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**DOL/MSHA**

**RIN:** 1219-AB64

**Publication ID:** Fall 2009

**Title:** Occupational Exposure to Coal Mine Dust (Lowering Exposure)

**Abstract:** The Federal Coal Mine Health and Safety Act of 1969 established the first comprehensive respirable dust standards for coal mines. These standards were designed to reduce the incidence of coal workers' pneumoconiosis (black lung) and silicosis and eventually eliminate the diseases. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners continue to be at risk of developing occupational lung disease, according to the National Institute for Occupational Safety and Health (NIOSH). In September 1995, NIOSH issued a Criteria Document in which it recommended that the respirable coal mine dust permissible exposure limit (PEL) be cut half. In February 1996, the Secretary of Labor convened a Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Advisory Committee) to assess the adequacy of MSHA's current program and standards to control respirable dust in underground and surface coal mines, as well as other ways to eliminate black lung and silicosis among coal miners. The Committee represented the labor, industry and academic communities. The Committee submitted its report to the Secretary of Labor in November 1996, with the majority of the recommendations unanimously supported by the Committee members. The Committee recommended a number of actions to reduce miners' exposure to respirable coal mine dust. MSHA will publish a proposed rule to address miners' exposure to respirable coal mine dust.

**Agency:** Department of Labor(DOL)

**Priority:** Other Significant

**RIN Status:** Previously published in the Unified Agenda

**Agenda Stage of Rulemaking:** Proposed Rule Stage

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

**Legal Authority:** [30 USC 811](#); [30 USC 812](#)

**Legal Deadline:** None

**Statement of Need:** Comprehensive respirable dust standards for coal mines were designed to reduce the incidence, and eventually eliminate, CWP and silicosis. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners remain at risk of developing occupational lung disease, according to NIOSH. Recent NIOSH data indicates increased prevalence of CWP "clusters" in several geographical areas, particularly in the Southern Appalachian Region.

**Summary of the Legal Basis:** Promulgation of this regulation is authorized by the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006.

**Alternatives:** MSHA is considering amendments, revisions, and additions to existing standards.

**Anticipated Costs and Benefits:** MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

**Risks:** Respirable coal dust is one of the most serious occupational hazards in the mining industry. Occupational exposure to excessive levels of respirable coal mine dust can cause workers' pneumoconiosis and silicosis, which are potentially disabling and can cause death. MSHA is pursuing both regulatory and nonregulatory actions to eliminate these diseases through the control of coal mine respirable dust levels in mines and reduction of miners' exposure. MSHA will develop a risk assessment to accompany the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2010	

**Additional Information:** 1219-AB14 (Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust) and 1219-AB18 (Determination of Concentration of Respirable Coal Mine Dust) have been integrated.

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Small Entities Affected:** Businesses

**Federalism:** No

**Included in the Regulatory Plan:** Yes

**RIN Data Printed in the FR:** No

**Related RINs:** Related to 1219-AA81, Related to 1219-AB14, Related to 1219-AB18

**Agency Contact:**