

June 29, 2023

Shalanda D. Young
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

cc:

Jeff Zients, White House Chief of Staff
Christopher Williamson, Assistant Secretary of the Mine Safety and Health Administration
Julie Su, Acting Secretary of Labor

Dear Shalanda Young,

We, the 28 undersigned organizations, write to request that the Office of Management and Budget immediately release the draft rule revising regulations governing respirable crystalline silica dust in order to protect coal miners from black lung disease and other respiratory impairments. This rule has been under review at the Office of Management and Budget since January – 162 days as of today, June 29th, nearly twice as long as the standard 90-day review period. The delay of this rule needlessly prolongs the resurgence of black lung disease in coal mining communities. The immediate release of this rule is critically needed to prevent more cases of cancer, silicosis, and black lung disease.

Black lung disease, also known as coal workers' pneumoconiosis, is an irreversible and progressive disease caused by inhaling coal mine dust. The resurgence in black lung disease is directly attributable to increased exposure to silica. Because the larger coal seams have been mined out, coal companies are mining thinner seams, and miners have to cut through more rock to get to the coal. This rock contains silica, and the resulting dust is 20 times more toxic than coal dust, leading to miners getting black lung disease much faster than ever before.¹

Experts have been warning of the dangers of silica for *decades*, urging Congress and the Department of Labor to take action to protect coal miners, with no meaningful action.² Researchers from the National Institute for Occupational Safety & Health have stated, "We can think of no other industry or workplace in the United States in which this would be considered acceptable."³ In Central Appalachia, 1 in 5 tenured miners has black lung disease and 1 in 20 have Progressive Massive Fibrosis – the most severe form of the disease.

¹ Howard Berkes *et al.*, *An Epidemic Is Killing Thousands of Coal Miners. Regulators Could Have Stopped It*, NPR (Dec. 18, 2018), <https://www.npr.org/2018/12/18/675253856/an-epidemic-is-killing-thousands-of-coal-miners-regulators-could-have-stopped-it>.

² NIOSH first recommended to the Department of Labor (DOL) that it should slash the Permissible Exposure Limit (PEL) for silica from 100 µg/m³ to 50 µg/m³.²⁹ in 1974. National Institute For Occupational Safety & Health, HEW PUB. NO. (NIOSH) 75-120, CRITERIA FOR A RECOMMENDED STANDARD: OCCUPATIONAL EXPOSURE TO CRYSTALLINE SILICA 19 (1974).

³ American Journal of Public Health, 2018. "Continued Increase in the Presence of Coal Workers' Pneumoconiosis in the United States, 1970 - 2017." Blackley et al, AJP, September 2018

The black lung epidemic and its neglect is one of numerous environmental injustices faced by the Appalachian region and other coal mining communities, but it is one that has a clear solution – the Mine Safety and Health Administration must regulate miners' exposure to silica. The longer the administration waits, the more miners will suffer and die. Mining families have waited far too long.

Please release the draft regulations and move swiftly to enact and enforce strong silica regulations.

Sincerely,

National Black Lung Association
United Mine Workers of America
Fayette County, WV Black Lung Association
Kanawha County, WV Black Lung Association
Nicholas County, WV Black Lung Association
SWVA Black Lung Association Chapter 1
SWVA Black Lung Association Chapter 2
Wyoming County, WV Black Lung Association

The Alliance for Appalachia
Appalachian Voices
Appalachian Citizens' Law Center
Appalshop
Breathe Project
Bronx Jews for Climate Action
Center For Coalfield Justice
Christians For The Mountains
Earthworks
Evangelical Environmental Network
Jobs with Justice of East Tennessee
Livelihoods Knowledge Exchange Network (LiKEN)
Mid-Ohio Valley Climate Action
PennFuture
ReImagine Appalachia
Respiratory Health Association
Southern Appalachian Labor School
Statewide Organizing for Community eMpowerment (SOCM)
West Virginia Citizen Action
West Virginia Council of Churches