

United States Senate

June 22, 2023

Ms. Shalanda Young
Director
Office of Management and Budget
1650 Pennsylvania Avenue, NW
Washington, DC 20503

Dear Director Young,

We are writing to formally request additional information on the forthcoming Mine Safety and Health Administration (MSHA) proposed rule to establish an updated respirable crystalline silica standard (silica standard), which has been under review in your office since January. We emphasize the urgency of this matter as the rule plays a vital role in safeguarding miners from cancers, silicosis, and black lung disease. Therefore, we kindly request an update on the current status of the interagency review of MSHA's proposed rule.

As you know, the extraction, refining, and transportation of coal generates a significant amount of coal dust that contains silica, which is classified as a carcinogen and is substantially more harmful than coal dust itself. Excessive exposure to silica has been linked to several debilitating and incurable diseases such as black lung, silicosis, and the most advanced and deadly form of black lung, progressive massive fibrosis (PMF), all of which are entirely preventable. Once inhaled and trapped in lung tissues, silica dust triggers scarring and inflammation, leading to the development of silicosis—an incurable and progressive disease characterized by a decrease in lung capacity to absorb oxygen. Silica is also linked to various other serious health conditions, including lung cancer, Chronic Obstructive Pulmonary Disease (COPD), chronic kidney disease, and several autoimmune diseases.

Regrettably, the prevalence of PMF is on the rise among miners in the United States. Despite decades of research and technological advancements in the mining industry, the incidence of PMF has increased since the 1990s, surpassing even the rates reported in the 1970s. One possible explanation for this resurgence is that miners are now exposed to a more potent mixture of mine dust. As coal companies have exhausted larger coal seams, they have turned to mining thinner seams that are surrounded by a greater amount of rock. This rock contains silica, and when it is cut, the resulting silica dust becomes approximately 20 times more hazardous than coal dust. Consequently, it leads to a faster progression of lung disease.

In 2020, the Office of the Inspector General (OIG) provided recommendations to the Mine Safety and Health Administration (MSHA) to enhance the protection of coal miners against exposure to respirable silica. The foremost recommendation was to lower the permissible exposure limit. The accompanying report highlighted that the number of coal miners diagnosed with black lung disease between 2010 and 2014 was more than three times higher than the period from 1995 to 1999, with evidence suggesting a link to exposure to respirable silica. Without intervention, this trend of increasing black lung disease diagnoses is projected to worsen, and

recent data from the National Institute of Occupational Safety and Health (NIOSH) reveals that the prevalence of black lung disease in the Appalachian coal fields is more severe than previously understood, affecting a greater number of young coal miners than ever before.

In November of 2022, we wrote to MSHA Assistant Secretary Chris Williamson to express our concern in the length of time it has taken on any correspondence related to the new proposed silica standard. In December, we were informed that the rule had been sent to the Office of Management and Budget (OMB), and it has been six months since we have had any constructive update on the rule. While we understand that the federal rulemaking process is complex and can be time consuming, the critical importance of an updated silica standard is essential to the health and safety of our nation's coal miners. That is why we formally request a timely and detailed response to the following questions by July 7, 2023.

1. What is the current status of a new silica standard in the interagency review process?
2. What, if any, barriers exist to releasing this rule in a timely proposal?
3. What is your current anticipated timeline for the promulgation of a new silica standard?

For generations, our brave coal miners have risked their lives and health to power our nation to greatness. We have an obligation as a country to protect their health and welfare with commonsense rules and regulations, and we look forward to working with you to do just that.

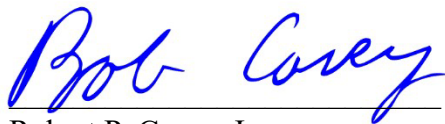
Sincerely,



Joe Manchin III
United States Senator



Sherrod Brown
United States Senator



Robert P. Casey, Jr.
United States Senator



Tim Kaine
United States Senator



Mark R. Warner
United States Senator



John Fetterman
United States Senator