June 27, 2002

Mr. Marvin Nichols  
Director, Office of Standards, Regulations and Variances  
Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209-3939

RE: Asbestos ANPRM

Dear Mr. Nichols:

The National Stone, Sand and Gravel Association (NSSGA) appreciated the opportunity to provide testimony to the Mine Safety and Health Administration regarding its ANPRM for asbestos. We trust that our testimony will assist the agency in drafting its proposed rule. In addition to the testimony and documents provided to MSHA during the June 20th public hearing in Charlottesville, Virginia, we are submitting the attached list of documents as supplemental information supporting the testimony that was given.

NSSGA's primary emphasis during its testimony was the need for MSHA to adopt a correct mineralogical definition of asbestos and a appropriate analytical approach for analyzing air and bulk samples collected from mines. The air sampling analytical method needs to incorporate a PCM screening step that is inclusive of asbestiform mineral particles and as exclusive as possible of non-asbestiform particles. We firmly believe that Drs. Ann Wylie, Eric Chatfield and Richard Lee's testimony provide the science and support for this approach. If MSHA desires to test the methodology advocated, we suggest that MSHA contract the work with NIST. NIST is the certification entity for the National Voluntary Laboratory Accreditation Program (NVLAP), and this organization is very familiar with the complexities of dealing with naturally occurring asbestos versus other research organizations that have primarily focused on commercial asbestos issues and exposures.

We are hopeful that MSHA will provide the clarity that has been missing in this important area of occupational and public health, and that its proposal will reflect the science that necessitates a change in the misuse of the simplistic federal fiber counting criteria as an asbestos definition.

Enclosures
1. NSSGA testimony during 1990 OSHA hearings
2. NSSGA post-hearing brief of OSHA hearings
3. Pictorial Mineralogical Exhibit "The Asbestiform and Nonasbestiform Mineral Growth Habit and Their Relationship to Cancer Studies"
4. Epidemiological Studies of Mining Populations Exposed to Non-asbestiform Amphiboles, January 22, 1988, W. Clark Cooper, M.D.
7. Testimony and Supporting Documents of Dr. Richard J. Lee, 1990 OSHA Hearings
11. A Definition for Asbestos, Malcolm Ross, et. al.
15. An Analysis of the Aspect Ratio Criterion for Asbestos Fiber Counting, Ann Wylie
19. Review and Comments on the Evidence for Human Health Effects from Exposure to Non-asbestiform Tremolite, Actinolite, and Anthophyllite and the Regulation of Occupational Exposures, July 11, 1988, Brian Boehlecke, M.D.
28. Testimony of the National Aggregates Association/National Ready Mixed Concrete Association, April 6, 1990, OSHA Hearings
29. Testimony of the Institute of Occupational Medicine, John Addison, April 9, 1990, OSHA Hearings.
30. Nonasbestiform Amphibole Cleavage Fragments - Carcinogens or Not? Abstract, American Mining Congress and National Stone Association
38. Testimony to MSHA's Asbestos Hearing Panel from the NSSGA, June 20, 2002, Charlottesville, VA.
43. The Sizes, Shapes, and Mineralogy of Asbestos Structures that Induce Lung Tumors or Mesothelioma in AF/HAN Rats Following Inhalation, D. Wayne Berman, Kenny S. Crump, Eric J. Chatfield, John M.G. Davis, and Alan D. Jones, 1995.
44. The Habit of Asbestiform Amphiboles: Implications For The Analysis Of Bulk Samples, Ann G. Wylie.
50. Regulations (Preambles to Final Rules) IV. Mineralogical Considerations, from OSHA's website, 6/25/02.