



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

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

The National Stone, Sand & Gravel Association (NSSGA) is submitting the attached letter report from Dr. Kenneth Mundt as part of our comments in response to the MSHA docket referenced above.

The report responds to MSHA Question 1, and specifically addresses MSHA’s statement that it “made a preliminary determination that miners’ exposure to respirable crystalline silica presents a risk of material health impairment due to the risk of developing silicosis, NMRD, lung cancer, and renal disease, based on its extensive review of the health effects literature.” The first part of the report assesses MSHA’s “extensive review” of the health effects literature from the perspective of a “systematic review” as defined in Lynch et al. (2022)¹. The report highlights the need for literature reviews to be done pursuant to a “systematic review”, i.e., a review method that seeks to eliminate bias by adhering to a priori protocol that is transparent, among other things. The second part of the report applies the concept of “systematic review” to specific statements made by MSHA concerning its review of the health effects literature. The final section of the report provides examples of health effects literature concerning silicosis and lung cancer not considered by MSHA that are relevant to the issues and that should have been considered by MSHA in its evaluation of health effects.

The Mundt report concludes that **“the [MSHA] review, as presented, cannot be replicated or fully evaluated for its scientific validity and therefore it is unclear whether any of its interpretations of the literature and the conclusions and inferences are sufficiently reliable as a basis for rules, policies or other decision-making purposes”** and provides recommendations to MSHA to remedy its problem.

¹ Lynch, H.N., K.A. Mundt, D. Pallapies, and P.F. Ricci. 2022a. Lost in the woods: Finding our way back to the scientific method in systematic review. *Global Epidemiology*. 4:100093.
<https://www.sciencedirect.com/science/article/pii/S2590113322000232>



The NSSGA appreciates MSHA's consideration of this information as it moves forward with the proposed silica standard, and we look forward to continuing to work with MSHA on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Johnson', with a stylized flourish at the end.

Michael W. Johnson
President & CEO
National Stone, Sand & Gravel Association

Attachments:
Mundt report
Lynch article

