

TABLE 47.91—CHEMICALS AND PRODUCTS EXEMPT FROM THIS HAZCOM STANDARD—Continued

Exemption	Conditions for exemption
Biological hazards .....	(2) Poses no physical or health risk to exposed miners. All biological hazards, such as poisonous plants, insects, and micro-organisms.
Consumer product or hazardous substance regulated by CPSC.	(1) If the miner uses it for the purpose the manufacturer intended; and  (2) Such use does not expose the miner more often and for longer periods than <i>ordinary consumer use</i> .
Cosmetics, drugs, food, food additive, color additive, drinks, alcoholic beverages, tobacco and tobacco products, or medical or veterinary device or product, including materials intended for use as ingredients in such products (such as flavors and fragrances).	When intended for personal consumption or use.
Radiation .....	All ionizing or non-ionizing radiation, such as alpha or gamma, microwaves, or x-rays.
Wood or wood products, including lumber .....	If they do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use. For example, wood is not exempt if it is treated with a hazardous chemical or if it will be subsequently cut or sanded.

**§ 47.92 Exemptions from labeling.**

A hazardous chemical is exempt from subpart E of this part under the condi-

tions described in Table 47.92 as follows:

TABLE 47.92—HAZARDOUS CHEMICALS EXEMPT FROM LABELING

Exemption	Conditions for exemption
Chemical substance, consumer product, hazardous substance, or pesticide.	When kept in its manufacturer's or supplier's original packaging labeled under other federal labeling requirements.
Hazardous substance .....	When the subject of remedial or removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in accordance with EPA regulations.
Hazardous waste .....	When regulated by EPA under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act.
Raw material being mined or processed ...	While on mine property, except when the container holds a mixture of the raw material and another hazardous chemical and the mixture is found to be hazardous under § 47.21—Identifying hazardous chemicals.
Wood or wood products, including lumber	Wood or wood products are always exempt from labeling.

[67 FR 42383, June 21, 2002; 67 FR 42366, Sept. 11, 2002; 67 FR 63255, Oct. 11, 2002]

**PART 48—TRAINING AND RETRAINING OF MINERS**

**Subpart A—Training and Retraining of Underground Miners**

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**Subpart B—Training and Retraining of Miners Working at Surface Mines and Surface Areas of Underground Mines**

- 48.21 Scope.
- 48.22 Definitions.
- 48.23 Training plans; time of submission; where filed; information required; time for approval; method for disapproval;

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- commencement of training; approval of instructors.
- 48.24 Cooperative training program.
- 48.25 Training of new miners; minimum courses of instruction; hours of instruction.
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- 48.27 Training of miners assigned to a task in which they have had no previous experience; minimum courses of instruction.
- 48.28 Annual refresher training of miners; minimum courses of instruction; hours of instruction.
- 48.29 Records of training.
- 48.30 Compensation for training.
- 48.31 Hazard training.
- 48.32 Appeals procedures.

AUTHORITY: 30 U.S.C. 811, 825.

SOURCE: 43 FR 47459, Oct. 13, 1978, unless otherwise noted.

### Subpart A—Training and Retraining of Underground Miners

#### § 48.1 Scope.

The provisions of this subpart A set forth the mandatory requirements for submitting and obtaining approval of programs for training and retraining miners working in underground mines. Requirements regarding compensation for training and retraining are also included. The requirements for training and retraining miners working at surface mines and surface areas of underground mines are set forth in subpart B of this part.

#### § 48.2 Definitions.

For the purposes of this subpart A—

(a)(1) *Miner* means, for purposes of §§ 48.3 through 48.10 of this subpart A, any person working in an underground mine and who is engaged in the extraction and production process, or engaged in shaft or slope construction, or who is regularly exposed to mine hazards, or who is a maintenance or service worker employed by the operator or a maintenance or service worker contracted by the operator to work at the mine for frequent or extended periods. This definition shall include the operator if the operator works underground on a continuing, even if irregular basis. Short-term, specialized contract workers, such as drillers and blasters, who are engaged in the extraction and production process or engaged in shaft or slope construction and who have re-

ceived training under § 48.6 (Experienced miner training) of this subpart A may, in lieu of subsequent training under that section for each new employment, receive training under § 48.11 (Hazard training) of this subpart A. This definition does not include:

(i) Workers under subpart C of this part 48, engaged in the construction of major additions to an existing mine which requires the mine to cease operations;

(ii) Any person covered under paragraph (a)(2) of this section.

(2) *Miner* means, for purposes of § 48.11 (Hazard training) of this subpart A, any person working in an underground mine, including any delivery, office, or scientific worker or occasional, short-term maintenance or service worker contracted by the operator, and any student engaged in academic projects involving his or her extended presence at the mine. This definition excludes persons covered under paragraph (a)(1) of this section and subpart C of this part.

(b) *Experienced miner* means:

(1) A miner who has completed MSHA-approved new miner training for underground miners or training acceptable to MSHA from a State agency and who has had at least 12 months of underground mining experience; or

(2) A supervisor who is certified under an MSHA-approved State certification program and who is employed as an underground supervisor on October 6, 1998; or

(3) An experienced underground miner on February 3, 1999.

(4)(i) A person employed as an underground shaft or slope construction worker on June 28, 2006; or

(ii) A person who has six months of underground shaft or slope experience within 24 months before June 28, 2006.

(c) *New miner* means a miner who is not an experienced miner.

(d) *Normal working hours* means a period of time during which a miner is otherwise scheduled to work. This definition does not preclude scheduling training classes on the sixth or seventh working day if such a work schedule has been established for a sufficient period of time to be accepted as the operator's common practice. Miners shall