

United States Senate  
WASHINGTON, DC 20510

November 20, 2020

Mr. David G. Zatezalo, Assistant Secretary  
Mine Safety & Health Administration  
Room 5C330  
201 12<sup>th</sup> Street South  
Arlington, VA 22202-5452

Dear Mr. Zatezalo,

We urge you to take immediate action on the recommendations included in the recently published U.S. Department of Labor, Office of Inspector General (OIG) audit report on the inadequate measures being taken by the Mine Safety & Health Administration (MSHA) to protect coal miners from exposure to crystalline silica.<sup>1</sup> Our nation's coal miners have done their jobs, working tirelessly to help win wars, power the nation, and keep the lights on. It's time for MSHA to do its job and update its regulations to ensure our coal miners have a safe working environment.

The OIG report found that MSHA needs to update its regulations to: 1) lower the legal exposure limit for silica, 2) improve the ability of the agency to issue citations and fines for excess exposure to silica, and 3) increase sampling protocols which it found to be too infrequent to protect miners adequately. These findings are extremely troubling--especially now as our nation continues to grapple with the ongoing coronavirus pandemic and your agency has repeatedly refused to issue emergency standards for these essential workers.

As stated in the audit report, the extraction, refining, and transport of coal produces large quantities of coal dust, of which silica is a component. Although coal dust alone can adversely affect miners' health, silica is classified as a carcinogen and is significantly more harmful. Excess silica exposure has been linked to debilitating lung diseases such as coal workers' pneumoconiosis (most commonly known as black lung disease), silicosis and the most advanced and deadly form of black lung, progressive massive fibrosis (PMF).

This audit report further illustrates the need for urgent action and it illuminates concerns that have been raised relating to the health risks caused by exposure to silica dust for decades. Research from the National Institute of Occupational Safety & Health (NIOSH) has indicated that the prevalence of black lung in the Appalachian coal fields is worse than previously thought,

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<sup>1</sup> U.S. Department of Labor, Office of Inspector General, 2020: *MSHA Needs To Improve Efforts To Protect Coal Miners From Respirable Crystalline Silica*. Report Number: 05-21-001-06-001. Retrieved from <https://www.oig.dol.gov/public/reports/oa/2021/05-21-001-06-001.pdf>

and the black lung clinics are reporting that younger coal miners are being diagnosed with the disease at increasing rates.<sup>2</sup> The time to tackle this issue is long overdue.

Therefore, because we are committed to MSHA's mission to prevent death, illness, and injury from mining and promoting safe and healthful workplaces for U.S. miners, we are asking that you take immediate action to implement the recommendations contained in the OIG report. We further ask that you provide us with a thorough description of the measures currently being conducted by the agency to ensure that our brave and patriotic coal miners are shielded from excess exposure to silica dust on the job site. We look forward to receiving your detailed response.

Sincerely,



Joe Manchin III  
United States Senator



Sherrod Brown  
United States Senator

/s/ Robert P. Casey, Jr.

Robert P. Casey, Jr.  
United States Senator



Tim Kaine  
United States Senator



Mark R. Warner  
United States Senator

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<sup>2</sup> David J. Blackley et al., *Continued Increase in Prevalence of Coal Workers' Pneumoconiosis in the United States, 1970-2017*, 108 Am. J. of Pub. Health 1220, 1221 (2018). <https://www.cdc.gov/niosh/updates/upd-07-20-18.html>