



July 20, 2023

Mine Safety and Health Administration
Office of Standards, Regulations, and Variances
201 12th Street South
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Arlington, Virginia 22202-5452

(Submitted electronically at <http://www.regulations.gov> and by e-mail)

RE: Proposed Rule, Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection (RIN 1219-AB36, Docket Id. No. MSHA-2023-0001)

REQUEST FOR EXTENSION OF COMMENT PERIOD

The National Lime Association (NLA) requests an extension of an additional 60 days of the comment period for the referenced proposed rule (from August 28, 2023, to October 27, 2023). NLA's reasons for this extension request are below.

NLA is the trade association for manufacturers of high calcium quicklime, dolomitic quicklime, and hydrated lime, collectively referred to as "lime." Lime is a chemical without substitute, providing cost-effective solutions to many of society's environmental problems. Lime is produced by calcining limestone, and thus most lime manufacturers also quarry limestone, with mining operations under the jurisdiction of MSHA. All of NLA's lime manufacturing members, including those that are small businesses, will potentially be affected by the proposed rule.

NLA understands that several other mining trade associations are filing similar requests for extension, citing important considerations such as (1) the brevity of a 45-day comment period in view of the length and complexity of the proposed rule; (2) the difficulty of marshalling effective comments in a short period during the latter half of the summer when obtaining expert assistance can be particularly difficult; and (3) the particular challenge for mine operators that are small businesses to develop and submit helpful information on short notice. NLA agrees with and joins in all of these concerns but will not repeat them here in detail. However, NLA would like to make several additional points:

1. In addition to the proposed revision of the silica PEL and accompanying requirements, MSHA also proposes to incorporate by reference "Standard Practice for Respiratory Protection" (ASTM F3387-19), an updated respiratory protection standard for respirable crystalline silica and all other regulated airborne contaminants. This change was not suggested in MSHA's 2019 Request for Information on silica (84 Fed. Reg. 45452 (Aug.

AB36-Comm-5-1

29, 2019))), so it is new to the regulated community. This standard would apply to all respirator use at mines, far beyond use for silica exposure. As such, it imposes substantial new requirements, and will need careful review and analysis before comments can be submitted. It will be impossible to prepare comprehensive comments on this change in 45 days.

2. NLA notes that the comment period for OSHA's similar proposed silica rule (78 Fed. Reg. 56274 (Sept. 12, 2013)) was initially set to be for 90 days, and it was subsequently extended twice, with a total of 152 days. MSHA should set a similarly extended comment period—the total period requested by NLA would be 105 days.
3. NLA does not believe that an extension of 60 days will create substantial risk of harm to miners, given MSHA's current robust silica enforcement initiative. NLA also believes that providing adequate time for comments will create better and more comprehensive information, allowing MSHA to craft a more effective final rule, ultimately leading to better protection for miners.

Accordingly, NLA respectfully requests that the comment period for the proposed rule be extended by an additional 60 days.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Hunter L. Prillaman', with a stylized, sweeping flourish at the end.

Hunter L. Prillaman
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