds produced in mining, quarrying, and tunneling, and in dusts produced during industrial operations, such as grinding, crushing, and the general processing of minerals and other materials.

(2) Air-purifying respirators, with replaceable filters, designed as respiratory protection against fumes of various metals having an air contamination level not less than 0.05 milligram per cubic meter, including but not limited to aluminum, antimony, arsenic, cadmium, chromium, copper,