

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

(5) Allow the miner to choose a different hearing protector(s), if wearing the selected hearing protector(s) is subsequently precluded due to medical pathology of the ear.

(b) The mine operator must ensure, after satisfying the requirements of paragraph (a) of this section, that a miner wears a hearing protector whenever the miner's noise exposure exceeds the permissible exposure level before the implementation of engineering and administrative controls, or if the miner's noise exposure continues to exceed the permissible exposure level despite the use of all feasible engineering and administrative controls.

(c) The mine operator must ensure, after satisfying the requirements of paragraph (a) of this section, that a miner wears a hearing protector when the miner's noise exposure is at or above the action level, if:

(1) The miner has incurred a standard threshold shift; or

(2) More than 6 months will pass before the miner can take a baseline audiogram.

§ 62.170 Audiometric testing.

The mine operator must provide audiometric tests to satisfy the requirements of this part at no cost to the miner. A physician or an audiologist, or a qualified technician under the direction or supervision of a physician or an audiologist must conduct the tests.

(a) *Baseline audiogram.* The mine operator must offer miners the opportunity for audiometric testing of the miner's hearing sensitivity for the purpose of establishing a valid baseline audiogram to compare with subsequent annual audiograms. The mine operator may use an existing audiogram of the miner's hearing sensitivity as the baseline audiogram if it meets the audiometric testing requirements of § 62.171 of this part.

(1) The mine operator must offer and provide within 6 months of enrolling the miner in a hearing conservation program, audiometric testing which results in a valid baseline audiogram, or offer and provide the testing within 12 months where the operator uses mobile test vans to do the testing.

(2) The mine operator must notify the miner to avoid high levels of noise for at least 14 hours immediately preceding the baseline audiogram. The mine operator must not expose the miner to workplace noise for the 14-hour quiet period before conducting the audiometric testing to determine a baseline audiogram. The operator may substitute the use of hearing protectors for this quiet period.

(3) The mine operator must not establish a new baseline audiogram or a new revised baseline audiogram, where one has been established, due to changes in enrollment status in the hearing conservation program. The mine operator may establish a new baseline or revised baseline audiogram for a miner who is away from the mine for more than 6 consecutive months.

(b) *Annual audiogram.* After the baseline audiogram is established, the mine operator must continue to offer subsequent audiometric tests at intervals not exceeding 12 months for as long as the miner remains in the hearing conservation program.

(c) *Revised baseline audiogram.* An annual audiogram must be deemed to be a revised baseline audiogram when, in the judgment of the physician or audiologist:

(1) A standard threshold shift revealed by the audiogram is permanent; or (2) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

§ 62.171 Audiometric test procedures.

(a) All audiometric testing under this part must be conducted in accordance with scientifically validated procedures. Audiometric tests must be pure tone, air conduction, hearing threshold examinations, with test frequencies including 500, 1000, 2000, 3000, 4000, and 6000 Hz. Each ear must be tested separately.

(b) The mine operator must compile an audiometric test record for each miner tested. The record must include:

(1) Name and job classification of the miner tested;

(2) A copy of all of the miner's audiograms conducted under this part;