

TABLE 47.21—IDENTIFYING HAZARDOUS CHEMICALS—Continued

Category	Basis for determining if a chemical is hazardous
(c) Mixture produced at the mine .....	<p>(4) American Conference of Governmental Industrial Hygienists (ACGIH), <i>Threshold Limit Values and Biological Exposure Indices</i> (2001).</p> <p>(5) U.S. Department of Health and Human Services, National Toxicology Program (NTP), <i>Ninth Annual Report on Carcinogens</i>, January 2001.</p> <p>(6) International Agency for Research on Cancer (IARC), Monographs and related supplements, Volumes 1 through 77.</p> <p>(1) If a mixture has been tested as a whole to determine its hazards, use the results of that testing.</p> <p>(2) If a mixture has not been tested as a whole to determine its hazards—</p> <p>(i) Use available, scientifically valid evidence to determine its physical hazard potential;</p> <p>(ii) Assume that it presents the same health hazard as a non-carcinogenic component that makes up 1% or more (by weight or volume) of the mixture; and</p> <p>(iii) Assume that it presents a carcinogenic health hazard if a component considered carcinogenic by NTP or IARC makes up 0.1% or more (by weight or volume) of the mixture.</p> <p>(3) If evidence indicates that a component could be released from a mixture in a concentration that could present a health risk to miners, assume that the mixture presents the same hazard.</p>

**Subpart D—HazCom Program**

**§ 47.31 Requirement for a HazCom program.**

Each operator must—

- (a) Develop and implement a written HazCom program,
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.

**§ 47.32 HazCom program contents.**

The HazCom program must include the following:

- (a) How this part is put into practice at the mine through the use of—
  - (1) Hazard determination,
  - (2) Labels and other forms of warning,
  - (3) Material safety data sheets (MSDSs), and
  - (4) Miner training.
- (b) A list or other record identifying all hazardous chemicals known to be at the mine. The list must—
  - (1) Use a chemical identity that permits cross-referencing between the list, a chemical’s label, and its MSDS; and
  - (2) Be compiled for the whole mine or by individual work areas.
- (c) At mines with more than one operator, the methods for—
  - (1) Providing other operators with access to MSDSs, and
  - (2) Informing other operators about—

- (i) Hazardous chemicals to which their miners can be exposed,
- (ii) The labeling system on the containers of these chemicals, and
- (iii) Appropriate protective measures.

[67 FR 42383, June 21, 2002; 67 FR 57635, Sept. 11, 2002]

**Subpart E—Container Labels and Other Forms of Warning**

**§ 47.41 Requirement for container labels.**

- (a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.
  - (1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.
  - (2) The operator must not remove or deface existing labels on containers of hazardous chemicals.
- (b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant, new information about the chemical’s hazards within 3 months of becoming aware of this information.
- (c) For each hazardous chemical brought to the mine, the operator must

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replace an outdated label when a revised label is received from the chemical's manufacturer or supplier. The operator is not responsible for an inaccurate label obtained from the chemical's manufacturer or supplier.

#### § 47.42 Label contents.

When an operator must make a label, the label must—

- (a) Be prominently displayed, legible, accurate, and in English;
- (b) Display appropriate hazard warnings;
- (c) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, a chemical's label, and its MSDS; and
- (d) Include on labels for cutomers, the name and address of the operator or another responsible party who can provide additional information about the hazardous chemical.

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

#### § 47.43 Label alternatives.

The operator may use signs, placards, process sheets, batch tickets, operating procedures, or other label alternatives for individual, stationary process containers, provided that the alternative—

- (a) Identifies the container to which it applies,
- (b) Communicates the same information as required on the label, and
- (c) Is readily available throughout each work shift to miners in the work area.

#### § 47.44 Temporary, portable containers.

(a) The operator does not have to label a temporary, portable container if he or she ensures that the miner using the portable container—

- (1) Knows the identity of the chemical, its hazards, and any protective measures needed, and
  - (2) Leaves the container empty at the end of the shift.
- (b) Otherwise, the operator must mark the temporary, portable container with at least the common name of its contents.

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### Subpart F—Material Safety Data Sheets (MSDS)

#### § 47.51 Requirement for an MSDS.

Operators must have an MSDS for each hazardous chemical which they produce or use. The MSDS may be in any medium, such as paper or electronic, that does not restrict availability.

(a) For each hazardous chemical produced at the mine, the operator must prepare an MSDS, and update it with significant, new information about the chemical's hazards or protective measures within 3 months of becoming aware of this information.

(b) For each hazardous chemical brought to the mine, the operator must rely on the MSDS received from the chemical manufacturer or supplier, develop their own MSDS, or obtain one from another source.

(c) Although the operator is not responsible for an inaccurate MSDS obtained from the chemical's manufacturer, supplier, or other source, the operator must—

- (1) Replace an outdated MSDS upon receipt of an updated revision, and
  - (2) Obtain an accurate MSDS as soon as possible after becoming aware of an inaccuracy.
- (d) The operator is not required to prepare an MSDS for an intermediate chemical or by-product resulting from mining or milling if its hazards are already addressed on the MSDS of the source chemical.

#### § 47.52 MSDS contents.

When an operator must prepare an MSDS for a hazardous chemical produced at the mine, the MSDS must—

- (a) Be legible, accurate, and in English;
- (b) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, the chemical's label, and its MSDS; and
- (c) Contain information, or indicate if no information is available, for the categories listed in Table 47.52 as follows: