



August 23, 2023

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

RE: [Docket No. MSHA–2023–0001] RIN 1219–AB36

Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection

Dear Director Noe,

The American Association for Laboratory Accreditation (A2LA) appreciates the opportunity to provide comment regarding your proposed rule on lowering miners exposure to crystalline silica, specifically as it pertains to laboratory accreditation requirements.

A2LA is a non-profit accreditation body with over 4200 actively accredited organizations in all 50 states and an international presence. We have been granting accreditation to testing laboratories since 1979. Specific to mine safety, we accredit 5 laboratories testing crystalline silica and MSHAs (Mine Safety and Health Administration) own National Air and Dust Laboratory. The criteria forming the basis for our laboratory accreditation program is ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories. We ourselves have been evaluated against rigorous standards in providing these accreditation services and are recognized globally by international cooperations such as the International Laboratory Accreditation Cooperation (ILAC).

We offer the following comment:

Question 29

MSHA is proposing that mine operators use laboratories accredited to ISO/IEC 17025 “General requirements for the competence of testing and calibration laboratories,” where the accreditation has been issued by a body that is compliant with ISO/IEC 17011 “Conformity assessment—requirements for accreditation bodies accrediting conformity assessment bodies.” MSHA solicits comments on this proposal. Are there additional requirements that should be incorporated into this proposal to ensure accurate sample analysis methods? Please provide supporting information and data.

We support MSHA’s approach regarding laboratory accreditation. By relying on experienced and proven internationally recognized accreditation bodies for conducting the assessments, on-going monitoring of the organization’s performance, and granting the accreditations; this will permit the MSHA to focus time and resources on policy, enforcement actions and other agency responsibilities. Reliance on ISO/IEC 17025:2017 accreditation is already widely accepted in the testing industry and is being maintained by

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commercial testing laboratories, in-house testing laboratories and Federal and state government laboratories.

One recent example of government implementing a program that utilizes accreditation requirements for its testing laboratories is the FDA's Food Safety Modernization Act (FSMA) Laboratory Accreditation for Analyses of Foods (LAAF) Program, which requires accreditation to ISO/IEC 17025.

By requiring internationally recognized accreditation as an integral part of the rule, the MSHA can be assured of a program that:

- is impartial and independent,
- has the necessary industry expertise assessing the testing laboratories,
- ensures that the results of the tests are accurate and creates an additional layer of worker safety,
- ensures that the laboratories are using appropriate methods and procedures, and
- ensures the laboratories have developed and implemented an effective management system.

In summary, relying on accreditation for the approval of testing laboratories, you can be assured that testing services offer the assurance of quality, technical competence, accuracy, compliance, and international recognition. It provides confidence in the reliability of measurement results, supports and regulatory compliance.

Thank you again for your willingness to accept the use of accreditation within your programs. Please do not hesitate to contact me with any further questions rquery@A2LA.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall Querry", with a long horizontal flourish extending to the right.

Randall Querry
Director of Government Relations
A2LA