

enroll the miner in a hearing conservation program that complies with §62.150 of this part.

§ 62.130 Permissible exposure level.

(a) The mine operator must assure that no miner is exposed during any work shift to noise that exceeds the permissible exposure level. If during any work shift a miner's noise exposure exceeds the permissible exposure level, the mine operator must use all feasible engineering and administrative controls to reduce the miner's noise exposure to the permissible exposure level, and enroll the miner in a hearing conservation program that complies with §62.150 of this part. When a mine operator uses administrative controls to reduce a miner's exposure, the mine operator must post the procedures for such controls on the mine bulletin board and provide a copy to the affected miner.

(b) If a miner's noise exposure continues to exceed the permissible expo-

sure level despite the use of all feasible engineering and administrative controls, the mine operator must continue to use the engineering and administrative controls to reduce the miner's noise exposure to as low a level as is feasible.

(c) The mine operator must assure that no miner is exposed at any time to sound levels exceeding 115 dBA, as determined without adjustment for the use of any hearing protector.

§ 62.140 Dual hearing protection level.

If during any work shift a miner's noise exposure exceeds the dual hearing protection level, the mine operator must, in addition to the actions required for noise exposures that exceed the permissible exposure level, provide and ensure the concurrent use of both an ear plug and an ear muff type hearing protector. The following table sets out mine operator actions under MSHA's noise standard.

| Provision | Condition | Action required by the mine operator |
|---------------|--|--|
| § 62.120 | Miner's noise exposure is less than the action level. | None. |
| § 62.120 | Miner's exposure equals or exceeds the action level, but does not exceed the permissible exposure level (PEL). | Operator enrolls the miner in hearing conservation program (HCP) which includes (1) a system of monitoring, (2) voluntary, with two exceptions, use of operator-provided hearing protectors, (3) voluntary audiometric testing, (4) training, and (5) record keeping. |
| § 62.130 | Miner's exposure exceeds the PEL | Operator uses/continues to use all feasible engineering and administrative controls to reduce exposure to PEL; enrolls the miner in a HCP including ensured use of operator-provided hearing protectors; posts administrative controls and provides copy to affected miner; must never permit a miner to be exposed to sound levels exceeding 115 dBA. |
| § 62.140 | Miner's exposure exceeds the dual hearing protection level. | Operator enrolls the miner in a HCP, continues to meet all the requirements of §62.130, ensures concurrent use of earplug and earmuff. |

§ 62.150 Hearing conservation program.

A hearing conservation program established under this part must include:

- (a) A system of monitoring under §62.110 of this part;
- (b) The provision and use of hearing protectors under §62.160 of this part;
- (c) Audiometric testing under §§62.170 through 62.175 of this part;
- (d) Training under §62.180 of this part; and
- (e) Recordkeeping under §62.190 of this part.

§ 62.160 Hearing protectors.

(a) A mine operator must provide a hearing protector to a miner whose

noise exposure equals or exceeds the action level under §62.120 of this part. In addition, the mine operator must:

- (1) Train the miner in accordance with §62.180 of this part;
- (2) Allow the miner to choose a hearing protector from at least two muff types and two plug types, and in the event dual hearing protectors are required, to choose one of each type;
- (3) Ensure that the hearing protector is in good condition and is fitted and maintained in accordance with the manufacturer's instructions;
- (4) Provide the hearing protector and necessary replacements at no cost to the miner; and