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July 31, 2025

Ms. Jessica D. Senk, Acting Director
Office of Standards, Regulations, and Variances
Mine Safety and Health Administration
Room C3522
200 Constitution Ave. NW
Washington, DC 20210

Via electronic submission to <https://www.regulations.gov/>

Re: *Comments on Proposed Rule, Mine Safety and Health Administration, 90 Federal Register, pages 12231, 28375, 28392*

Dear Ms. Senk:

The American Cement Association (ACA) and its members appreciate the opportunity to respond to the proposed rule from the Mine Safety and Health Administration (MSHA) to rescind or revise mine safety and health standards. As key stakeholders in the manufacturing, storage, and distribution of cement across the United States, ACA members have a direct interest in this process. Eliminating regulations that are outdated, unnecessarily burdensome, or lacking clear statutory support, and whose costs outweigh their benefits, helps stabilize the industry by enabling more effective and efficient allocation of resources.

ACA is the premier policy, research, education, and market intelligence organization serving American's cement manufacturers.¹ ACA represents companies that operate cement manufacturing and storage facilities in all fifty states and Puerto Rico. Membership also includes businesses that provide equipment, machinery and services to manufacturers. ACA's members represent more than ninety percent of clinker (a precursor to cement in its manufacturing process) production in the American cement industry.

Drilling Docket No. MSHA-2025-0082 RIN 1219-AC13

ACA strongly supports MSHA's proposed rule to remove and reserve 30 CFR §§ 56.7002 and 56.7003. This proposal represents a well-reasoned and responsible deregulatory action that improves the efficiency and clarity of MSHA's safety framework without compromising miner protections.

¹ See <https://www.cement.org/>

The proposed removal is justified based on the clearly duplicative nature of the regulations in question. Specifically, § 56.7002 requires mine operators to correct safety-related defects on drilling equipment before it is used, while § 56.7003 requires mine operators to inspect drilling areas for hazards before initiating operations. However, these exact safety functions are already addressed comprehensively in § 56.14100, which covers equipment defects and prohibits the use of unsafe machinery across all mobile and powered equipment categories, including drilling rigs. Likewise, § 56.18002 mandates workplace examinations in active mining areas, ensuring that hazards are identified and corrected before work begins. These broader provisions not only encompass the intent and scope of §§ 56.7002 and 56.7003 but also offer a more consistent and systemic approach to hazard identification and defect correction throughout mining operations. Maintaining two sets of overlapping standards creates unnecessary regulatory clutter, increases compliance costs, and risks creating confusion in enforcement.

It is important to emphasize that the proposed removal of these provisions does not relax or weaken any of the core health and safety standards that protect miners in surface metal and nonmetal mines. Equipment safety checks and workplace hazard inspections remain mandatory and fully enforceable under other provisions of the MSHA regulatory framework. Operators are still required, and will continue to be required, to inspect and maintain drilling equipment to prevent safety hazards, conduct workplace examinations before drilling or any other operation begins, and record and correct any safety hazards found. The result is a streamlined regulation that reduces bureaucratic complexity while maintaining all essential safety measures.

The proposed action is fully aligned with the goals and principles laid out in Executive Orders 12866, 13563, and most recently, Executive Order 14192, “Unleashing Prosperity Through Deregulation.” These directives emphasize the need for agencies to tailor regulations to impose the least burden on society while achieving their statutory goals, remove rules that are outdated, duplicative, or ineffective, conduct retrospective reviews to ensure the regulatory code remains current and evidence-based, and improve clarity, flexibility, and efficiency in rulemaking. MSHA’s proposal reflects precisely these values. It demonstrates the agency’s ongoing commitment to reviewing and modernizing the mining regulatory code based on experience, field practices, and stakeholder feedback. This is a strong example of proactive, responsive governance.

Smaller mine operators in particular stand to benefit from this rule change. Many small and mid-sized mining firms operate with limited administrative capacity. Requiring compliance with overlapping safety requirements that address the same hazard through separate provisions needlessly complicates training, recordkeeping, and inspection routines. By consolidating equipment safety and workplace inspection requirements under existing sections (§§ 56.14100 and 56.18002), MSHA makes it easier for operators, especially those with fewer compliance personnel, to understand their obligations and focus resources where they matter most, including real-world hazard prevention and mitigation. This deregulatory action also helps avoid inconsistent

enforcement interpretations across different inspectors, which can occur when multiple, redundant standards are in place.

Hazardous Communication Docket No. MSHA-2025-0077 RIN 1219-AC08

This regulatory update reflects both current technological capabilities and the practical needs of the mining industry. It represents a meaningful step toward reducing administrative burdens while maintaining, and potentially enhancing, miner access to vital safety information.

MSHA's current rules requiring the maintenance and physical distribution of written HazCom programs and related materials have become outdated in an era where most mining operations, including many smaller ones, now operate with access to digital infrastructure. Allowing the maintenance and delivery of electronic documents better aligns with modern industry practices, reduces redundancy, and supports a more efficient, environmentally conscious, and cost-effective approach to compliance. This change is particularly important given the size and structure of the mining industry. With over 15,000 coal and metal/non-metal mining operations affected—and over 81% of those having fewer than 20 employees, this rule change offers meaningful regulatory relief without diminishing worker protections. According to MSHA's own estimates, about 75% of HazCom material requests can be satisfied electronically under the revised rule, reducing paper usage, mailing and copying expenses, and administrative time.

The cost savings associated with this change are substantial. Currently, each physical request for HazCom materials results in approximately \$3 in photocopying expenses and requires around 12 minutes of clerical time. With 2,772 annual requests, this amounts to \$8,316 in recordkeeping costs. By shifting to electronic distribution, which MSHA reasonably assumes has a *de minimis* cost, the total burden could be reduced by more than 75%, dropping the cost to \$2,079 and saving approximately 416 burden hours per year. These are resources that can be reallocated toward frontline safety efforts, compliance initiatives, and worker training. Moreover, this change would streamline compliance efforts, reduce errors associated with physical mailings, and avoid delays in distributing time-sensitive safety updates, such as changes to chemical hazards or updated material safety data sheets (MSDS). Given MSHA's requirement for operators to provide the "first copy and each revision" at no cost, a digital format ensures miners and their representatives receive the most accurate, up-to-date information quickly and reliably.

Contrary to concerns that allowing electronic documentation might reduce miner access to information, this proposed rule enhances accessibility. Operators would still be required to provide HazCom materials at no cost and ensure those materials are available to all affected miners and their representatives. The only change is the format from paper to digital. For mining operations with internet access, which now constitutes the majority, electronic distribution makes critical safety information easier to locate, search, and interpret. Miners can access MSDS and chemical hazard lists from mobile devices or designated workplace terminals during their shifts. For sites without internet

access, physical copies would still be provided, ensuring that no miner is left without necessary documentation.

Additionally, electronic recordkeeping enables centralized systems for tracking MSDS updates, training records, and chemical inventories in real time. This improves data accuracy, ensures compliance, and enhances the transparency of hazard communications. It also facilitates more efficient audits and inspections by MSHA, further strengthening the safety framework without adding cost or complexity. Importantly, the proposed rule does not alter any substantive safety requirements of the HazCom standard. Operators and contractors will remain fully obligated to maintain up-to-date hazardous chemical lists, provide initial and recurring HazCom training, label all chemical containers properly, retain MSDS for all chemicals present at the mine, and make all HazCom materials readily available upon request. What this revision does is reduce the procedural and paperwork burden associated with compliance, without weakening any health or safety protections. In fact, the digital format may even encourage greater accuracy and timeliness in record maintenance.

This proposal also aligns with broader federal objectives aimed at modernizing and streamlining regulatory compliance. Both the Office of Information and Regulatory Affairs (OIRA) and the Office of Management and Budget (OMB) have consistently supported the transition to electronic records to cut paperwork burdens and improve operational efficiency across government and industry. MSHA's revisions are consistent with these directives and stand as a practical, data-driven example of good governance. MSHA's own analysis, including detailed breakdowns of mine types, workforce sizes, cost burdens, and labor rates, demonstrates thoughtful consideration of how the rule affects a broad cross-section of the industry. Importantly, the agency rightly concludes that this update does not affect the number of respondents or substantive safety responsibilities; it simply reduces the administrative overhead.

In addition to cost and efficiency benefits, this change supports environmental responsibility by reducing the use of paper and minimizing reliance on physical delivery systems. This is a simple and effective way for the mining industry to reduce waste and demonstrate greater environmental stewardship without compromising safety. From an operational perspective, many mining companies are already adopting electronic compliance systems. Allowing HazCom records to be integrated into these digital platforms enhances coherence across safety training, chemical tracking, documentation, and worker health records. Rather than forcing mine operators to manage redundant paper and electronic systems, MSHA's rule supports a unified, modern approach.

In conclusion, MSHA's proposed revision to allow the electronic maintenance and distribution of HazCom materials is a smart, efficient, and forward-thinking regulatory update. It preserves core miner safety protections while significantly reducing unnecessary compliance burdens. It reflects the realities of modern mining operations, promotes accessibility and transparency, and aligns with federal goals for reducing regulatory paperwork. ACA urges MSHA to adopt the proposed rule as drafted and to

continue seeking opportunities to leverage technology in support of miner safety and regulatory efficiency.

Thank you for the opportunity to provide ACA-members' perspectives on this creative regulatory action to remove unnecessary work from mine operators while enhancing miners' safety and health protections at work.

Please feel free to contact Tom Harman, tharman@cement.org, if you have any questions.

Sincerely,

Thomas Harman
Senior Director
American Cement Association