

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

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

November 14, 1996

The Honorable Robert B. Reich
Secretary of labor
Washington, DC 20210

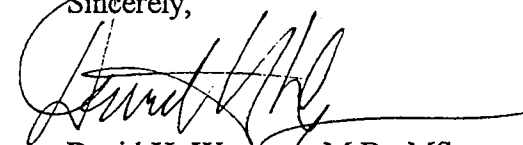
Dear Mr. Secretary:

I am pleased to transmit to you the Report of the Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers. This report, which is the final product of the Advisory Committee that you established, contains the committee's recommendations on this issue. These recommendations are the result of many days of discussion and debate over the more than six months the Committee deliberated. The recommendations and associated findings reflect the Committee's best judgment on how to eliminate coal workers pneumoconiosis and silicosis which have plagued our Nation's coal miners for far too many years.

I have had the pleasure of serving on a number of expert scientific committees, advisory groups and task forces during my career. I can state unequivocally that no group with as much diversity of views has made a greater effort at reaching consensus than this Advisory Committee. I believe this effort is well reflected in the carefully considered recommendations as well as the fact that the majority of the recommendations were unanimously approved.

The Committee believes that the recommendations contained in this report are worthy of serious and immediate attention by the Department so that coal miners will be better protected.

Sincerely,



David H. Wegman, M.D., MS
Chair

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REPORT OF THE ADVISORY COMMITTEE ON THE ELIMINATION OF
PNEUMOCONIOSIS AMONG COAL MINE WORKERS

I. SUMMARY

The Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers (Committee) was established by the Honorable Robert B. Reich, Secretary of Labor, on January 31, 1995. The Committee was chartered to ". . . make recommendations for improving the program to control respirable coal mine dust in underground and surface mines in the United States." The Committee was to ". . . examine how to eradicate pneumoconiosis through the control of coal mine respirable dust and the reduction of miners' exposure to achieve the purpose of the Federal Coal Mine Health and Safety Act of 1969 and the 1977 Mine Act amendments" and to ". . . review information and experience in the United States and abroad concerning the prevention of pneumoconiosis among coal miners; the availability of current state-of-the-art engineering controls to prevent overexposure to respirable coal mine dust; and the existing strategies for monitoring of coal mine dust exposures." The Committee was charged to ". . . make recommendations to the Secretary for improved standards, or other appropriate actions, on permissible exposure limits to eliminate black lung disease and silicosis; the means to control respirable coal mine dust levels; improved monitoring of respirable coal mine dust levels and the role of the miner in that monitoring; and the adequacy of the operator's current sampling program to determine the actual levels of dust concentrations to which miners are exposed."

The Committee met five times for a total of 12 days over approximately five months, beginning on February 21, 1996, during which it reviewed technical material and heard formal presentations from a number of scientific experts on respirable dust control and measurement, and from members of the National Black Lung Association. As a scheduled part of each meeting, members of the public representing all segments of the mining community addressed the Committee. The majority of the nearly seventy-five speakers who addressed the Committee were working miners. These miners, many of whom traveled considerable distances to attend Committee meetings, reported that in their opinions, the respirable dust program in this country was in need of drastic revisions to better protect miners. These miners presented testimony on practices that they reportedly observed or participated in that would result in the collection of nonrepresentative dust samples. They called for extensive changes to the respirable dust program to restore its credibility. The Committee also visited three operating coal mines (two underground mines and one surface mine) to observe firsthand the conditions under which the Nation's coal miners work. Finally, the Committee visited the research facility of the Pittsburgh Research Center (PRC), Department of Energy, to learn about current technology in continuous monitoring of respirable coal mine dust and the parameters used in its control.

In an overall approach to this highly complex subject, the Committee identified a number of issues and developed findings and consensus recommendations relative to each issue. In developing consensus recommendations, the Committee operated under a set of ground rules that defined "consensus" as "a majority of the votes cast are in favor of or against the resolution on an issue"

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and "majority" as "a simple majority of the votes cast except that abstentions are not counted." Members not affirming a resolution to an issue were required to state their rationale for their position.

On the issue pertaining to permissible exposure limits (PELs) for respirable coal mine dust and silica, the Committee recommended the following:

MSHA should develop and enforce separate PELs for exposure to silica and coal mine dust and should explore appropriate methods for determining compliance with exposure limits for mixtures of silica and coal mine dust.

MSHA should consider lowering the level of allowable exposure to coal mine dust. Any reduction in the level should include a phase-in period to allow allocation of sufficient resources to the compliance effort.

The Committee suggests that MSHA cause the lowering of the silica exposure of miners. In this effort, MSHA should seek input from NIOSH and collaborate with OSHA. However, the Committee recommends that MSHA move forward with these efforts and not await possible action by OSHA. MSHA efforts to lower silica exposures below the current PEL might include rulemaking, targeted compliance efforts, encouragement of operator efforts to lower silica exposures below the current PEL, and more extensive silica hazard surveillance. Additionally, MSHA must confirm the accuracy of its analytical procedures to assure that actual exposures are recognized and documented.

The Committee also considered the issue of sampling and continuous monitoring for the purposes of determining noncompliance with the PELs, and for verifying the adequacy of the mine ventilation plan in controlling dust levels. In the area of sampling, the Committee made several recommendations, including:

The Committee considers it a high priority that MSHA take full responsibility for all compliance sampling at a level which assures representative samples of respirable dust exposures under usual conditions of work. In this regard, MSHA should explore all possible means to secure adequate resources to achieve this end without adverse impact on the remainder of the Agency's resources and responsibilities. Compliance sampling should be carried out at a number and frequency at least at the level currently required of operators and MSHA. The miner's representative would be afforded the opportunity to participate in these inspection activities as provided in Section 103(f) of the Mine Act.

The Committee believes that any MSHA resource constraints should be overcome by mine operator support for MSHA compliance sampling. The Committee recommends that to the degree that MSHA's resources cannot alone serve the objective identified, resource constraints should be overcome by mine operator funding for such incremental MSHA compliance sampling. One means for obtaining this support could be a reasonable and

fair operator fee, based on hours worked, or other equivalent means designed to cover the costs of compliance sampling. Any operator fee program should include an accountability system to ensure the uniform applicability of the program throughout the industry. The fee should only be utilized for the specific purposes of required compliance sampling.

MSHA should increase the number of samples collected by the Agency to determine compliance with respirable dust standards. MSHA should place major emphasis on the use of personal monitoring for determining compliance with PELs. However, MSHA should continue the practice of designated occupation sampling for determining noncompliance.

MSHA should change the compliance sampling program to allow use of single full shift samples for determining compliance.

MSHA should complete research (in consultation with other agencies such as NIOSH) to study the relation between indices collected from continuous monitors and the traditional methods of assessing exposure to respirable dust when these different methods are applied to the function of hazard surveillance as well as when developing other potential uses of continuous monitoring data (for example, compliance activity).

Once the technology for continuous dust monitors has been verified, these monitors should be broadly applied in conjunction with other sampling methods for surveillance and determination of dust control at all MMUs and other locations at high risk of elevated dust exposures.

Once verified as reliable (as in (1) above), MSHA should use continuous monitor data for assessing operator compliance efforts in controlling miner exposures, and should consider use of continuous monitor data directly in compliance.

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.

MSHA should take whatever action possible to expedite the development and field testing of a continuous personal monitor to serve a variety of purposes, among them identifying sources and levels of exposure to respirable dust and, as appropriate, for compliance.

The Committee heard testimony from miners who described a number of unfortunate examples where mine dust sampling programs appeared to have been operated improperly. In some mines, dust samples collected by the mine operators were reported to be uncharacteristic. As a result of these instances and related legal cases, it appears that many miners have lost confidence in the dust sampling program. The Committee also heard testimony regarding instances where there was concern with the MSHA sampling program as well. The Committee recognized a need for

