



# LOCAL 478 • CONNECTICUT

## INTERNATIONAL UNION OF OPERATING ENGINEERS

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S. Aromie Noe  
Director, Office of Standards, Regulations, and Variances  
Mine Safety and Health Administration  
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Suite 401  
Arlington, VA 22202  
Cc: Mine Safety and Health Administration Assistant Secretary Williamson

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).

IUOE Local 478 is a heavy and highway construction union specializing in aggregate production. A large percentage of our membership falls under the MSHA guidelines. We represent over 3,000 active members.

We support the issuance of the rule and applaud MSHA for their leadership in protecting our nation's miners. Additionally, we recommend MSHA adopt several key changes in the final rule.

We respectfully recommend MSHA further differentiate between the coal and MNM industries because of 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 they are seeing increased cases of silicosis.

We support the adoption of a silica rule like OSHA's for MNM and maintenance of the proposed standard for coal.

A specific provision we recommend 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.

Thank you for your time, effort, consideration, and especially for your continued work to protect our nation's most precious resource: our workers.

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

Sincerely,

A blue ink signature of Garry Gyenizs, written in a cursive style.

Garry Gyenizs  
Business Manager

A blue ink signature of Kyle Zimmer, written in a cursive style.

Kyle Zimmer  
Health & Safety Director