Mining Hearing Loss Prevention Workshop
June 21-22, 2005

Questions from Day 2

Q: What is considered reportable hearing loss?

A: A change in hearing sensitivity for the worse, relative to the miner's baseline audiogram, or the miner's revised baseline audiogram where one has been established in accordance with 62.170(c)(2), of an average of 25dB or more at 2000, 3000, and 4000 Hz in either ear.

Q: Can an operator make audio-gram testing a condition of employment?

A: Yes

Q: Please clarify the difference between the PEL and 132% exposure.

A: It is a way MSHA can show the PEL has been exceeded so a citation can be defended in court. MSHA will continue to use a 2 dBA error factor to ensure that with statistical confidence each enforceable level has been met or exceeded. MSHA will issue citations for the following noise exposure doses: 66% for AL, 132% for PEL, and 1056% for DHPL.

Q: If a "P–code" is not assigned to a piece of equipment, how do you deal with various pieces of equipment used by the same miner?

A: Assuming that there is an overexposure all noise sources that contribute to the exposure must be controlled utilizing all feasible controls to reduce the dose to as low a level as is feasible. MSHA uses the letter "P" as an action code in its database to designate that an overexposure condition remains even though all feasible engineering and administrative controls are in place. Thus, a "P-code" is an administrative device that allows MSHA to track these special overexposure situations.

Q: How difficult is it to reinstate a "P–code" after it has been rescinded?

A: To re-assign a "P–code", the entire process must be reinstituted. Assignment of a "P–code" is the end of the line. In coal only 3 "P–codes" have been assigned to date, and the operator and MSHA must work in partnership to resolve the issue which caused an assignment to be rescinded.

Q: What steps are being used to expedite the "P–code" process?

A: The check list found in the Mine Health Inspection Procedures Handbook Noise Chapter – Appendix 3 is followed in developing the technical documentation of an overexposure. Compiling the information is what takes the time. Review is not as long a process. Once the information is complete, group discussions are held with the district, tech support, and headquarters.

Q: How is the following handled? A miner mining at 70 feet meets the PEL; however, at 100 feet the miner is overexposed?

A: To begin with, the evaluation of each situation similar to this must be done on a case by case basis. A noise survey must be conducted to determine the source(s) of the overexposure.

Q: Where does an inspector get the reasonable estimate of cost for the "P-code" process?

A: This information is not for the "P-code" process, it is a part of determining the feasibility of noise controls. There are different resources on the MSHA web site where this information may be obtained. Other potential sources of cost information include operators, manufacturers, distributors, and fabricators of noise control equipment and materials.

Q: Does the operator have the responsibility to provide estimated costs to the inspector?

A: Yes – both parties must do their homework. There should be open dialogue between operator and inspector. One source of information for the mine inspector related to cost(s) unique to a mine or individual exposure situation is the operator.

Q: What is the miner representative's position on citations and"P–codes"?

A: Again, open dialogue that occurs at close out meetings between operator, miner, miner reps and MSHA inspectors. UMWA encourages the rep to be involved.

Q: UMWA does not like "P–codes" and will continue to lobby against them. However, how do you estimate how much money is too much money to spend on protecting the miner?

A: The feasibility of noise controls needs to be determined on a case by case basis. 30 CFR Part 62 is a performance based regulation. The only criteria guiding the determination of the feasibility of controls as it relates to cost is whether the cost is wholly out of proportion to the expected benefit. i.e. A very

costly control that provides little reduction in noise dose may not be deemed to be feasible. Company size does not affect the "P–code" process. The same obligations must be met throughout the entire process; however, there is some discretion in area of abatement time.

Q: Is there a process to take a promising control and make it an achievable control? Is it something MSHA would do?

A: Yes, a good example is the report on the partnership with Cold Spring Granite. However, many operators are reluctant to participate with MSHA in this endeavor because they feel if success is achieved that it will be made an industry wide requirement. This is a wrong position to take.

Q: Has NIOSH been provided a copy of this report (Cold Springs Granite)?

A: Yes, a copy was forwarded to R. J. Matetic at NIOSH.

Q: Are operators required to maintain controls that do not show a reduction or at least a 3dBA reduction in noise?

A: If a control gives no reduction in noise it is not feasible and therefore the operator is not required to maintain this as a control.