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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

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Comment from Merendino, Caleb

Submitter Information

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General Comment

Honorable officials,

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. MSHA shouldn't rely primarily on operator sampling. It is widely accepted among the mining community that this data can be easily manipulated or falsified. To accurately monitor silica levels in the mines, MSHA inspectors themselves must conduct sampling at least quarterly, with inspections lasting entire shifts over multiple days, and occurring without advance notice provided to the mine operators.

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 these kinds of positions are closely monitored.

Further, the proposed rule lacks clarity as to when monetary fines will be levied against non-compliant companies. The final rule should impose fines against any mine with 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.

Respectfully,

Caleb Merendino