



Black lung is a devastating, incurable disease caused by inhalation of coal and silica dust. The Biden administration has proposed a new rule to protect coal miners from the high levels of respirable silica that are causing the recent rise in black lung cases.

The main reason for this recent resurgence is that coal miners are being exposed to more silica dust as they dig through more rock in order to access ever-thinner coal seams. It's been known for decades that silica dust is especially harmful for miners, but current regulations allow coal miners to be exposed to it at twice the rate of workers in other occupations.

The Department of Labor finally released a draft rule that would update the silica exposure limit for miners. Miners and advocates support this change, but have serious concerns with other aspects of the proposal. For example, there should be stronger, more frequent dust sampling requirements to make sure coal companies are following the rule and protecting miners' health. And there should be clear penalties and fines when an operator doesn't follow the rule. The agency is accepting comments until September 11.

Tell the Department of Labor to protect coal miners from silica dust.

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To: Christopher Williamson, Assistant Secretary, Mine Safety and Health Administration
From: [Your Name]

Christopher Williamson
 Assistant Secretary

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OAS - As William
CC OASRV

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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. Though MSHA inspectors will still sample for silica every quarter, the rule proposes an increased reliance on operator sampling. It is widely accepted among the mining community that the sampling technology that the rule proposes that operators will use can be easily manipulated or falsified. To accurately monitor silica levels in the mines, MSHA inspectors should increase their sampling to cover multiple shifts each quarter. As new sampling technology that may help reduce the ability to manipulate dust samples is under development, the rule should specify that all operators should be required to conduct sampling, at minimum, every quarter using the best available sampling system or technology.

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 sampling is occurring when these types of operations are underway. The mine operator should notify MSHA of these activities and subsequently be required to sample while the activity is ongoing.

Further, the proposed rule lacks clarity as to when monetary fines will be levied against non-compliant companies. Unlike the 2014 coal mine dust rule, there are no specified thresholds or criteria for the issuance of citations or other enforcement measures. The final rule should impose fines against any mine with a single dust sample containing 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.

SIGN THIS PETITION

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Comments

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