



**NEW YORK CONSTRUCTION MATERIALS ASSOCIATION**

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July 27, 2023

S. Aromie Noe, Director  
Mine Safety and Health Administration  
Director, Office of Standards, Regulations, and Variances  
201 12th Street South  
Suite 4E401  
Arlington, Virginia 22202-5450

Dear Ms. Noe:

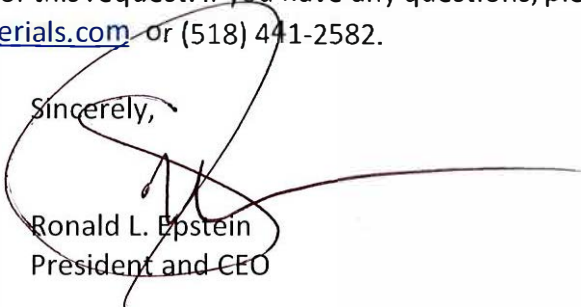
On behalf of the New York Construction Materials Association (NYMaterials), I am writing to request an extension of the public comment period of no less than 60-days to respond to the Mine Safety and Health Administration's (MSHA) proposed rule on Proposed Rule on Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection (RIN 1219-AB36, Docket Id. No. MSHA-2023-0001). NYMaterials is a not-for-profit, statewide trade association representing the business and regulatory interests of companies involved in the production and recycling of construction aggregates, ready mixed concrete, and asphalt.

NYMaterials fully supports practicable and implementable standards to protect the health and safety of the mining industry's most valuable asset, its workers. Given the complexity of the proposed rule, including more than 40 new focus areas raised by MSHA, the scheduled public comment period is not adequate to prepare responsive comments. The fact that this rule is being released for comment during the peak of construction in the northeast further complicates industry's capacity to adequately respond during the allotted period. The requested public comment period extension of no less than 60-day will afford impacted entities the time needed to conduct research to adequately assess impacts. Several areas that require particular attention include the feasibility of new administrative and recordkeeping processes, the availability of sampling equipment, and the proposed sampling and surveillance requirements.

In closing, the proposed engineering and administrative controls are complex and require extensive research in order to develop and provide a meaningful response. NYMaterials does not believe that the requested extension of the public comment period will create a substantial risk to miners. To the contrary, providing adequate time for industry to comment will allow

MSHA to create a more effective final rule, leading to the desired enhanced protections for miners. Thank you for your consideration of this request. If you have any questions, please feel free to contact me at [ron.epstein@nymaterials.com](mailto:ron.epstein@nymaterials.com) or (518) 441-2582.

Sincerely,



Ronald L. Epstein  
President and CEO

cc: Christopher J. Williamson, Assistant Secretary of Mine Safety and Health Administration