



# News Statement

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U.S. Department of Labor | Jan. 25, 2016

## **MSHA responds to favorable Court of Appeals ruling on coal dust rule**

**ARLINGTON, Va.** – Today, the U.S. Court of Appeals for the 11<sup>th</sup> Circuit denied a challenge brought by two separate groups representing the coal industry to the final rule Lowering Miners’ Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors. The court denied the petitioners’ challenge of MSHA’s authority to issue the rule under the [Federal Mine Safety and Health Act of 1977](#).

[Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main](#) issued the following statement:

“This is indeed a good day for coal miners. For years, MSHA worked hard to craft a balanced rule that would allow miners to stay healthy and businesses to continue to operate. We listened closely to industry concerns throughout this process and, ultimately, finalized a regulation that fulfilled the promise Congress made in the Coal Act of 1969 -- to reduce dust levels and prevent miners from getting black lung disease.

“We know that black lung is not a disease of the past. Since 1969, black lung has caused or contributed to the deaths of 76,000 coal miners, and since the late 1990s, the percentage of miners identified with black lung has increased from 5 to 10 percent among long-tenured workers.

“When the [final rule](#) went into effect in August 2014, some critics insisted that mines would be unable to comply with the requirements. That assumption has been proved incorrect. According to sampling results, industry compliance is at 99 percent. As we prepare for [Phase II](#) of the rule to begin on Feb. 1, I am increasingly hopeful that we can eradicate black lung once and for all.”

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