

# PUBLIC SUBMISSION

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**Docket:** MSHA-2023-0001

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

**Comment On:** MSHA-2023-0001-0002

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

**Document:** MSHA-2023-0001-1434

Comment from Appalachian Voices

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## Submitter Information

**Organization:** Appalachian Voices

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## General Comment

(The comment below is the text of a petition circulated by Appalachian Voices and signed by 5,157 individuals. Signatories' names and addresses are attached as an xlsx file.)

I am writing to express my support for a stronger rule protecting miners from silica dust. For too long, miners have been allowed to be exposed to higher levels of deadly silica dust than workers in any other occupation.

For that reason, I support the proposal to lower the silica Permissible Exposure Limit from 100 to 50 micrograms per cubic meter.

But MSHA must do more to ensure that coal companies aren't able to skirt the rule. Though MSHA inspectors will still sample for silica every quarter, the rule proposes an increased reliance on operator sampling. It is widely accepted among the mining community that the sampling technology that the rule proposes that operators will use can be easily manipulated or falsified. To accurately monitor silica levels in the mines, MSHA inspectors should increase their sampling to cover multiple shifts each quarter. As new sampling technology that may help reduce the ability to manipulate dust samples is under development, the rule should specify that all operators should be required to conduct sampling, at minimum, every quarter using the best available sampling system or technology.

The final rule should also protect miners during all phases of mining. A significant amount of the silica exposure in mines happens when miners are cutting a slope or shaft through many feet of rock in order to access an underlying coal seam. This aspect of the mining process produces some of the highest levels of respirable silica dust. Historically, miners working these operations have not been routinely sampled. The proposed rule must ensure that sampling is occurring when these types of operations are underway. The mine operator should notify MSHA of these

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activities and subsequently be required to sample while the activity is ongoing.

Further, the proposed rule lacks clarity as to when monetary fines will be levied against non-compliant companies. Unlike the 2014 coal mine dust rule, there are no specified thresholds or criteria for the issuance of citations or other enforcement measures. The final rule should impose fines against any mine with a single dust sample containing a silica concentration greater than 50 micrograms per cubic meter, and such fines should be high enough to compel diligent compliance with this limit.

Finally, I oppose the proposal to allow coal companies to “temporarily” rely on respirators worn by miners at any point in the mining process. If a mining environment does not comply with the 50 microgram limit, that operation should be shut down until better engineering and design can be implemented in order to comply with that limit.

Under federal law, MSHA has the responsibility to protect miners from black lung disease. Lowering the Permissible Exposure Limit for silica dust is a step in the right direction, but more must be done to ensure compliance with this rule.

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## **Attachments**

AppVoices silica petition signatures