
From: Hunter Prillaman[hprillaman@lime.org]
Sent: Monday, November 25, 2002 11:50 AM
To: comments@msha.gov
Subject: Comments of National Lime Association on Diesel Particulate ANPRM



NLA Comments on
2002 ANPRM for...

Attached please find the comments of the National Lime Association on MSHA's September 25, 2002, advance notice of proposed rulemaking entitled, Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners, @ 67 Fed. Reg. 60199. Please let me know if you have any difficulty opening the document, which is in Microsoft Word format. Thank you for your assistance.

Hunter Prillaman
National Lime Association

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COMMENTS OF THE NATIONAL LIME ASSOCIATION
ON
MINE SAFETY AND HEALTH ADMINISTRATION ADVANCE NOTICE
OF PROPOSED RULEMAKING, "DIESEL PARTICULATE MATTER
EXPOSURE OF UNDERGROUND METAL AND NONMENTAL
MINERS," SEPTEMBER 25, 2002,
67 Fed. Reg. 60199

NOVEMBER 25, 2002

AB29-COMM-9

INTRODUCTION

The National Lime Association (NLA) appreciates the opportunity to provide comments on MSHA's September 25, 2002, advance notice of proposed rulemaking entitled "Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners." 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 are 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 lengthy 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. NLA continues to believe that 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.
4. NLA commends MSHA for working with *MARG* and others, and for negotiating settlements that will improve the rule. NLA urges MSHA to continue to work with industry and labor groups as the rule is further developed.
5. NLA believes that many underground mines will require extensions of time to meet both the interim and final PELs due to technological and other feasibility limitations.

Extensions should be liberally granted and renewed, as long as the mine is making good faith efforts to comply. Because the circumstances will vary significantly from mine to mine, NLA does not believe MSHA should promulgate prescriptive requirements for what will be considered good faith efforts.

6. NLA supports the adoption of MSHA's current hierarchy of controls for diesel particulates. NLA believes there are situations in which administrative controls and personal protective equipment are reasonable and appropriate means for protecting workers from risks from inhalation of diesel particulate matter.
- 7, With respect to other specific technical issues raised in the ANPRM, NLA supports the comments submitted by the MARG Diesel Coalition.

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