Public Health Service, HHS

§ 84.12 Vapor means the gaseous state of a substance that is solid or liquid at ordinary temperature and pressure.

§ 84.3 Respirators for mine rescue or other emergency use in mines.

(a)(1) NIOSH and the Mine Safety and Health Administration (MSHA), U.S. Department of Labor, shall jointly review and issue certifications for respirators used for mine emergencies and mine rescue, including any associated service-life plans, users’ manuals and other supporting documentation.

(2) Each certification for a respirator designed for mine rescue or other emergency use in mines shall include, as a condition of approval, any use limitations related to mine safety and health.

(b) NIOSH and MSHA shall jointly determine appropriate recall and retrofit remedies for field complaints or identified deficiencies involving any respirators used in the mining environment.

Subpart B—Application for Approval

§ 84.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of the types of respirators classified in subpart F of this part shall be undertaken by the Institute only pursuant to written applications which meet the minimum requirements set forth in this subpart B.

(b) Applications shall be submitted to the Certification and Quality Assurance Branch, and shall be accompanied by a check, bank draft, or money order in the amount specified in subpart C of this part, payable to the order of the National Institute for Occupational Safety and Health.

(c) Except as provided in §84.64, the examination, inspection, and testing of all respirators shall be conducted by the Certification and Quality Assurance Branch.

(d) Applicants, manufacturers, or their representatives may visit or communicate with the Certification and Quality Assurance Branch in order to discuss the requirements for approval of any respirator or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued to applicants, manufacturers, or their representatives by the Institute as a result of such consultation.

(e) Respirators having electrical or electronic components that are required to be permissible under chapter I of title 30 shall be tested in accordance with 30 CFR part 18. Applications for approval of such respirators by MSHA shall be submitted in writing to: MSHA, Approval and Certification Center, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059.

§ 84.11 Contents of application.

(a) Each application for approval shall contain a complete written description of the respirator for which approval is requested together with drawings and specifications (and lists thereof) showing full details of construction of the respirator and of the materials used.

(b) Drawings shall be titled, numbered, and dated; any revision dates shall be shown on the drawings, and the purpose of each revision being sought shall be shown on the drawing to which it applies.

(c) Each application for approval shall contain a proposed plan for quality control which meets the minimum requirements set forth in subpart E of this part.

(d) Each application shall contain a statement that the respirator has been pretested by the applicant as prescribed in §84.64, and shall include the results of such tests.

(e) Each application for approval shall contain a statement that the respirator and component parts submitted for approval are either prototypes, or made on regular production tooling, with no operation included which will not be incorporated in regular production processing.

(The information collections contained in this section are approved under OMB control number 0920–0109)

§ 84.12 Delivery of respirators and components by applicant; requirements.

(a) Each applicant shall, when an application is filed pursuant to §84.10, be advised by the Institute of the total
§ 84.20 Examination, inspection, and testing of complete respirator assemblies; fees.

Except as provided in §84.22, the following fees shall be charged by the Institute for the examination, inspection, and testing of complete respirator assemblies:

Self-contained breathing apparatus:
- Entry and escape, 1 hour or more ... $3,500
- Entry and escape, less than 1 hour 2,750
- Escape only 2,000

Gas masks:
- Single hazard 1,100
- Type N 4,100

Supplied-air respirators 750
Particulate respirators 1,250
Chemical cartridge respirators 1,150

§ 84.21 Examination, inspection, and testing of respirator components or subassemblies; fees.

Except as provided in §84.22, the following fees shall be charged by the Institute for the examination, inspection and testing of the individual respirator components or subassemblies:

- Facepieces ............................ $450
- Canisters ................................ 900
- Cartridges .............................. 600
- Filters .................................... 650
- Hoses ................................. 250
- Blowers ............................... 250
- Harnesses ............................. 100

§ 84.22 Unlisted fees; additional fees; payment by applicant prior to approval.

(a) Applications for the examination, inspection and testing of complete respirator assemblies which are not listed in §84.20, or for the examination, inspection, and testing of respirator components or subassemblies which are not listed in §84.21, shall be accompanied by the following deposits:

- Complete respirator assembly .......... $1,500
- Each individual component or subassembly .......................... 500

(b) The Institute reserves the right to conduct any examination, inspection, or test it deems necessary to determine the quality and effectiveness of any listed or unlisted respirator assembly or respirator component or subassembly, and to assess the cost of such examinations, inspections, or tests against the applicant prior to the issuance of any approval for such assembly, component, or subassembly.

(c) The fees charged for the examination, inspection, and testing of unlisted respirator assemblies, unlisted individual respirator components or subassemblies, and for the additional examination, inspection, and testing of listed respirator assemblies and components or subassemblies shall be at the rate of $100 per day for each man-day required to be expended by the Institute.

(d) Upon completion of all examinations, inspections, and tests of unlisted respirator assemblies or components, or following the completion of any additional examination, inspections, or