

From: [Lamb, Martyn](#)
To: [zzMSHA-Standards - Comments to Fed Reg Group](#)
Subject: FW: RIN 1219-AB36
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Internal

Dear Sir/Madam,

Please find attached Draeger input to Agency/Docket Numbers: Docket No. MSHA-2023-0001,
RIN: 1219-AB36
MSHA Proposed Rule on Exposure to Respirable Crystalline Silica

Best Regards

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Subject: Agency/Docket Numbers: Docket No. MSHA-2023-0001, RIN: 1219-AB36
MSHA Proposed Rule on Exposure to Respirable Crystalline Silica

September 11, 2023

Dear Assistant Secretary Williamson,

On behalf of the Draeger organization I want to commend MSHA on developing the proposed rule on miner exposure to respirable crystalline silica. The MSHA proposed rule is undoubtedly the result of extensive work on the part of MSHA to protect miners from exposure to silica. With a focus on detection and protection, Draeger product solutions have been saving people's lives around the world since 1888. Application of Draeger technologies in more than 190 countries around the globe addresses workplace safety and health issues with solutions that reduce worker deaths, injuries, and illnesses. Draeger's mining presence is significant in mine rescue, mine escape and other mine related health and safety solutions. Draeger appreciates the opportunity to provide comments on MSHA's proposed rule on miner exposure to respirable crystalline silica.

1. MSHA should explore providing Table 1 similar to the OSHA Silica Construction Rule. Table 1 in the OSHA rule matches common tasks with silica control methods. A similar table for miner tasks will streamline compliance by allowing mine operators to use appropriate control methods to prevent miner exposure. Since the effort required to develop Table 1 control methods for all miner tasks would be significant, MSHA should initially consider high risk tasks. Additionally, MSHA should consider alternative methods for incorporating Table 1 content that enables addition of controls for other tasks without adhering to the time-

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consuming regulatory process. A MSHA silica guidance document may be an appropriate method.

2. The proposed MSHA silica regulation allows the temporary, non-routine use of respirators as a method of control. While respirators can and will provide essential miner protection when used correctly within a respirator program, the scope of “temporary, non-routine use” needs further clarification. Without further clarification the temporary allowance could extend for an indefinite period.

3. MSHA is proposing to incorporate by reference ASTM F3387-19, published in 2019. Specific provisions of ASTM F3387-19 required are:

- program administration,
- standard operating procedures,
- medical evaluations,
- respirator selection,
- training,
- fit testing, and
- maintenance, inspection, and storage

Although these provisions are appropriate MSHA should consider adding the Breathing Gas section of the standard. The MSHA proposed regulation requires either certain air purifying respirators or supplied air respirators for use. The section of ASTM F3387-19 addressing breathing gas requirements (Section 13) should be a required provision for supplied air respirator use.

Additionally, mine operators should have the ability to utilize other sections of ASTM F3387-19 as appropriate for their operation. For example, the section addressing User Seal Check may be useful.

4. The low coal seam workplace is uniquely different from other workplaces. While miners working in a low coal seam can be an everyday occurrence, for general industry low ceiling height workplaces are considered confined spaces. Thus, required respiratory protection in restricted height settings for mining differs significantly from requirements for general industry. Because of this the use of respirators in low coal seams may introduce unexpected challenges. Changes in body posture and ergonomics are characteristics of work in low ceiling height workplaces. To account for the changes and ensure respiratory protection MSHA should consider the addition of specific conditions for respirator fit test. Normal respirator fit test protocol specifies all but one of the exercises to be performed in the standing position. The one exception is performed bending over. MSHA should require respirator fit testing for workers in low coal to be performed in a restricted height position. If the mine has a 40-inch seam height, respirator fit testing should replicate the expected seam height. Additionally, moving from one spot to another should be an added fit test exercise to ensure the respirator fits when moving about in a restricted headspace setting.

Kind regards,

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