



OHIO AGGREGATES & INDUSTRIAL MINERALS ASSOCIATION

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S. Aromie Noe
Director, Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
201 12th St S
Suite 401
Arlington, VA 22202

September 11, 2023

Re: RIN 1219-AB36
Docket No. MSHA-2023-0001

On July 13, 2023, The Mine Safety and Health Administration (MSHA) published a proposed rule, "Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection" which proposed a unified Part 60 over coal and metal/non-metal (MNM).

On behalf of the over 250 member companies of the Ohio Aggregates & Industrial Minerals Association, we support the recommendations and comments offered by the National Stone Sand & Gravel Association (NSSGA) in their comments dated September 11, 2023. Most importantly, we support the differentiation between the MNM sector and the coal sector.

We respectfully recommend MSHA differentiate between the coal and MNM industries because of the significant differences between the industries including operations, employee overlap between OSHA and MSHA regulated sites, and instances of silicosis. The rule should reflect the distinct industries it regulates including different effective dates so there is no delay in protecting coal miners where increased cases of silicosis have occurred.

A specific provision we recommend that MSHA adopt is a Table 1 approach and the draft created and submitted to MSHA by the National Stone, Sand and Gravel Association (NSSGA) as part of their comments summarized on pages 2-6 of the above referenced document.

We support the adoption of a silica rule like OSHA's for MNM and the maintenance of the proposed standard for coal. This differentiation recognizes the important and distinct differences between the MNM and Coal sectors.

If you have any questions, please don't hesitate to reach out.

Very respectfully,
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