

# Concluding Remarks

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- The MSHA RFI is Still Open for Comment
  - Will now Close at End of March 26, 2019
  - Workshop Proceedings Transcribed
  - Comments are Likely to Include Workshop Proceedings
  - Urge Comment Period be Extended Further to Allow
- Partnership Activities Should Continue
  - Later in 2019, Hold Another Workshop on Scientific Findings on Health Effects of Diesel Exhaust in Underground Mines
  - Must be Mindful that Debate is not Likely to Reduce Pressure from Multiple Quarters to Promulgate more Stringent Exposure Limits for Diesel Exhaust

# Concluding Remarks (Cont'd)

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- For Mining in Particular, the Legal Bar is Extraordinarily Stringent and Low
- Section 101(a)(6)(A)(1) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. §811(a)(6)(A)(1) is the Key

# Concluding Remarks (Cont'd)

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- The [Secretary](#), in promulgating mandatory standards dealing with toxic materials or harmful physical [agents](#) under this subsection, shall set standards which most adequately assure on the basis of the best available evidence that no [miner](#) will suffer material impairment of health or functional capacity even if such [miner](#) has regular exposure to the hazards dealt with by such standard for the period of his working life. Development of mandatory standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the [miner](#), other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the [mandatory health or safety standard](#) promulgated shall be expressed in terms of objective criteria and of the performance desired.