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Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors

Comment On: MSHA-2010-0007-0001

Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors

Document: MSHA-2010-0007-DRAFT-0361

Comment from Celeste Monforton, DrPH, MPH, organization

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General Comment

See attached file(s)

Attachments

MSHA-2010-0007-DRAFT-0361.1: Comment from Celeste Monforton, DrPH, MPH, organization

AB64-COMM-70

June 10, 2011

SUBMITTED TO: www.regulations.gov

Roslyn B. Fontaine
Acting Director
Office of Standards, Regulations and Variances
Mine Safety and Health Administration
Arlington, Virginia

RE: RIN 1219-AB64

SUBJECT: Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors

Dear Ms. Fontaine,

We are pleased to have the opportunity to comment on MSHA's comprehensive health standard to reduce coal mine workers' risk of pneumoconiosis and the other adverse health effects related to exposure to respirable coal mine dust. These changes to protect coal miners' health are long overdue. We strongly endorse MSHA's proposal to:

- 1) Reduce the permissible exposure limit to 1.0 milligram/m³. As noted below, we urge MSHA to implement this change in a six-month phase-in period.
- 2) Require mine operators to use continuous personal dust monitors to assess miners' exposure to respirable dust. The results of the exposure monitoring should be used to make corrective action if needed, and for compliance purposes as appropriate.
- 3) Require exposure monitoring for a miner's entire work shift, whether it is 8 hours, or 12, or more.
- 4) Use single, full-shift samples (i.e., not an average over multiple shifts or different occupations) to assess miners' exposure to respirable coal dust
- 5) Require exposure monitoring to be conducted during shifts that represent typical production levels, such as on shifts with production that is at least equal to the average production recorded for the most recent 30 production shifts.
- 6) Require mine operators to offer their both underground and surface coal miners periodic medical examinations that include chest x-rays, spirometry, symptom assessment and occupational history.

We wish to offer the following suggestions to improve the proposal:

- 1) In any and all instances in the proposed rule which stipulates when a mine operator is required to make respiratory protection available to miners, MSHA's rule should require the operator to establish a respiratory protection program that meets or exceeds the provisions contained in 29 CFR 1910.134. These provisions include medical examinations; fit-testing; maintenance, care and storage

of the devices; cleaning and disinfecting of the devices; and worker training. MSHA does not have any comparable standard to ensure that respiratory protective equipment is selected, used and maintained properly, and that miners are not adversely affected by using it. In those instances in which miners are expected to wear respiratory protection, MSHA must have enforceable rules in place to ensure that the devices are maintained and used properly, and that miners' health is not compromised or put at risk by using these devices.

2) MSHA's Preliminary Regulatory Economic Analysis indicates that the vast majority of mine operators are already complying with the 1.0 milligram standard. (Table IV-1 describes the percentage of samples collected by mine inspectors that were ≤ 1.0 mg. For example, 91-99 percent of all surface mining samples; 87-99 percent of underground operation samples (e.g., roof bolter, intake air); and 74-87 percent of non-longwall mining samples.) An appropriate phase-in period for the 1.0 milligram/ m^3 exposure limit is **six months** from the date of the final rule's publication, not 24 months.

3) Exposure monitoring results should be offered personally to the miner who wore the sampling device, in addition to posting the results on the mine bulletin board. Affected miners should be given the option of receiving a hard copy in person, by regular mail, or by email.

We appreciate the work that MSHA's career staff has devoted to this (and numerous previous) rulemakings designed to address the serious health consequences suffered by the nation's coal miners from exposure to respirable coal dust. We urged the Obama Administration to complete this rulemaking promptly.

Sincerely,

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