

MSHA
Office of Standards, Regulations and Variances
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To Whom It May Concern:

My name is Lloyd Dunford. I have been a coal miner for twenty-four years, all of it in underground coal mines. When I started working in the mines, we did not have the mining technology that we have now, especially the long-wall mining. We did not have the necessary laws to enforce safety conditions and ventilation that was desperately needed. **But, neither did we have the amount of coal and silica dust that our modern technology is churning up now on a daily basis!**

The 1969 Mine Safety and Health Act was instrumental in cleaning up the mines and maintaining safer conditions in the mines. On the other hand, it was in the early 1990's that the cover on the practice of fraudulent dust sampling was removed and the public became aware of something that coal miners had known from the beginning – the sampling was not being administered “properly”.

In 1996, the Federal Advisory Committee was appointed by the Secretary of Labor to develop recommended actions on the elimination of pneumoconiosis among coal miners. Those concerns included MSHA “taking over” the mine operator-controlled compliance dust sampling program, increase the number of shifts on which dust sampling is conducted, operate the dust samplers the full shift, have MSHA verify the dust control plan at the mines to make sure that the plan would control the dust, lower the 2.0 mg/m³ respirable dust levels, increase the sampling of the dust in the areas in the out-by, and require continuous monitoring of the dust levels.

But, these 2003 Proposed Rules not only fail to bring about the above-listed necessary action, tragically, they will reverse many improvements currently in place. The new rule eliminates mine operator compliance sampling; furthermore, compliance sampling will be reduced by as much as 90% with substantial increases in unhealthy respirable dust concentrations by as much as four times the current dust levels. Instead of MSHA verifying the mine operator's dust control plan, the new rule allows the mine operator to verify their own plan -- **we call this letting the fox guard the hen house!** There will not be full shift compliance sampling, and in some mines, the rest of the mines will be sampled only one shift a year. **And, what about the mandatory requirement for continuous dust sampling – it's not in there!**

Clearly, these proposed rules ignore the 1969 and 1977 Mine Act, the 1996 Federal Advisory Committee Report on recommended actions for the elimination of pneumoconiosis among coal miners, NIOSH criteria, and ultimately, the health and long life of coal miners!

Our miners, in their forties and fifties, are dying from complicated black lung, contracted working under the present rules – what will happen to the men working under these proposed rules? **Please reform the dust sampling, but not like this.**

Sincerely,



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