

**PAUL KRIVOKUCA**  
***Vice-President Health and Safety***

July 20, 2023

S. Aromie Noe  
Director  
Office of Standards, Regulations, and Variances, MSHA  
201 12<sup>th</sup> Street South  
Suite 4E401  
Arlington Virginia 22202-5450  
Cc: Mine Safety and Health Administration Assistant Secretary Williamson

**RE: Request for an Extension of the Comment Period for Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection (RIN 1219-AB36)**

Dear Ms. Noe:

The National Mining Association (NMA) respectfully requests a 60-day extension of the comment period for the Department of Labor's Mine Safety and Health Administration (MSHA) proposed reduction to the existing respirable crystalline silica permissible exposure limit. 88 Fed. Reg. 44,852. (July 13, 2023). Given the complexity of the proposed, the number of issues MSHA requests comments on and the potential significant impact on the mining industry, the current comment period, set to close on Aug. 28, is simply insufficient to allow meaningful comment.

A 60-day extension of the comment period will allow the association and its members to prepare responsive and adequate comments. The impacted companies need appropriate time to review the forty-three questions of significance posed by MSHA that require extensive research to properly evaluate for submitting adequate responses. Furthermore, the MSHA request does not account for additional questions that may be formulated by our members after their review of the rule especially related to technical feasibility, availability of sampling equipment, and new sampling and surveillance requirements. The requested comment period extension will also allow the industry to address issues raised in the upcoming public hearings

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scheduled for Aug. 3, Aug. 10, and Aug. 21, which would not be feasible if the comment period closes on Aug. 28.

In summary, the issues raised in the proposed rule are very complex and require sufficient time to thoroughly analyze the proposal and all the information MSHA relied on in crafting it. The current comment period is simply insufficient to provide meaningful comments to better inform MSHA's regulatory process. We appreciate your consideration of our extension request. If you have any questions, please feel free to contact me at [pkrivokuca@nma.org](mailto:pkrivokuca@nma.org) or (202)463-2623.

Sincerely,

*Paul Krivokuca*

Paul Krivokuca  
Vice President, Health and Safety