of approval, the applicant shall con-
duct, or cause to be conducted, exami-
nations, inspections, and tests of res-
spirator performance which are equal to
or exceed the severity of those pre-
scribed in this part.

(b) With the application, the appli-
cant shall provide a statement to the
Institute showing the types and results
of the examinations, inspections, and
tests required under paragraph (a) of
this section and state that the res-
spirator meets the minimum require-
ments of subparts H through KK of this
part, as applicable. Complete examina-
tion, inspection, and test data shall be
retained on file by the applicant and be
submitted, upon request, to the Insti-
tute.

(c) The Institute may, upon written
request by the applicant, provide draw-
ings and descriptions of its test equip-
ment and otherwise assist the appli-
cant in establishing a test laboratory or
securing the services of a testing agency.

(d) No approval will be issued until
the Institute has validated the appli-
cant’s test results.

[60 FR 30355, June 8, 1995, as amended at 77
FR 14193, Mar. 8, 2012]

§ 84.66 Withdrawal of applications; re-
fund of fees.

(a) Any applicant may, upon a writ-
ten request submitted to the Institute,
withdraw any application for approval
of any respirator.

(b) Upon receipt of a written request
for the withdrawal of an application,
the Institute shall determine the total
man-days expended and the amount
due for services already performed dur-
ing the course of any examinations, in-
spections, or tests conducted pursuant
to such application. The total amount
due shall be determined in accordance
with the provisions of § 84.22 and as-
sumed against the fees submitted by
the applicant. If the total amount as-
essed is less than the fees submitted,
the Institute shall refund the balance
together with a statement of the
charges made for services rendered.

Subpart H—Self-Contained
Breathing Apparatus

§ 84.70 Self-contained breathing appa-
ratus; description.

(a) Limitation on scope. None of the
provisions of Subpart H apply to
closed-circuit escape respirators to be
approved specifically for escape only
from hazardous atmospheres, except as
provided for under § 84.304(a)(5). Such
respirators are covered under the pro-
visions of subpart O of this part.

(b) Self-contained breathing appa-
ratus, including all completely assem-
bled, portable, self-contained devices
designed for use as respiratory protection during entry into and escape from or escape only from hazardous atmospheres, are described as follows:

(1) **Closed-circuit apparatus.** An apparatus of the type in which the exhalation is rebreathed by the wearer after the carbon dioxide has been effectively removed and a suitable oxygen concentration restored from sources composed of:

(i) Compressed oxygen; or 
(ii) Chemical oxygen; or 
(iii) Liquid-oxygen.

(2) **Open-circuit apparatus.** An apparatus of the following types from which exhalation is vented to the atmosphere and not rebreathed:

(i) **Demand-type apparatus.** An apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during exhalation and negative during inhalation; or

(ii) **Pressure-demand-type apparatus.** An apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during both inhalation and exhalation.

(c) The following respirators may be classified as designed and approved for use during emergency entry into a hazardous atmosphere:

(1) A combination respirator which includes a self-contained breathing apparatus; and

(2) A Type “C” or Type “CE” supplied air respirator, where—

(i) The self-contained breathing apparatus is classified for 3-, 5-, or 10-minute service time and the air line supply is used during entry; or

(ii) The self-contained breathing apparatus is classified for 15 minutes or longer service time and not more than 20 percent of the rated capacity of the air supply is used during entry.

(d) Self-contained breathing apparatus classified for less than 1 hour service time will not be approved for use during underground mine rescue and recovery operations.

§ 84.72 Breathing tubes; minimum requirements.

Flexible breathing tubes used in conjunction with breathing apparatus shall be designed and constructed to prevent:

(a) Restriction of free head movement; 
(b) Disturbance of the fit of facepieces and mouthpieces; 
(c) Interference with the wearer’s activities; and

(d) Shutoff of airflow due to kinking, or from chin or arm pressure.

§ 84.73 Harnesses; installation and construction; minimum requirements.

(a) Each apparatus shall, where necessary, be equipped with a suitable harness designed and constructed to hold the components of the apparatus in position against the wearer’s body.

(b) Harnesses shall be designed and constructed to permit easy removal and replacement of apparatus parts.