

AUGUST 30, 2016 | MSHA INSPECTIONS, CITATIONS & ENFORCEMENT

MSHA Gives Stakeholders More Time To Dissect Diesel Exhaust Issue

By: [Nicholas W. Scala](#)

At the strong urging of mining stakeholders, MSHA on Aug. 23 [extended the deadline](#) on its data request regarding diesel exhaust risks, agreeing that industry experts needed more time to dissect the complex technical and regulatory issues involved.

MSHA's move toward further regulating diesel exhaust controls comes at an interesting time, as private-sector experts have already been teaming up through a scientific partnership to better understand the dangers of diesel exhaust. Participants in this effort are urging MSHA to take their findings into account in any rulemaking activity down the road, and any reports from the group could substantially impact how the regulations are crafted. 

Given not only the complexity of the potential rulemaking, but mining companies' own efforts in this area, MSHA agreed to extend the comment period on its request for information (RFI) regarding diesel exhaust from Sept. 6 **to Nov. 30**.

[MSHA first published the RFI](#) – just an initial tentative step toward possible rulemaking – on June 8, asking numerous questions of stakeholders about exposure of underground miners to diesel exhaust. The Agency sees this as an ongoing key concern. As Joseph Main, assistant secretary of labor for mine safety and health, said then:

"It's time for the agency to look back and review its existing standards and determine whether they adequately protect miners' health."

Industry partners are eager to respond to the agency's concerns and questions. One group had even been dedicated specifically to the issue well before the RFI and wants to partner with the Agency.

Formed about a year ago, the Industrial Minerals Association – North America (IMA-NA) Diesel Emissions Task Force, is made up of operators of underground mines producing trona, calcium carbonate, industrial sand, and wollastonite.

All of the members of the Task Force use at least some diesel equipment in their mining operations and "we all share a commitment to the health and safety of our employees," explained Mark Ellis, president of IMA-NA, in a

letter to Main and NIOSH Director John Howard.

Some members of the Task Force also volunteered to participate as study mines in the Diesel Exhaust in Miners Study (DEMS) conducted by NIOSH and the National Cancer Institute (NCI), with the group closely studying the data.

This task force has begun to review the specific questions posed in the RFI, but as Ellis explained:

"It is readily apparent that these questions are not only extraordinarily technical, but also may be best addressed by working with the manufacturers of diesel engines and suppliers of mining equipment. Engine and equipment manufacturers would be much more familiar with technical details and changes in diesel technology that were not accounted for in DEMS."

In fact, he added,

"... these are important issues best addressed by all stakeholders working together to understand the evolving science on the potential health effects of worker exposure to diesel exhaust, as well as current technologies and current mining practices."

The group has asked MSHA and NIOSH to form a Diesel Exhaust Health Effects Partnership with the mining industry, including both coal and metal/nonmetal mines, diesel engine manufacturers, and representatives of organized labor.

The group requested that MSHA extend the comment period for the RFI by at least 90 days. The National Mining Association similarly asked for an additional 90 days.

MSHA compiled specific questions under the following topics to which they are seeking information:

A. Non-Permissible, Light-Duty, Diesel-Powered Equipment in Underground Coal Mine;

B. Maintenance of Diesel-Powered Equipment in Underground Coal Mines and Recordkeeping Requirements; and

C. Exhaust After-Treatment and Engine Technologies.