

1.0 PURPOSE

This document establishes MSHA's Standard Application Procedure (SAP) for Approval of Fire-Resistant Hydraulic Fluids According to the Code of Federal Regulations, Title 30, Part 35.

2.0 SCOPE

These procedures apply to all applications for MSHA Approval of fire-resistant hydraulic fluids according to the Code of Federal Regulations, Title 30, Part 35.

3.0 REFERENCES

30 CFR, Part 35, Subparts A & B

4.0 DEFINITIONS

- 4.1. Permissible - as applied to hydraulic fluids, means that the fluid conforms to the requirements of 30 CFR, Part 35, and that a certificate of approval to that effect has been issued.
- 4.2. Certificate of Approval - means a formal document issued by MSHA stating that the fluid has met the requirements of 30 CFR, Part 35 for fire-resistant hydraulic fluids and authorizing the use of an official identifying marking so indicating.
- 4.3. Fire-resistant hydraulic fluid - means a fluid of such chemical composition and physical characteristics that it will resist the propagation of flame.
- 4.4. Concentrate - means a substance in concentrated form that might not be fire-resistant as such but when mixed with water or other vehicle in accordance with instructions furnished by the applicant will constitute a fire-resistant hydraulic fluid.
- 4.5. Applicant - means an individual, partnership, company, corporation, association, or other organization that manufactures, compounds, refines, or otherwise produces, a fire-resistant hydraulic fluid or a concentrate for the production thereof, and seeks a certificate of approval.

5.0 APPLICATION PROCEDURE

5.1. It is recommended that applicants contact the Approval and Certification Center to discuss approval and testing requirements prior to submitting an application.

5.2. The application requesting an approval or extension of approval should be sent to the following address:

Chief, Approval and Certification Center
Mine Safety and Health Administration
RR #1 Box 251, Industrial Park Road
Triadelphia, West Virginia 26059

5.3. Each application for approval of a product should include:

5.3.1. A 6 digit (or less) numeric code number assigned by the applicant.

5.3.2. The product name or trade designation and type of hydraulic fluid (invert emulsion, water glycol, high water concentrate, synthetic).

5.3.3. The formulation with percentages, tolerances and function of each ingredient.

5.3.4. Neutralization number or pH, pour point, color, specific gravity (60/60°F), viscosity (Saybolt or Furol) at 100°F, 150°F and 175°F, and viscosity index.

5.3.5. Minimum water content by percent weight and volume.

5.3.6. Information on the base oil, as applicable to the type of fluid for:

- a. Type, naphthenic, paraffinic, or other identification
- b. Code or ID number
- c. Manufacturer and address
- d. Viscosity
- e. Specific gravity or density
- f. Flash point (closed cup & test method)
- g. A one-gallon sample shipped prepaid, if testing is required.

5.3.7. Information on the applicant's method for determining the water content of the hydraulic fluid quickly in the field.

- 5.3.8. Information on toxicity - The application shall state whether the fluid submitted for testing is toxic or irritating to the skin and what precautions are necessary for handling the fluid. An OSHA Materials Safety Data Sheet (MSDS) should be included. Section 5.9 (Approval Labels or Markings) provides information concerning the use of the caution statements in the label design.
- 5.3.9. Test information showing the fire resistance of the hydraulic fluid, such as Factory Mutual, ASTM or other test standards.
- 5.3.10. Evidence that the hydraulic fluid has lubricating properties (such as wear test information).
- 5.3.11. Provide information on the quality assurance program. Explain how the formulation and manufacturing process will be controlled and how each lot will be sampled and tested to maintain its fire-resistant characteristics. Section 5.6 (Quality Assurance Guidelines) provides information regarding quality control information to be submitted in order to satisfy the requirements of CFR 30, Part 35, Section 35.6(F).
- 5.3.12. A 10-gallon sample of the hydraulic fluid, shipped prepaid, will be required if testing is necessary. If the hydraulic fluid is a high water concentrate, a sufficient sample will be required in order to produce a 10-gallon finished sample for testing.
- 5.3.13. Information should be provided if the applicant intends to market the hydraulic fluid for rebranding purposes. Section 5.10 (Rebranding) provides information in regard to the MSHA's hydraulic fluid rebranding policy.
- 5.4. Applications requesting an extension of an approval should include:
- 5.4.1. The MSHA - assigned approval number for the product for which the extension is being requested;
- 5.4.2. A brief description of the proposed change to the previously approved product;
- 5.4.3. Any change in the specifications and characteristics of the approved hydraulic fluid.

5.5. Product Testing

All products submitted for approval or extension of approval under Part 35 shall be tested using the test procedures specified in Subpart B unless MSHA determines, upon review of the application, that additional testing is necessary in order to verify the manufacturer's specifications.

5.6. Quality Control Guidelines

5.6.1. Manufacturing / Production Procedures - Describe the manufacturing procedures followed in the production of the candidate fluid beginning with the compounding of raw materials (base oils, fire retardant, bactericides, anti-wear agents, pour point depressants, etc.) and ending with the finished product. Include procedures and tolerances for:

- a. Mixing and/or blending;
- b. Measuring quantities of raw material;
- c. Methods and/or procedures utilized in controlling the formulation of the finished fluid and such items as: fire-resistant properties, pour point, viscosity, viscosity index, specific gravity, freezing point, color, neutralization number or pH, and water content.

5.6.2. Inspection/Testing Instructions - To assure that the quality of the fire-resistant hydraulic fluid is maintained in production, quality control inspection instructions should be provided for receiving inspection, in-process inspection, final inspection and packaging/shipping inspections. The documented instructions should include as a minimum the following:

5.6.2.1. Sampling Plan - Procedures for sampling and identifying the status of material. The size and number of the samples should be specified which can vary according to the type of material. The sampling plan should follow procedures that insure representative sampling of bulk materials.

5.6.2.2. Characteristics - List those characteristics with tolerances that must be inspected/tested to control materials and operations. The source (i.e. specifications) for the characteristics must be referenced and must agree with the latest documents submitted to MSHA. Inspection instructions must include those characteristics which assure that the fire-resistant hydraulic fluid meets the MSHA approved design and 30 CFR, Part 35 requirements.

5.7. Inspection Records

Provide copies of the inspection records form(s) necessary to verify that all fire-resistant characteristics for the fire-resistant hydraulic fluid shipped were controlled and found in compliance with approved specifications and regulations. Provisions must be made on the record form(s) for the inspector's signature, date, lot or batch number, and information with regard to the traceability of the fire-resistant hydraulic fluid.

5.8. Organization

The manufacturer of fire-resistant hydraulic fluid under MSHA approval is advised to have an organization structure necessary to carry out the above provisions. The organizations should include provision for a quality control system independent of production supervision.

5.9. Approval Labels or Markings

- 5.9.1. A certificate of approval will be accompanied by a photograph of a design for an approval label or marking which shall bear the emblem of the Mine Safety and Health Administration and shall be inscribed as follow:

PERMISSIBLE FIRE-RESISTANT
HYDRAULIC FLUID
MSHA APPROVAL NO. 35-AYYXXX-0
ISSUED TO:

- 5.9.2. The label so inscribed shall be attached to each fluid container in such a manner that it cannot be easily removed or containers may be marked with a metal stencil. The letters and numbers shall be at least 1/2 inch in height and of a color which contrasts with that of the container. The "A" in the approval number designates the applicable standard; the "YY" designates the year of the standard revision, the "XXXX" designates the four digit approval number, and "0" designates the extension number to be assigned by MSHA following approval of the hydraulic fluid.
- 5.9.3. Using Enclosure 1 (page 9), provide cautionary information and instructions that should appear on the label. Also include provisions on Enclosure 1 for showing the date and place of manufacturing as well as the lot and/or batch number for traceability.

- 5.9.4. For fluids that depend on water for their fire-resistant properties, the minimum water content must appear on the approval label. After a candidate fluid has passed the performance tests required by Part 35, MSHA will perform tests to determine the water content of the fluid. The water content (in percent weight) as determined by these tests or the minimum water content specified by the manufacturer, whichever value is higher, will appear on the approval label. This value will be the minimum water concentration that must be maintained for the fluid to be considered approved.
- 5.10. Rebranding
- 5.10.1. It is common practice in the hydraulic fluids industry for companies to sell fluids manufactured by others. Consequently, the Approval and Certification Center has established a program by which companies other than the original manufacturer can market previously approved fire-resistant hydraulic fluids.
- 5.10.2. The name that appears on the approval label can be either the name of the original manufacturer, or at the discretion of the manufacturer, that of the distributor.
- 5.10.3. To maintain the validity of the fluid approval, the original manufacturer must notify the Approval and Certification Center before initiating a program of marketing by others. If the original manufacturer chooses to initiate such a program, then the notification must include the name of the company that will market the original manufacturer's approved product, the name under which the fluid will be marketed, and a copy of the revised approval label (for our review) showing the new company name.
- 5.10.4. The new approval label must be identical to the original label with the exception of the company name (as stated in Section 5.10.2). The original approval number, the instructions and caution statements dealing with the handling of the fluid, and limitations governing the use of the fluid will not be changed. Any other markings on the fluid container are at the discretion of the manufacturer or distributor.
- 5.10.5. The requirements of CFR 30, Part 35, Section 35.10, concerning Approval Labels or Markings will apply regardless of whose name appears on the approval label. Paragraph 35.10 (e) states: "Use of the MSHA approval label or marking obligates the applicant to whom the certificate of

approval was granted to maintain the fire-resistant characteristics of the hydraulic fluid and guarantees that it is manufactured according to the specifications upon which the certificate of approval was based. The use of the approval label or marking is not authorized except on containers of hydraulic fluids that conform strictly with the specifications and characteristics upon which the certificate of approval was based”.

5.10.6. All other requirement of 30 CFR, Part 35.10 remain in effect.

5.11. Fees:

Following the receipt of the application, we will advise the applicant of the charges to process the application for approval under Part 35. Applicants may submit a pre-authorization notice with their application. The pre-authorization notice is a statement by the applicant authorizing MSHA to expend a stated amount of money in evaluating the application prior to the preparation and issuance of the MSHA fee estimate. The pre-authorization permits immediate evaluation work to begin. The cost estimate will not be exceeded until agreed upon by the applicant. This cost includes estimated travel time and time for MSHA to witness a flame test. The costs for the travel and transportation for the purpose of witnessing / evaluating the flame test at the test site are not included in this estimate and will be charged on an actual cost basis.

5.12. Revocation:

5.12.1. MSHA reserves the right to revoke, for cause any approval issued under 30 CFR, Part 35, Subparts A & B, if the product:

5.12.1.1. Fails to meet the applicable technical requirements; or

5.12.1.2. Creates a hazard when used in a mine.

5.12.2. Prior to revoking an approval, the approval-holder shall be informed in writing of MSHA's intention to revoke the approval. The notice shall:

5.12.2.1. Explain the specific reasons for the proposed revocation; and

5.12.2.2. Provide the approval-holder an opportunity to demonstrate or achieve compliance with the product approval requirements.

- 5.12.3. Upon request, the approval-holder shall be afforded an opportunity for a hearing.

- 5.12.4. If a product poses an imminent hazard to the safety or health of miners, the approval may be immediately suspended without notice of the Agency's intention to revoke. The suspension may continue until the revocation proceedings are completed.

Enclosure 1:

Prototype of MSHA Fire Resistant Hydraulic Fluid Label

<p>PERMISSIBLE FIRE-RESISTANT HYDRAULIC FLUID MSHA APPROVAL NO. 35-AYYXXXX-0 HYDRAULIC FLUID NAME</p>	
	<p>ISSUED TO: MANUFACTURER'S NAME MANUFACTURERS ADDRESS</p>
<p>PLEASE ADD THE APPROPRIATE INSTRUCTIONS AND CAUTIONS STATEMENTS ALONG WITH THE MINIMUM WATER CONTENT</p>	