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September 2, 2025

James P. McHugh  
Deputy Assistant Secretary for Policy  
Mine Safety and Health Administration  
200 Constitution Ave NW  
Washington, DC 20210

*Submitted Electronically*

**Re: Powered Air Purifying Respirators (PAPRs) in Underground Mines;** Docket: MSHA-2025-0089

Dear Deputy Assistant Secretary McHugh,

The Essential Minerals Association (EMA) is pleased to submit the following comments in response to the Mining Safety and Health Administration's (MSHA) proposed rule, *Powered Air Purifying Respirators (PAPRs) in Underground Mines*, published in the July 1, 2025, *Federal Register* (90 FR 28406).

EMA is the representative voice of more than 100 companies that extract, process, and support a vital and beneficial group of raw minerals that are essential ingredients used in everyday life. The minerals produced by EMA's members are vital to the manufacturing processes for many, if not all, products used daily. EMA's companies and their employees are proud of their industry and the socially responsible methods used to deliver these products. They consistently demonstrate safety as a core value of their operations. These comments are based on extensive consultation with EMA's members, specifically those that operate underground gassy mines.

Many of the members represented by EMA have applied for Petitions for Modification for underground PAPR use. Oftentimes, decisions on these petitions have taken a lengthy amount of time, upwards of a year, and required significant manhours by mine operators to facilitate the request. As a result, EMA supports MSHA's efforts to increase the availability of non-permissible PAPRs to streamline this process and enhance the toolkit of available hazard mitigation strategies in underground gassy mines. EMA respectfully offers the following recommendations:

**Revisit the definition of PAPRs.**

In §57.22316-1 of this proposal, PAPRs are defined as:

*“Powered air purifying respirators (PAPRs). Battery-powered devices certified by the National Institute for Occupational Safety and Health (NIOSH) equipped with a facepiece, hood, or helmet, breathing tube, canister, cartridge, filter, canister with filter, or cartridge with filter, and a blower.”*

This definition should be expanded to define PAPRs as an “engineered respiratory control device.” PAPRs effectively function as an engineering solution to workplace risks by operating as more than a barrier between a worker and a hazard by actively moving, filtering, and delivering clean air at a consistent positive pressure. The risk of leakage and dependence on a tight fit are less significant with this engineering control than with a traditional N95 or other passive forms of respiratory protection. In addition to local exhaust ventilation (LEV) systems, PAPRs as an engineering control should support and enhance other exhaust ventilation measures. PAPRs align more closely with the category of engineering controls given their role in hazard reduction, above and beyond general personal protection. Instead, PAPRs should be defined as:

*“Powered air purifying respirators (PAPRs). An engineered respiratory control device that is battery-powered, certified by the National Institute for Occupational Safety and Health (NIOSH) equipped with a facepiece, hood, or helmet, breathing tube, canister, cartridge, filter, canister with filter, or cartridge with filter, and a blower.”*

This definition would enhance and streamline the risk mitigation and compliance strategies available to mining operations.

#### **Ensure necessary resources are allocated to this effort.**

One of the strengths of this proposal is the opportunity to streamline the approval process, thereby reducing timelines and burdens on individual mines. However, this requires engagement of multiple outside parties including Nationally Recognized Testing Laboratories, for the validation of ANSI/UL compliance, and the National Institute for Occupational Safety and Health (NIOSH) for respirator approvals. Not only will NIOSH play a critical role in the approvals process for intrinsically safe PAPRs, but also in other proposals, such as *Electronic Surveying Equipment in Underground Mines*. This expectation is predicated on a fully functional NIOSH and its ability to provide evidence-based recommendations for the prevention of workplace illness and injury. EMA urges MSHA to continue to communicate to its partners the vital role of NIOSH in mining safety and ensure right-sized programmatic support for this effort. It is critical that PAPRs meeting the defined specifications in this proposal undergo a thorough and quick review by a fully staffed NIOSH.

#### **Streamlining access to non-permissible PAPRs.**

It would be of benefit for MSHA to elucidate its role in both the communication and information collation processes for this rule revision. As written, it is unclear how notifications of non-permissible PAPRs meeting these qualifications will be communicated – would it be via the manufacturers themselves or MSHA? Once requirements for approval and certification are met, EMA recommends that MSHA facilitate a public announcement of non-permissible PAPRs available under this proposal’s defined conditions of use and permanently post this information on its website.

In §57.22316(b), MSHA requires that, “In the event that an operator implements a non-permissible PAPR at a mine, the operator must replace non-permissible PAPRs with approved PAPRs at the end of the non-permissible PAPR useful life or 2 years after the date of manufacture, whichever is sooner, if approved PAPRs become commercially available.” It is unclear whether this statement would prohibit the use of PAPRs and conditions of use defined in Petitions for Modification. Would this



expectation also extend to non-permissible PAPRs meeting the conditions of this proposal, thereby requiring the cessation of use of other PAPR products approved via Petitions for Modification? Lacking alternative PAPR options, this requirement would effectively create a monopoly for equipment manufacturers and concurrently foster an environment for supply chain shortages and price inflation. MSHA should be explicit that approvals under this rule revision do not prohibit existing approvals through Petitions for Modification to prevent these monopolistic tendencies.

As stated in the introduction, one of the greatest difficulties mining operations have faced with the used of PAPRs in underground mines has been the length of time involved in the existing Petition for Modification process. Every effort should be made to ameliorate this timeline given the newfound transparency for mines in identifying appropriate PAPRs for use.

### **Conclusion.**

MSHA has developed a strong proposal for the implementation and use of non-permissible PAPRs including appropriate equipment training and inspection requirements. We appreciate these efforts by MSHA to continue to ease regulatory burdens while maintaining the same, if not greater, level of workplace safety. Improving access to additional means of respiratory protection through the improvement of the PAPR approval process strongly aligns with this goal. Should any additional information be required, please contact me at [chrisgreissing@essentialminerals.org](mailto:chrisgreissing@essentialminerals.org).

Sincerely,



Chris Greissing  
President, Essential Minerals Association

