

United States Senate

WASHINGTON, DC 20510

December 22, 2017

The Honorable Alexander Acosta
Secretary
United States Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210

Re: Retrospective Study of Respirable Coal Mine Dust Rule

Dear Secretary Acosta:

On December 14, 2017 the Mine Safety and Health Administration (MSHA) announced that it will be accepting public comment as part of a review of the agency's Respirable Dust Rule. This announcement was part of the Office of Information and Regulatory Affairs (OIRA) Unified Agenda and Regulatory Plan (Unified Agenda).

The Respirable Dust Rule was implemented in an attempt to protect our nation's miners from coal workers pneumoconiosis (CWP), known as black lung disease, a serious and debilitating disease that can be fatal. I have visited black lung clinics in West Virginia, met with miners and retired miners who suffer from this terrible illness and I am concerned by reports that black lung rates in the Appalachian region are increasing. It is important that MSHA and industry leaders work together to protect the health of our miners and combat black lung disease.

To date, MSHA has not proposed any action that would repeal or alter the Respirable Dust Rule. However, according to the Unified Agenda, MSHA is accepting comment on ways that the current Black Lung rule "could be improved or made more effective or less burdensome." MSHA is also conducting a retrospective review of the current rule's effectiveness.

As you examine the Respirable Dust Rule's effectiveness and public comments about ways that it could be potentially be improved, I ask that you avoid any action that would reduce the protections afforded to miners under the current regulation. The health of our miners should be MSHA's first priority as it considers any future action related to this rule. I would oppose any change to the Respirable Dust Rule that fails to maintain current standards if such a proposal were made.

I am a strong supporter of efforts to reverse or reform regulations that are ineffective or overly burdensome. It is critical, however, that we preserve policies that protect the safety and health of our nation's coal miners. As the administration considers public comments in response to the announcement in the Unified Agenda, I urge you not to propose any change that would weaken the protection provided to our miners by the Respirable Dust Rule.

Sincerely,



Shelley Moore Capito
United States Senator

cc: David Zatezalo, Assistant Secretary of Labor for Mine Safety and Health