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MSHA / OSRV

COMMENTS OF THE NATIONAL LIME ASSOCIATION
ON
MINE SAFETY AND HEALTH ADMINISTRATION PROPOSED RULE,
DIESEL PARTICULATE MATTER EXPOSURE OF UNDERGROUND
METAL AND NONMETAL MINES, SEPTEMBER 7, 2005,
70 Fed. Reg. 53280

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AB29-COMM-3

INTRODUCTION

The National Lime Association (NLA) appreciates the opportunity to provide comments on MSHA's September 7, 2005, proposed rule entitled "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Mines." NLA is the trade association for manufacturers of high calcium quicklime, dolomitic quicklime, and hydrated lime, collectively referred to as "lime." Lime is produced by calcining limestone, and thus most lime manufacturers also mine limestone, with mining operations under the jurisdiction of MSHA. Several NLA members operate underground mines that would be affected under the contemplated rule.

GENERAL COMMENTS

NLA and its members remain very concerned that both the interim and final PELs are not based on adequate scientific research, and that compliance with them will be technologically infeasible for many underground mines. NLA fully agrees with comments filed by other underground metal/nonmetal interests, such as the MARG Diesel Coalition, and thus will not duplicate the comments filed by others. Nevertheless, NLA wishes to emphasize the following points:

1. A comprehensive study of diesel particulate matter in underground mines is currently being performed by the National Institute for Occupational Safety and Health (NIOSH). This study will provide key information on whether diesel particulates cause health problems in underground mine workers, and at what levels. NLA continues to believe that MSHA should stay any PEL requirement until the completion of the study. As other commenters have indicated, the scientific data currently available do not support the interim and final PELs.
2. Neither the interim nor the final PEL is feasible for many underground mines, especially if administrative controls and personal protective equipment are not allowed. For many mines, the engineering controls that would be required, especially to meet the final PEL, would be so costly that they could result in the closing of the mine. NLA agrees with other commenters that the PELs should be stayed until full and accurate feasibility data can be developed.
3. The amended schedule for compliance is an improvement over the previous rule, because it gives affected mines more time to make costly and difficult changes to their operations. However, the new schedule does not correct basic flaws in the rule, including scientific justification and feasibility. In addition, the proposed rule leaves unresolved the issue of appropriate carbon measurements (total vs. elemental). This important question should be resolved before any further reductions in the PEL.

Again, NLA appreciates the opportunity to comment on this important rulemaking.