



# News Release

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## **MSHA issues final rule on lowering miners' exposure to respirable coal dust** *Rule continues efforts to end black lung disease among coal miners*

**ARLINGTON, Va.** – The U.S. Department of Labor's Mine Safety and Health Administration today announced the release of a final rule to lower miners' exposure to respirable coal mine dust in all underground and surface coal mines. The final rule continues the department's efforts through its [End Black Lung – Act Now!](#) initiative to end black lung disease, a debilitating illness that continues to affect coal miners and their families. The final rule was announced during an event at the National Institute for Occupational Safety and Health facility in Morgantown, W.Va.

Prolonged exposure to respirable coal mine dust causes lung diseases, such as coal workers' pneumoconiosis, emphysema and progressive massive fibrosis. These diseases, collectively referred to as black lung, can lead to permanent disability and death. According to NIOSH estimates, more than 76,000 miners have died since 1968 as the result of the disease, and more than \$45 billion in federal compensation benefits have been paid out to coal miners disabled by black lung and their survivors. Evidence indicates that miners, including young miners, are continually being diagnosed with the disease.

“Today we advance a very basic principle: you shouldn't have to sacrifice your life for your livelihood. But that's been the fate of more than 76,000 miners who have died at least in part because of black lung since 1968,” said U.S. Secretary of Labor Thomas E. Perez. “I believe we can have both healthy miners and a thriving coal industry. The nation made a promise to American miners when we passed the Coal Act in 1969 – with today's rule we're making good on that promise.”

“This final rule fulfills a longstanding commitment that I made on my first day with MSHA, and one to which I have been dedicated most of my working life,” said Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main. “We are finally moving forward to overhaul an outdated program that has failed to adequately protect miners from breathing unhealthy levels of coal mine dust and achieving the intent of Congress to eliminate black lung disease.”

On Oct. 19, 2010, MSHA published a proposed rule; subsequently held seven public hearings in locations accessible to the coal mining public; extended the comment period three times and received approximately 2,000 pages of comments from industry, labor, public health professionals, academia and others.

“In developing the final rule, we carefully considered public comments and applied a strategic approach; it is the product of years of MSHA's efforts to improve health protections for coal miners,” added Main.

The final rule:

- lowers levels of miners' exposure to respirable coal mine dust and further reduces dust exposure by closing loopholes and improving sampling practices to better reflect actual working conditions and protect all miners from overexposures;
- increases sampling and makes use of cutting-edge technology developed for the mining environment to provide real-time information about dust levels, allowing miners and operators to identify problems and make necessary adjustments instead of letting overexposures languish; also requires immediate corrective action when a sample finds an excessive concentration of dust; and

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- has a common-sense phase-in over a two-year period to give the industry the time it needs to adjust to the new requirements, acquire monitoring equipment and obtain compliance assistance from MSHA.

More specifically, the rule:

- reduces the overall dust standard from 2.0 to 1.5 milligrams per cubic meter of air and cuts in half the standard from 1.0 to 0.5 for certain mine entries and miners with pneumoconiosis;
- requires immediate action when dust levels are high instead of allowing days or weeks of miners' exposure to unhealthy dust;
- requires more frequent sampling of areas known to have relatively high dust levels, such as those closest to the production area;
- changes the method of averaging dust samples, which previously allowed miners on some shifts to be exposed to levels above the standard;
- requires sampling for the full shift a miner works to ensure protection for all working hours, rather than stopping measurement after 8 hours, as under the previous requirement;
- requires that, for MSHA-collected samples, MSHA will issue a citation for any single, full-shift sample at or exceeding the citation level;
- requires dust samples to be taken when mines are operating at 80 percent of production, as opposed to the previous 50 percent requirement, so that samples are more representative of actual working conditions;
- requires mine operators to conduct thorough on-shift examinations of dust controls and verify controls with written certification; and
- improves medical surveillance of miners.

As part of MSHA's outreach efforts, the agency will convene a stakeholder meeting at MSHA Headquarters in Arlington, Va., on Thursday, April 24. During this session, MSHA will highlight the major provisions of the rule, its new requirements and effective dates. MSHA also will hold field seminars in coal mining regions to provide a comprehensive review of the new requirements of 30 Code of Federal Regulations Parts 70, 71, 72, 75 and 90 to underground and surface coal operators. A complete schedule of field seminars and a copy of the final rule is available on MSHA's website at <http://www.msha.gov/endblacklung/>.

Training will be provided to MSHA coal mine safety and health enforcement personnel within five weeks of the promulgation of the final rule. All training materials will be available on MSHA's website at <http://www.msha.gov/>.

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