

Respirable Coal Mine Dust Sampling  
OMB Control Number: 1219-0011  
OMB Expiration Date: 10/31/2025

## **Justification for Non-Substantive Changes**

### **Department of Labor Mine Safety and Health Administration (MSHA)**

#### **Respirable Coal Mine Dust Sampling OMB Control Number 1219-0011**

Non-substantive changes need to be made to the currently approved information collection request (ICR) under OMB Control Number 1219-0011, due to MSHA's final rule titled "Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection" (RIN 1219-AB36).

#### Background

In October 2022, MSHA received OMB approval for the 3-year renewal of the ICR titled "Respirable Coal Mine Dust Sampling" under OMB Control Number 1219-0011. This ICR includes the burden and costs associated with recordkeeping and reporting requirements coal mine operators must meet under 30 CFR parts 70, 71, and 90.

Under the existing regulations, coal mine operators are required to sample respirable coal mine dust quarterly and meet a reduced standard for respirable dust when quartz is present. Part 70 sets mandatory health standards for underground coal mines; part 71 sets mandatory health standards for surface coal mines and for the surface work areas of underground coal mines; and part 90 establishes the option for coal miners who have evidence of pneumoconiosis to work in an area of the mine with respirable dust concentrations at or below the applicable standard.

The existing ICR 1219-0011 Supporting Statement includes the recordkeeping burden and costs related to sampling, coal mine dust personal sampler unit (CMDPSU) sampling, continuous personal dust monitor (CPDM) sampling, recordkeeping or corrective actions, and abatement sampling.

#### Summary of Changes

In July 2023, MSHA published a notice of proposed rulemaking (NPRM) titled "Lowering Miners' Exposure to Respirable Crystalline Silica and Improving Respiratory Protection" in the Federal Register (88 FR 44852). The NPRM (RIN 1219-AB36) proposed to amend MSHA's existing standards and establish a new part 60 to better protect miners against occupational exposure to respirable crystalline silica. The proposed amendments included changes to existing 30 CFR parts 70, 71, and 90. Examples included: establishing a separate respirable crystalline silica standard for coal mines, under a new part, part 60; eliminating the existing reduced respirable dust standard when quartz is present in parts 70, 71, and 90; and replacing the term "quartz" with a new term, "respirable crystalline silica," in parts 70, 71, and 90.

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MSHA expects the final rule to require non-substantive changes to the existing information collection activities and burdens under OMB Control Number 1219-0011. In the NPRM, MSHA notified the public that existing ICR 1219-0011 Supporting Statement would be revised and sought public comments. MSHA received no comments related to the proposed ICR changes during the 60-day comment period.

### Changes in Burden

The final rule retains the proposed changes to 30 CFR parts 70, 71, and 90. Since the final rule eliminates the reduced respirable dust standard when quartz is present and establishes a separate standard for respirable crystalline silica, the Supporting Statement is revised to remove references to the reduced respirable dust standard when quartz is present. The revised Supporting Statement updates the response to Question 8 to provide an explanation of the comments received on the NPRM.

These changes to the currently approved ICR 1219-0011 are non-substantive. They do not modify the authority, affected mine operators, or paperwork burden in this information collection request. As the table below shows, the information collection activities and burden estimates remain the same.

No other changes are made to existing ICR 1219-0011 Supporting Statement.

**Table 1. Summary of Changes between Currently Approved ICR and Revised ICR**

	Currently Approved ICR	Revised ICR	Difference
Number of Respondents	676	676	0
Number of Responses	995,102	995,102	0
Annual Time Burden	58,259	58,259	0
Annual Burden Costs	\$3,271,611	\$3,271,611	\$0
Annual Other Burden Costs	\$29,835	\$29,835	\$0

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