



A publication of the
Oregon Independent Aggregate Association
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Oregon Independent Aggregate Association Newsletter

April 2024

Editorial by Melissa Bronson

On April 18, 2024 the U.S. Department of Labor and Mine Safety and Health Administration (MSHA) publicly announced its final rule for *Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection*. The portion of the rule that is directed at the Metal/Non-Metal (M/NM) mines is intended to mimic parts of the coal miners' program. It aims to provide operators with free health exams and mitigate "irreversible workplace illness" through reductions of silica dust exposure(s). The amendments that will impact M/NM mines are effective on June 17, 2026, but will allow two years to reach compliance.

Multiple media outlets have analyzed and journaled various opinions of the program. However, it seems that both parties (for the rule and against it) come to agreement on one reality, additional cost. The implementation of the new regulation requires systematic health monitoring of the air that is being breathed, while conducting work, as well as actively provide accommodation and adjustments for environments in which excessive silica is found during monitoring procedures. As previously stated, M/NM mines will have two years to implement a health monitoring program, a requirement that is non-existent for current M/NM operations. It is also a condition that these periodic, free health exams (meant to screen for early silica lung disease(s)) be reported to the National Institute for Occupational Safety and Health.

MSHA is to monitor toxic dust exposure levels while onsite for inspections. Some proponents of the rule are verbalizing the need for additional budgetary funds to succeed with the parameters of the final program, given that they can only visit sites a limited amount. However, as mentioned last month, it will be interesting to see how the upcoming political election and associated hype, influence the integration of this rule into everyday work for Mine Operators.

To be more enlightened by the details of this final rule, please feel inspired to read all 268 pages on the Federal Register. For all M/NM Operators place your efforts into pages 5-6 for existing standards, pages 7- for M/NM respirable crystalline silica sampling results from 2005-2019 by

MSHA, and pages 90-112 to read Section 60, which establishes the uniform mandatory health standards for exposure.

<https://www.msha.gov/regulations/rulemaking/silica>

<https://content.govdelivery.com/accounts/USDOL/bulletins/396b716?reqfrom=share>

<https://www.npr.org/sections/health-shots/2024/04/16/1245011608/silica-dust-mine-safety-coal-black-lung-final-rule>

Additional Information courtesy of Adele Abrams

Department of Labor issues final rule reducing silica dust exposure, better protecting miners' health from irreversible workplace illnesses

Final rule also creates new program requiring metal, nonmetal operators to provide health exams at no cost to miners, similar to existing coal miners' program

WASHINGTON – The U.S. Department of Labor announced today that its Mine Safety and Health Administration has issued [a final rule to better protect the nation's miners](#) from health hazards associated with exposure to respirable crystalline silica, also known as silica dust or quartz dust.

The final rule lowers the permissible exposure limit of respirable crystalline silica to 50 micrograms per cubic meter of air for a full-shift exposure, calculated as an 8-hour time-weighted average. If a miner's exposure exceeds the limit, the final rule requires mine operators to take immediate corrective actions to come into compliance.

"It is unconscionable that our nation's miners have worked without adequate protection from silica dust despite it being a known health hazard for decades," said Acting Secretary Julie Su. "Today, the Department of Labor has taken an important action to finally reduce miners' exposure to toxic silica dust and protect them from suffering from preventable diseases. Mining communities across the country should know that the Biden-Harris administration is determined to do what must be done to ensure that miners come home safe and healthy at the end of every day."

In addition to reducing exposure limits, the final rule does the following:

- Requires mine operators to use engineering controls to prevent miners' overexposures to silica dust and use dust samplings and environmental evaluations to monitor exposures.
- Compels metal and nonmetal mine operators to establish medical surveillance programs to provide periodic health examinations at no cost to miners. The exams are similar to the medical surveillance programs available to coal miners under existing standards.
- Replaces an outdated standard for respiratory protection with a new standard reflecting the latest advances in respiratory protection and practices. This update will better protect miners against airborne hazards, including silica dust, diesel particulate matter, asbestos and other contaminants.

"This rule reducing miners' exposures to toxic silica dust has been a long time in the making, and the nation's miners deserve its health protections," said Assistant Secretary for Mine Safety and Health Chris Williamson. "Congress gave MSHA the authority to regulate toxic substances to protect miners from health hazards and made clear in the Mine Act that miners' health and safety must always be our first priority and concern. To further advance this directive, MSHA is committed to working together with everyone in the mining community to implement this rule successfully. No miner should ever have to sacrifice their health or lungs to provide for their family."

Inhalation of respirable crystalline silica, a carcinogen, can cause serious lung and other diseases, such as silicosis, lung cancer, progressive massive fibrosis, chronic bronchitis and kidney disease. Exposure to mixed coal mine dust containing respirable crystalline silica can lead to the development of black lung disease and progressive massive fibrosis. These diseases are irreversible and can be fatal. They are also preventable.

MSHA's final rule will improve the health and safety of U.S. miners significantly. The rule will result in an estimated total of 1,067 lifetime avoided deaths and 3,746 lifetime avoided cases of silica-related illnesses.

Miners and mine operators can find [safety and health information on MSHA.gov](https://www.msha.gov).



Scholarship Information

Thank you from one of our 2023 winners.

Dear Oregon Independent Aggregate Association

I feel honored to be a recipient of the scholarship you guys have provided me. I want to give my sincerest thank you to everyone who participated in making this possible. I appreciate your support and your trust in me for pursuing a higher education. My major has not changed and is still Construction engineering Management, as I plan to keep on pursuing this major till the end. My first year of University has had its up and downs, and I have had some memorable experiences. One of the was being invited and attending the United States Hispanic Leadership Institute (USHLI) conference in Chicago, which provided the change to make connections and grow stronger as a leader

Again thank you for your support in my journey through higher education. I will try my best to make sure I thrive the rest of this school year so I get one step closer into fulfilling my dreams and aspirations of my career and future.

Sincerely,

Antonio Escalante Orozco

It's almost Graduation Time. Our scholarship application is available on our website www.oraggregate.com or by contacting memberreply@oraggregate.com

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May 8th 10AM KPD Insurance Conference Room

Our next Board meeting will be held at the offices of KPD Insurance 1111 Gateway Loop Springfield, Oregon. All members are welcome.