

# United States Senate

WASHINGTON, DC 20510

December 22, 2017

The Honorable Alexander Acosta  
United States Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

## **Re: Regulatory Reform of Existing Standards and Regulations: Retrospective Study of Respirable Coal Mine Dust Rule**

Dear Secretary Acosta,

On December 14, 2017, the Office of Information and Regulatory Affairs (OIRA) published its fall Unified Agenda and Regulatory Plan, a semiannual list of federal regulatory and deregulatory actions. We write to express our concerns regarding the decision to list several rules under the purview of the Mine Safety Health Administration (MSHA) for re-examination in the Unified Agenda. These rules are meant to protect the health and safety of our nation's coal miners.

The Trump Administration has made clear its commitment to reducing regulatory burdens. We agree that unnecessary, outdated, or duplicative regulations should be examined for elimination or modification. However, we believe that worker safety is of the utmost importance and we unequivocally oppose rolling back the Respirable Dust Rule ("the rule") which is meant to protect the safety, health, and – in effect – the livelihood of our coal miners.

In particular, the rule, which took effect in 2014, was promulgated by MSHA in an effort to reduce occupational lung diseases - namely coal workers pneumoconiosis (CWP), commonly known as "black lung disease". Black lung disease is a common but preventable disease that has plagued coal miners in Appalachia for decades. The impacts of black lung disease are debilitating and, in the most serious cases, fatal.

In 2010, the Secretary of Labor, acting under the authority of the Federal Mine Safety Health Act of 1977, proposed the rule. The rule lowers the acceptable threshold for concentrations of respirable coal mine dust with the goal of making the air that miners breathe in coal mines less toxic. The final rule decreased the dust limits from 2.0 milligrams per cubic meter to an improved level of 1.5 milligrams per cubic meter.

Unfortunately, recent research, most notably a report from the National Institute of Occupational Safety and Health (NIOSH), has indicated the prevalence of black lung in Appalachian coalfields is worse than previously thought. Furthermore, black lung clinics in Appalachia report that younger coal miners are being diagnosed with the disease at increasing rates.

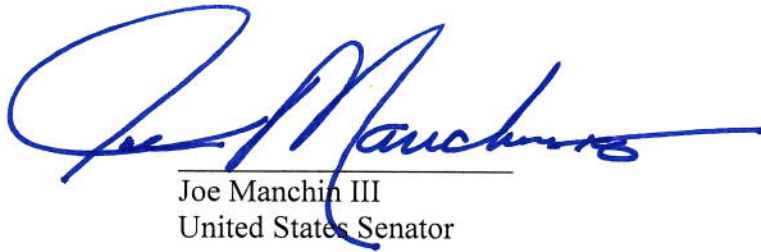
Given this increase in black lung disease and the devastating impact that this disease has on coal miners and their families, we believe that it is critical that we maintain this rule. Claims that the Respirable Dust Rule is unnecessary, imposes a costly burden, or provides little to no benefit to

society ignore the fact that it can take up to a decade or longer for simple black lung disease to develop.


We are also keenly aware that the rate of black lung disease fell after Congress passed the Coal Act of 1969 and that comprehensive evidence that this rule has been effective will not be fully available until 2026 at the earliest. We should not abandon our coal miners three short years after the rule went into effect.

In short, we believe in worker safety first and foremost. MSHA's mission is a critical one for the safety and health of our nation's miners and the Respirable Dust Rule is vital to ensuring that MSHA succeeds in that mission. We urge you to retain the Respirable Dust Rule and prevent the unnecessary erosion of vital mine safety and health standards.

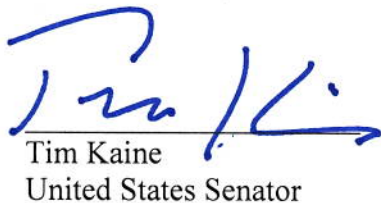
Sincerely,



Joe Manchin III  
United States Senator



Sherrod Brown  
United States Senator



Tim Kaine  
United States Senator



Mark Warner  
United States Senator



Bob Casey  
United States Senator