

Report of the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers

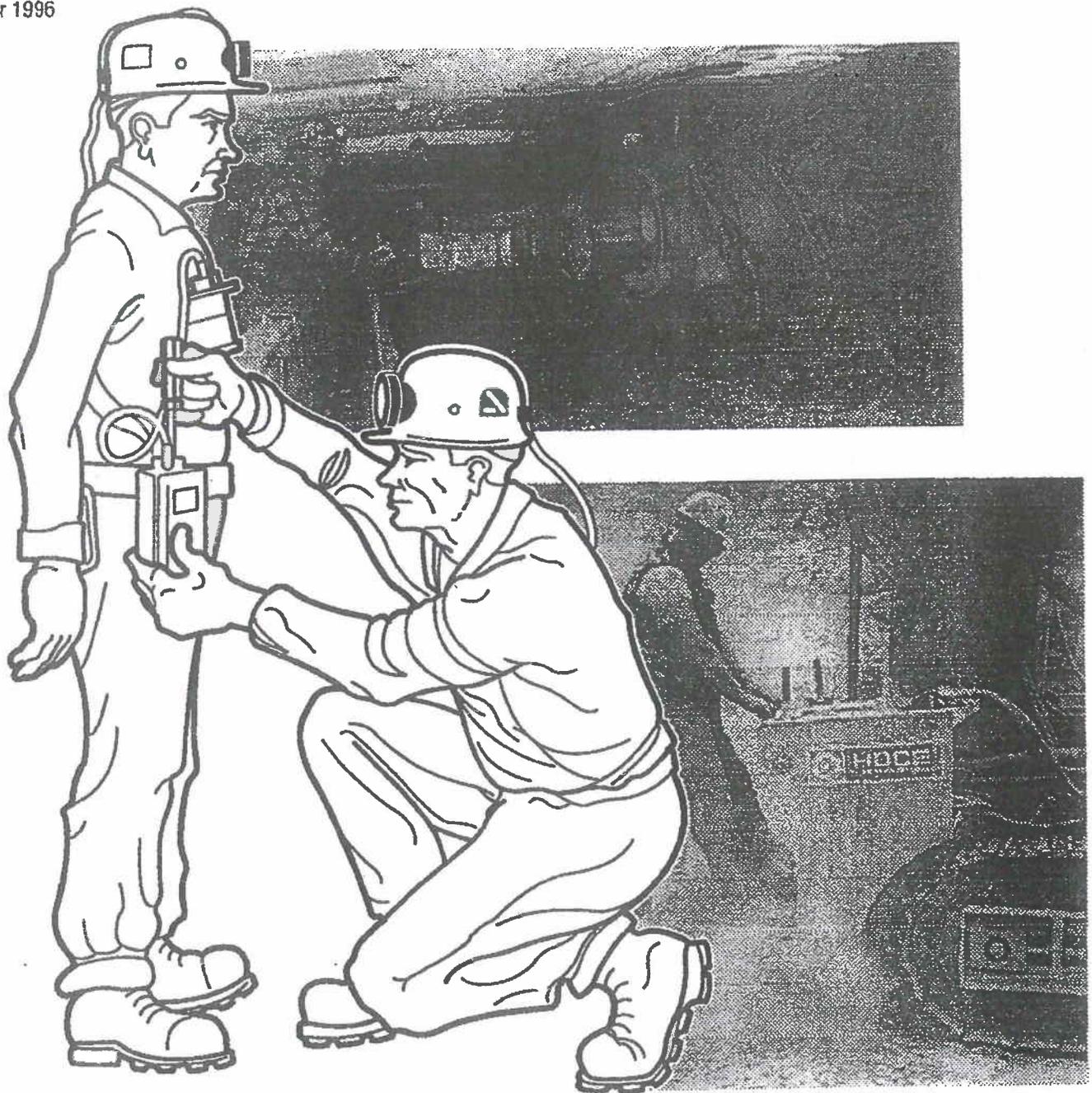


Submitted by the Committee to:

U.S. Department of Labor
Robert B. Reich, Secretary

Mine Safety and Health Administration
J. Davitt McAteer, Assistant Secretary

October 1996



MSHA should define the range of production levels which must be maintained during sampling to verify the plan. This value should be sufficiently close to maximum anticipated production to reasonably assure the operator and the miner that the plan will be effective under typical operations. MSHA should review compliance and production records to determine when there is need for plan modification and verification.

MSHA should require operators to collect respirable dust samples to evaluate the adequacy of a new or revised plan under typical mining conditions within 30 days of granting provisional approval of the new or revised plan parameters.

Within 30 days of receipt of operator verification data documenting that the plan is effective, MSHA should, in consultation with the operator, perform scheduled independent dust monitoring to verify the operator's plan. Final, minimum operating dust control parameters of the dust control plan should incorporate values measured by MSHA during sampling and, if needed, appropriate data from operator sampling.

MSHA should develop specific performance requirements for operator sampling relative to documentation of continued adequacy of the plan parameters. MSHA should require that the results and monitoring of dust control parameters and production be recorded in order that correlation of dust control parameters with dust measurements is facilitated.

MSHA should specify the circumstances in which dust control plans are needed for surface mines, surface facilities, and surface areas of underground coal mines. MSHA should develop the relevant parameters for surface dust control plans and a process for plan verification.

* The Committee determined that surface miners, workers at surface facilities of underground mines, mine construction workers and independent contractors needed to be better protected against the hazards of respirable coal mine dust and silica. In the case of mine construction and independent contracting the Committee concluded that these workers have been neglected under the current coal mine respirable dust program. The Committee made the following recommendations to improve the work environment of workers in these areas:

MSHA should specify the circumstances in which dust control plans are needed for surface mines, surface facilities, and surface areas of underground coal mines. MSHA should develop the relevant parameters for surface dust control plans and a process for plan verification.

Mine operators should continue to measure exposure to respirable dust for DOs, DWPs, and DAs compliance sampling as provided in 30 CFR 70, 71, and 90. Additionally, mine operators should sample as part of plan verification. Operator sampling at surface mines and surface areas of underground mines should be increased to bi-monthly sampling similar to the underground sampling program. Operators should also continue to be

allowed to take samples for purposes other than determining compliance. These samples should be clearly identified in the mine such as by using color code.

Abatement of citations based on MSHA or operator samples should require the operators to sample on multiple shifts as currently required.

MSHA should develop an initiative to ensure the protection of mine construction workers, contract drillers, and other contractor employees with respirable coal mine dust and silica exposures. This effort should include estimation of the types of contractors, number of workers at risk and their levels of exposure; exploration of means of assuring compliance with permissible exposure limits, the use of dust control plans, sampling and training; delineating responsibility of mine operators and contractors in protecting contractor workers; and implementation of compliance activities to protect this sector of mine workers. MSHA should also improve recordkeeping of exposure to dusts, occupational lung disease, and other hazards that occur to workers of construction and other contractors in order to prevent occupational disease and injury.

MSHA should work with NIOSH to expand medical surveillance to appropriate groups of mine contractor workers and to conduct research pertinent to preventing respiratory disease and respirable dust exposures in mine contractor workers.

MSHA should collaborate with OSHA in bringing similar attention to operations such as exploratory drilling, which fall under OSHA jurisdiction.

Sampling irregularities have been documented involving the collection of samples. Since 1990, more than 150 mine operators, agents and contractors have pled or been found guilty of submitting fraudulent samples to MSHA. To address concerns in this area, the committee made the following recommendations:

MSHA in conjunction with the Department of Labor Solicitors Office should review the current process for investigating and acting on respirable dust practices which result in unrepresentative respirable dust samples and should create a credible, adequately staffed program for such investigations.

MSHA should exercise more oversight on operators' sampling methods and management of samples including periodic audits of dust sampling programs.

The Committee recognizes the problem of miner representation and participation in the dust control programs at mines not represented by a recognized labor organization and recommends that MSHA target such mines for compliance sampling. MSHA targeting should be active in nature and should consider many factors including miner input, compliance history, and medical surveillance data. Given the seriousness of this problem, MSHA should immediately start auditing and appropriately targeting these types of operations.

RECOMMENDATION NO. 13

Hazard surveillance guidelines should be developed with the assistance of NIOSH for use by operators in maintaining and improving dust controls. These guidelines should directly and effectively utilize sampling results and measures related to control of respirable dust. These guidelines should specifically identify any trends or exposure levels that indicate deteriorating or marginally adequate conditions. A report of these findings should be included in MSHA's report of respirable dust samples results provided to the operator and to the miners' representative, and alert them that there is a need for a systematic reexamination of the continued effectiveness of existing control measures.

Hazard surveillance guidelines should also be developed for ventilation plan parameters that are regularly reviewed. These should be designed to assist operators in early identification of adverse trends in the parameters that, if not corrected, may cause miners to be exposed to higher dust levels.

RECOMMENDATION NO. 14

MSHA should develop an initiative to ensure the protection of mine construction workers, contract drillers, and other contractor employees with respirable coal mine dust and silica exposures. This effort should include estimation of the types of contractors, number of workers at risk and their levels of exposure; exploration of means of assuring compliance with permissible exposure limits, the use of dust control plans, sampling and training; delineating responsibility of mine operators and contractors in protecting contractor workers; and implementation of compliance activities to protect this sector of mine workers. MSHA should also improve recordkeeping of exposure to dusts, occupational lung disease, and other hazards that occur to workers of construction and other contractors in order to prevent occupational disease and injury.

MSHA should work with NIOSH to expand medical surveillance to appropriate groups of mine contractor workers and to conduct research pertinent to preventing respiratory disease and respirable dust exposures in mine contractor workers.

MSHA should collaborate with OSHA in bringing similar attention to operations such as exploratory drilling, which fall under OSHA jurisdiction.

RECOMMENDATION NO. 15

MSHA's reliance on dust sampling for compliance should be based on an appropriate balance of personal, occupational, and environmental sampling.