

August 2, 2023

Ms. S. Aromie Noe
Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
201 12th St S
Suite 401
Arlington, VA 22202-5450

Dear Ms. Noe,

We write to oppose an extension of the comment period for the draft rule *Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection*. The impacted industries and stakeholders have known for years that this rule would be released and have had more than enough time to prepare for its release – and the scientific data illustrates that the longer enactment of stronger silica standards is delayed, the more miners will become sick and die.¹

A notice of proposed rulemaking was first issued for revising the limits for respirable coal dust in the Spring of 2000 – more than 23 years ago. Since that time, multiple presidential administrations have issued requests for information and notices of proposed rulemaking. The Biden administration first issued a notice of proposed rulemaking in the Spring of 2021, with a targeted deadline of releasing the rule in January 2022. The draft rule was sent to the Office of Management and Budget in January 2023, giving stakeholders notice that the rule would be issued imminently and thus sufficient time to prepare adequate comments to the proposed rule.

The decades-long delay of this rule has needlessly prolonged the resurgence of black lung disease in coal mining communities. Swift finalization of a strong silica rule is critically needed to prevent more cases of cancer, silicosis, and black lung disease.

Experts have been warning of the dangers of silica since the 1970s, urging Congress and the Department of Labor to take action to protect coal miners and reduce the permissible exposure limit for silica.² Researchers from the National Institute for Occupational Safety & Health have stated, “We can think of no other industry or workplace in the United States in which this would be considered acceptable.”³ In Central Appalachia, 1 in 5 tenured miners has black lung disease and 1 in 20 have Progressive Massive Fibrosis – the most severe form of the disease.

The black lung epidemic and its neglect is one of numerous environmental injustices faced by the Appalachian region and other coal mining communities. The longer the administration waits the more miners will suffer and die. Mining families have waited far too long.

¹ Doney BC, Blackley D, Hale JM, Halldin C, Kurth L, Syamlal G, Laney AS. Respirable coal mine dust in underground mines, United States, 1982-2017. *Am J Ind Med*. 2019;62(6):478-485. doi:10.1002/ajim.22974

² NIOSH first recommended to the Department of Labor (DOL) that it should slash the Permissible Exposure Limit (PEL) for silica from 100 µg/m³ to 50 µg/m³. 29 in 1974. National Institute For Occupational Safety & Health, HEW PUB. NO. (NIOSH) 75-120, CRITERIA FOR A RECOMMENDED STANDARD: OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA 19 (1974).

³ American Journal of Public Health, 2018. “Continued Increase in the Presence of Coal Workers’ Pneumoconiosis in the United States, 1970 - 2017.” Blackley et al, AJPH, September 2018

Please reject calls to extend the comment deadline and move swiftly to enact and enforce strong silica regulations.

Sincerely,

Quenton King
Federal Legislative Specialist
Appalachian Voices

Rebecca Shelton
Director of Policy
Appalachian Citizens' Law Center

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Nick Hood
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Gary Zuckett
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Jeffrey S. Allen
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Brandi Reece
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Angie Rosser
Executive Director
West Virginia Rivers Coalition