

**Pt. 722**

**20 CFR Ch. VI (4-1-20 Edition)**

(1) For arterial blood-gas studies performed at test sites up to 2,999 feet above sea level:

Arterial PCO2 (mm Hg)	Arterial PO2 equal to or less than (mm Hg)
25 or below .....	75
26 .....	74
27 .....	73
28 .....	72
29 .....	71
30 .....	70
31 .....	69
32 .....	68
33 .....	67
34 .....	66
35 .....	65
36 .....	64
37 .....	63
38 .....	62
39 .....	61
40-49 .....	60
Above 50 .....	( <sup>1</sup> )

<sup>1</sup> Any value.

(2) For arterial blood-gas studies performed at test sites 3,000 to 5,999 feet above sea level:

Arterial PCO2 (mm Hg)	Arterial PO2 equal to or less than (mm Hg)
25 or below .....	70
26 .....	69
27 .....	68
28 .....	67
29 .....	66
30 .....	65
31 .....	64
32 .....	63
33 .....	62
34 .....	61
35 .....	60
36 .....	59
37 .....	58
38 .....	57
39 .....	56
40-49 .....	55
Above 50 .....	( <sup>2</sup> )

<sup>2</sup> Any value.

(3) For arterial blood-gas studies performed at test sites 6,000 feet or more above sea level:

Arterial PCO2 (mm Hg)	Arterial PO2 equal to or less than (mm Hg)
25 or below .....	65
26 .....	64
27 .....	63
28 .....	62
29 .....	61
30 .....	60
31 .....	59
32 .....	58
33 .....	57
34 .....	56
35 .....	55

Arterial PCO2 (mm Hg)	Arterial PO2 equal to or less than (mm Hg)
36 .....	54
37 .....	53
38 .....	52
39 .....	51
40-49 .....	50
Above 50 .....	( <sup>3</sup> )

<sup>3</sup> Any value.

[65 FR 80045, Dec. 20, 2000, as amended at 78 FR 59115, Sept. 25, 2013]

**PART 722—CRITERIA FOR DETERMINING WHETHER STATE WORKERS' COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS AND LISTING OF APPROVED STATE LAWS**

Sec.

- 722.1 Purpose.
- 722.2 Definitions.
- 722.3 General criteria; inclusion in and removal from the Secretary's list.
- 722.4 The Secretary's list.

**AUTHORITY:** 5 U.S.C. 301, Reorganization Plan No. 6 of 1950, 15 FR 3174, 30 U.S.C. 901 *et seq.*, 921, 932, 936; 33 U.S.C. 901 *et seq.*, Secretary's Order 7-87, 52 FR 48466, Employment Standards Order No. 90-02.

**SOURCE:** 65 FR 80053, Dec. 20, 2000, unless otherwise noted.

**§ 722.1 Purpose.**

Section 421 of the Black Lung Benefits Act provides that a claim for benefits based on the total disability or death of a coal miner due to pneumoconiosis must be filed under a State workers' compensation law where such law provides adequate coverage for pneumoconiosis. A State workers' compensation law may be deemed to provide adequate coverage only when it is included on a list of such laws maintained by the Secretary. The purpose of this part is to set forth the procedures and criteria for inclusion on that list, and to provide that list.

**§ 722.2 Definitions.**

- (a) The definitions and use of terms contained in subpart A of part 725 of this title shall be applicable to this part.
- (b) For purposes of this part, the following definitions apply:

(1) *State agency* means, with respect to any State, the agency, department or officer designated by the workers' compensation law of the State to administer such law. In any case in which more than one agency participates in the administration of a State workers' compensation law, the Governor of the State may designate which of the agencies shall be the State agency for purposes of this part.

(2) *The Secretary's list* means the list published by the Secretary of Labor in the FEDERAL REGISTER (see §722.4) containing the names of those States which have in effect a workers' compensation law which provides adequate coverage for death or total disability due to pneumoconiosis.

**§722.3 General criteria; inclusion in and removal from the Secretary's list.**

(a) The Governor of any State or any duly authorized State agency may, at any time, request that the Secretary include such State's workers' compensation law on his list of those State workers' compensation laws providing adequate coverage for total disability or death due to pneumoconiosis. Each such request shall include a copy of the State workers' compensation law and any other pertinent State laws; a copy of any regulations, either proposed or promulgated, implementing such laws; and a copy of any relevant administrative or court decision interpreting such laws or regulations, or, if such decisions are published in a readily available report, a citation to such decision.

(b) Upon receipt of a request that a State be included on the Secretary's list, the Secretary shall include the State on the list if he finds that the State's workers' compensation law guarantees the payment of monthly and medical benefits to all persons who would be entitled to such benefits under the Black Lung Benefits Act at the time of the request, at a rate no less than that provided by the Black Lung Benefits Act. The criteria used by the Secretary in making such determination shall include, but shall not be limited to, the criteria set forth in section 421(b)(2) of the Act.

(c) The Secretary may require each State included on the list to submit re-

ports detailing the extent to which the State's workers' compensation laws, as reflected by statute, regulation, or administrative or court decision, continues to meet the requirements of paragraph (b) of this section. If the Secretary concludes that the State's workers' compensation law does not provide adequate coverage at any time, either because of changes to the State workers' compensation law or the Black Lung Benefits Act, he shall remove the State from the Secretary's list after providing the State with notice of such removal and an opportunity to be heard.

**§722.4 The Secretary's list.**

(a) The Secretary has determined that publication of the Secretary's list in the Code of Federal Regulations is appropriate. Accordingly, in addition to its publication in the FEDERAL REGISTER as required by section 421 of the Black Lung Benefits Act, the list shall also appear in paragraph (b) of this section.

(b) Upon review of all requests filed with the Secretary under section 421 of the Black Lung Benefits Act and this part, and examination of the workers' compensation laws of the States making such requests, the Secretary has determined that the workers' compensation law of each of the following listed States, for the period from the date shown in the list until such date as the Secretary may make a contrary determination, provides adequate coverage for pneumoconiosis.

State	Period commencing
None .....	.....

**PART 725—CLAIMS FOR BENEFITS UNDER PART C OF TITLE IV OF THE FEDERAL MINE SAFETY AND HEALTH ACT, AS AMENDED**

**Subpart A—General**

- Sec. 725.1 Statutory provisions.
- 725.2 Purpose and applicability of this part.
- 725.3 Contents of this part.
- 725.4 Applicability of other parts in this title.
- 725.101 Definitions and use of terms.